

STATE OF ILLINOIS



HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

60TH LEGISLATIVE DAY

FRIDAY, MAY 16, 2003

10:00 O'CLOCK A.M.

**HOUSE OF REPRESENTATIVES
Daily Journal Index
60th Legislative Day**

| Action | Page(s) |
|--|----------------|
| Adjournment | 232 |
| Agreed Resolutions | 217 |
| Balanced Budget Note Requested | 12 |
| Change of Sponsorship | 215 |
| Committee on Rules Referrals | 8 |
| Fiscal Note Requested | 12 |
| Fiscal Note Supplied | 12 |
| Letter of Transmittal | 7 |
| Messages from the Senate | 12 |
| Motions Submitted | 9 |
| Pension Note Supplied | 12 |
| Quorum Roll Call | 6 |
| Recess | 224 |
| Reports from Standing Committees | 213 |
| Reports from the Committee on Rules | 7 |
| Resolutions | 215 |
| State Mandates Fiscal Note Requested | 12 |
| Temporary Committee Assignments | 6, 7 |

| Bill Number | Legislative Action | Page(s) |
|--------------------|---------------------------------------|----------------|
| HB 0016 | Motion Submitted | 10 |
| HB 0043 | Senate Message – Passage w/ SA | 32 |
| HB 0044 | Senate Message – Passage w/ SA | 14 |
| HB 0051 | Motion Submitted | 10 |
| HB 0081 | Motion Submitted | 11 |
| HB 0088 | Senate Message – Passage w/ SA | 15 |
| HB 0120 | Motion Submitted | 11 |
| HB 0142 | Committee Report | 215 |
| HB 0144 | Committee Report | 215 |
| HB 0184 | Committee Report - Concur in SA | 8 |
| HB 0211 | Motion Submitted | 12 |
| HB 0211 | Senate Message – Passage w/ SA | 16 |
| HB 0223 | Motion Submitted | 9 |
| HB 0259 | Senate Message – Passage w/ SA | 98 |
| HB 0294 | Senate Message – Passage w/ SA | 74 |
| HB 0312 | Committee Report - Concur in SA | 8 |
| HB 0361 | Motion Submitted | 9 |
| HB 0414 | Senate Message – Passage w/ SA | 33 |
| HB 0430 | Senate Message – Passage w/ SA | 73 |
| HB 0467 | Senate Message – Passage w/ SA | 74 |
| HB 0527 | Committee Report - Concur in SA | 8 |
| HB 0538 | Motion Submitted | 11 |
| HB 0553 | Motion Submitted | 11 |
| HB 0556 | Motion Submitted | 11 |
| HB 0558 | Senate Message – Passage w/ SA | 35 |
| HB 0560 | Senate Message – Passage w/ SA | 43 |
| HB 0563 | Senate Message – Passage w/ SA | 97 |
| HB 0564 | Senate Message – Passage w/ SA | 56 |
| HB 0570 | Senate Message – Passage w/ SA | 62 |
| HB 0571 | Senate Message – Passage w/ SA | 95 |

| | | |
|---------|---------------------------------------|-----|
| HB 0572 | Senate Message – Passage w/ SA | 80 |
| HB 0691 | Senate Message – Passage w/ SA | 81 |
| HB 0696 | Senate Message – Passage w/ SA | 85 |
| HB 0702 | Senate Message – Passage w/ SA | 86 |
| HB 0715 | Senate Message – Passage w/ SA | 89 |
| HB 0764 | Senate Message – Passage w/ SA | 97 |
| HB 0771 | Motion Submitted | 11 |
| HB 0784 | Senate Message – Passage w/ SA | 100 |
| HB 0816 | Senate Message – Passage w/ SA | 101 |
| HB 0860 | Senate Message – Passage w/ SA | 102 |
| HB 0873 | Senate Message – Passage w/ SA | 103 |
| HB 0910 | Senate Message – Passage w/ SA | 104 |
| HB 0983 | Motion Submitted | 10 |
| HB 0988 | Senate Message – Passage w/ SA | 213 |
| HB 0992 | Senate Message – Passage w/ SA | 105 |
| HB 1032 | Senate Message – Passage w/ SA | 109 |
| HB 1074 | Senate Message – Passage w/ SA | 113 |
| HB 1096 | Committee Report - Concur in SA | 8 |
| HB 1237 | Motion Submitted | 9 |
| HB 1281 | Senate Message – Passage w/ SA | 134 |
| HB 1373 | Senate Message – Passage w/ SA | 134 |
| HB 1382 | Senate Message – Passage w/ SA | 145 |
| HB 1385 | Committee Report - Concur in SA | 8 |
| HB 1475 | Senate Message – Passage w/ SA | 144 |
| HB 1514 | Senate Message – Passage w/ SA | 192 |
| HB 1530 | Committee Report - Concur in SA | 8 |
| HB 1543 | Senate Message – Passage w/ SA | 194 |
| HB 1632 | Senate Message – Passage w/ SA | 192 |
| HB 2136 | Senate Message – Passage w/ SA | 208 |
| HB 2188 | Senate Message – Passage w/ SA | 193 |
| HB 2289 | Third Reading | 227 |
| HB 2317 | Motion Submitted | 9 |
| HB 2352 | Senate Message – Passage w/ SA | 194 |
| HB 2370 | Motion Submitted | 10 |
| HB 2493 | Motion Submitted | 10 |
| HB 2545 | Motion Submitted | 10 |
| HB 2685 | Senate Message – Passage w/ SA | 161 |
| HB 2730 | Senate Message – Passage w/ SA | 190 |
| HB 2805 | Motion Submitted | 11 |
| HB 2900 | Motion Submitted | 10 |
| HB 3061 | Committee Report - Concur in SA | 8 |
| HB 3064 | Committee Report | 7 |
| HB 3106 | Committee Report - Concur in SA | 8 |
| HB 3215 | Motion Submitted | 9 |
| HB 3321 | Motion Submitted | 10 |
| HB 3405 | Motion Submitted | 9 |
| HB 3407 | Committee Report - Concur in SA | 8 |
| HB 3501 | Motion Submitted | 9 |
| HB 3582 | Motion Submitted | 11 |
| HB 3587 | Motion Submitted | 9 |
| HB 3726 | Third Reading | 227 |
| HB 3727 | Third Reading | 228 |
| HB 3728 | Third Reading | 228 |
| HB 3729 | Third Reading | 228 |
| HB 3730 | Third Reading | 228 |
| HB 3731 | Third Reading | 228 |
| HB 3732 | Third Reading | 229 |

| | | |
|----------|--|-----|
| HB 3733 | Third Reading | 229 |
| HB 3734 | Third Reading | 229 |
| HB 3735 | Third Reading | 229 |
| HB 3736 | Third Reading | 229 |
| HB 3737 | Third Reading | 229 |
| HB 3738 | Committee Report – Floor Amendment/s | 8 |
| HB 3738 | Recall | 228 |
| HB 3738 | Second Reading – amendment | 230 |
| HB 3738 | Third Reading | 231 |
| HB 3739 | Third Reading | 230 |
| HB 3741 | Third Reading | 224 |
| HB 3749 | Third Reading | 225 |
| HB 3750 | Third Reading | 225 |
| HB 3752 | Third Reading | 225 |
| HB 3755 | Third Reading | 225 |
| HB 3756 | Third Reading | 225 |
| HB 3758 | Third Reading | 225 |
| HB 3760 | Third Reading | 226 |
| HB 3761 | Third Reading | 226 |
| HB 3762 | Third Reading | 226 |
| HB 3763 | Third Reading | 226 |
| HB 3765 | Third Reading | 226 |
| HB 3769 | Third Reading | 226 |
| HB 3773 | Third Reading | 226 |
| HB 3778 | Third Reading | 227 |
| HB 3779 | Third Reading | 227 |
| HB 3788 | Third Reading | 231 |
| HB 3790 | Third Reading | 227 |
| HB 3794 | Third Reading | 227 |
| HJR 0036 | Resolution | 216 |
| HJR 0037 | Adoption | 232 |
| HR 0299 | Adoption | 232 |
| HR 0300 | Adoption | 232 |
| HR 0301 | Adoption | 232 |
| HR 0302 | Adoption | 232 |
| HR 0303 | Adoption | 232 |
| HR 0308 | Adoption | 232 |
| HR 0310 | Adoption | 232 |
| HR 0312 | Adoption | 232 |
| HR 0313 | Resolution | 217 |
| HR 0313 | Adoption | 232 |
| HR 0314 | Resolution | 217 |
| HR 0314 | Adoption | 232 |
| HR 0315 | Resolution | 218 |
| HR 0315 | Adoption | 232 |
| HR 0316 | Resolution | 218 |
| HR 0316 | Adoption | 232 |
| HR 0317 | Resolution | 219 |
| HR 0317 | Adoption | 232 |
| HR 0318 | Resolution | 219 |
| HR 0318 | Adoption | 232 |
| HR 0319 | Resolution | 220 |
| HR 0319 | Adoption | 232 |
| HR 0320 | Resolution | 220 |
| HR 0320 | Adoption | 232 |
| HR 0321 | Resolution | 221 |
| HR 0321 | Adoption | 232 |

| | | |
|---------|--|-----|
| HR 0322 | Resolution | 222 |
| HR 0322 | Adoption | 232 |
| HR 0323 | Resolution | 223 |
| HR 0323 | Adoption | 232 |
| HR 0324 | Resolution | 215 |
| HR 0325 | Resolution | 216 |
| HR 0326 | Resolution | 223 |
| HR 0326 | Adoption | 232 |
| HR 0328 | Resolution | 224 |
| HR 0328 | Adoption | 232 |
| SB 0024 | Recall | 232 |
| SB 0487 | Committee Report – Floor Amendment/s | 7 |
| SB 0715 | Committee Report – Floor Amendment/s | 7 |
| SB 0726 | Committee Report – Floor Amendment/s | 7 |
| SB 0748 | Committee Report | 214 |
| SB 0808 | Committee Report – Floor Amendment/s | 8 |
| SB 0947 | Committee Report – Floor Amendment/s | 213 |
| SB 1124 | Committee Report – Floor Amendment/s | 8 |
| SB 1336 | Committee Report – Floor Amendment/s | 8 |
| SB 1362 | Committee Report – Floor Amendment/s | 8 |
| SB 1379 | Committee Report – Floor Amendment/s | 214 |
| SB 1493 | Recall | 232 |
| SB 1527 | Recall | 232 |
| SB 1543 | Committee Report – Floor Amendment/s | 8 |
| SB 1757 | Third Reading | 231 |
| SB 1759 | Third Reading | 231 |
| SB 1869 | Recall | 232 |

The House met pursuant to adjournment.

Speaker Madigan in the chair.

Prayer by Pastor John Parton of the Cornerstone Worship Center in Rally.

Representative Tenhouse led the House in the Pledge of Allegiance.

By direction of the Speaker, a roll call was taken to ascertain the attendance of Members, as follows:

117 present. (ROLL CALL 1)

By unanimous consent, Representative Stephens was excused from attendance.

TEMPORARY COMMITTEE ASSIGNMENTS

Representative Flider replaced Representative Franks in the Committee on State Government Administration on May 13, 2003.

Representative Osterman replaced Representative Brosnahan in the Committee on Transportation & Motor Vehicles on May 13, 2003.

Representative Holbrook replaced Representative Fritchey in the Committee on Transportation & Motor Vehicles on May 13, 2003.

Representative Granberg replaced Representative McCarthy in the Committee on Personnel & Pensions on May 14, 2003.

Representative Boland replaced Representative Flider in the Committee on Commerce & Business Development on May 14, 2003.

Representative Holbrook replaced Representative Grunloh in the Committee on State Government Administration on May 14, 2003.

Representative Reitz replaced Representative Boland in the Committee on Appropriations-General Service on May 14, 2003.

Representative Boland replaced Representative Reitz in the Committee on Appropriations-General Service on May 14, 2003.

Representative Colvin replaced Representative Howard in the Committee on Judiciary II - Criminal Law on May 15, 2003.

Representative Hannig replaced Representative Rita in the Committee on Appropriations-Public Safety on May 15, 2003.

Representative Hannig replaced Representative Colvin in the Committee on Appropriations-Public Safety on May 15, 2003.

Representative Hannig replaced Representative Dunkin in the Committee on Appropriations-Higher Education on May 15, 2003.

Representative Colvin replaced Representative Collins in the Committee on Judiciary II - Criminal Law on May 15, 2003.

Representative Dunkin replaced Representative Collins in the Committee on Judiciary II - Criminal Law on May 15, 2003.

Representative Dunkin replaced Representative Bradley in the Committee on Judiciary II - Criminal Law on May 15, 2003.

Representative Brosnahan replaced Representative Jefferson in the Committee on Labor on May 15, 2003.

Representative Boland replaced Representative Flider in the Committee on Commerce & Business Development on May 15, 2003.

Representative Osterman replaced Representative Fritchey in the Committee on Transportation & Motor Vehicles on May 15, 2003.

Representative McKeon replaced Representative Soto in the Committee on Transportation & Motor Vehicles on May 15, 2003.

Representative Bradley replaced Representative Berrios in the Committee on Gaming on May 15, 2003.

Representative Osterman replaced Representative Hoffman in the Committee on Judiciary I - Civil Law on May 16, 2003.

Representative Ryg replaced Representative Lang in the Committee on Judiciary I - Civil Law for today only.

Representative Graham replaced Representative Hamos in the Committee on Judiciary I - Civil Law for today only.

Representative Bradley replaced Representative Berrios in the Committee on Gaming for today only.

Representative Hoffman replaced Representative Brosnahan in the Committee on Higher Education for today only.

LETTER OF TRANSMITTAL

May 16, 2003

Anthony D. Rossi
Chief Clerk of the House
402 State House
Springfield, IL 62706

Dear Clerk Rossi:

Please be advised that I am extending the Committee and/or Third Reading Deadline to May 23, 2003 for the following House Bills and Senate Bills:

House Bills: 1553, 3064.

Senate Bills: 3, 4, 10, 22, 44, 50, 58, 70, 76, 82, 83, 96, 130, 150, 153, 154, 155, 157, 196, 199, 201, 227, 242, 243, 255, 257, 267, 274, 275, 278, 293, 354, 361, 362, 371, 372, 381, 385, 386, 392, 404, 407, 417, 459, 460, 472, 496, 526, 594, 620, 630, 633, 639, 642, 679, 684, 685, 688, 715, 808, 878, 891, 899, 903, 947, 1003, 1038, 1047, 1049, 1066, 1067, 1070, 1081, 1101, 1102, 1107, 1109, 1124, 1127, 1147, 1149, 1150, 1154, 1156, 1167, 1190, 1199, 1204, 1207, 1210, 1212, 1321, 1332, 1333, 1342, 1351, 1353, 1360, 1362, 1364, 1366, 1368, 1369, 1383, 1401, 1417, 1431, 1440, 1453, 1457, 1466, 1492, 1493, 1498, 1503, 1521, 1527, 1530, 1542, 1543, 1545, 1546, 1548, 1581, 1586, 1592, 1601, 1749, 1751, 1754, 1765, 1789, 1804, 1869, 1881, 1906, 1918, 1983.

If you have questions, please contact my Chief of Staff, Tim Mapes, at 782-6360.

With kindest personal regards, I remain.

Sincerely yours,
s/MICHAEL J. MADIGAN
Speaker of the House

REPORTS FROM THE COMMITTEE ON RULES

Representative Currie, Chairperson, from the Committee on Rules to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Motion to Table be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 715.

That the bill be reported "approved for consideration" and be placed on the order of Second Reading--
Short Debate: HOUSE BILL 3064.

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 487.
Amendment No. 1 to SENATE BILL 726.

Amendment No. 1 to SENATE BILL 808.
 Amendment No. 2 to SENATE BILL 1124.
 Amendment No. 1 to SENATE BILL 1336.
 Amendment No. 1 to SENATE BILL 1362.
 Amendment No. 1 to SENATE BILL 1543.

That the Motion be reported "recommends be adopted" and placed on the House Calendar:

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 184.
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 312.
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 527.
 Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 1096.
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 1385.
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 1530.
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 3061.
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 3106.
 Motion to concur with Senate Amendment No. 1 to HOUSE BILL 3407.

The committee roll call vote on the foregoing Legislative Measures is as follows:
 3, Yeas; 0, Nays; 0, Answering Present.

| | |
|----------------------------------|---|
| Y Currie,Barbara(D), Chairperson | A Black,William(R) |
| Y Hannig,Gary(D) | Y Hassert,Brent(R), Republican Spokesperson |
| A Turner,Arthur(D) | |

That the Floor Amendment be reported "recommends be adopted":
 Amendment No. 1 to HOUSE BILL 3738.

The committee roll call vote on the foregoing Legislative Measures is as follows:
 3, Yeas; 0, Nays; 0, Answering Present.

| | |
|----------------------------------|---|
| Y Currie,Barbara(D), Chairperson | Y Black,William(R) |
| Y Hannig,Gary(D) | A Hassert,Brent(R), Republican Spokesperson |
| A Turner,Arthur(D) | |

COMMITTEE ON RULES REFERRALS

Representative Currie, Chairperson of the Committee on Rules, reported the following legislative measures and/or joint action motions have been assigned as follows:

Elementary & Secondary Education: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 1235.

Higher Education: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 761.

Human Services: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 429 HOUSE AMENDMENT No. 1 to SENATE BILL 130; HOUSE RESOLUTION 307.

Insurance: HOUSE AMENDMENT No. 2 to SENATE BILL 1417.

Judiciary I - Civil Law: Motion to Concur in SENATE AMENDMENT No. 2 to HOUSE BILL 536.

Judiciary II - Criminal Law: HOUSE AMENDMENT No. 1 to SENATE BILL 472; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 561; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 562.

Local Government: HOUSE AMENDMENT No. 1 to HOUSE BILL 422.

Registration & Regulation: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 2553.

Revenue: HOUSE AMENDMENT No. 4 to SENATE BILL 843.

Transportation & Motor Vehicles: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 2301.

MOTIONS SUBMITTED

Representative Mendoza submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3587.

Representative Monique Davis submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 361.

Representative Monique Davis submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 223.

Representative Will Davis submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3405.

Representative Hoffman submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3215.

Representative O'Brien submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 2317.

Representative O'Brien submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 1237.

Representative Currie submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3501.

Representative Currie submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 2545.

Representative Schmitz submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 2493.

Representative Hamos submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 2900.

Representative Hamos submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3321.

Representative Lang submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 51.

Representative Lang submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 16.

Representative Lang submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 983.

Representative McAuliffe submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendments numbered 1 and 3 to HOUSE BILL 2370.

Representative Collins submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 553.

Representative Collins submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 556.

Representative Smith submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 120.

Representative Osterman submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 771.

Representative Flowers submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 81.

Representative Granberg submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 3582.

Representative McCarthy submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 2805.

Representative Acevedo submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 1 to HOUSE BILL 538.

Representative Feigenholtz submitted the following written motion, which was referred to the Committee on Rules:

MOTION

I move to concur with Senate Amendment No. 2 to HOUSE BILL 211.

FISCAL NOTE SUPPLIED

A Fiscal Note has been supplied for HOUSE BILL 422, as amended.

PENSION NOTE SUPPLIED

A Pension Note has been supplied for SENATE BILL 44, as amended.

REQUEST FOR FISCAL NOTE

Representative Parke requested that a Fiscal Note be supplied for HOUSE BILL 422, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Parke requested that a State Mandates Fiscal Note be supplied for HOUSE BILL 422, as amended.

REQUEST FOR BALANCED BUDGET NOTE

Representative Parke requested that a Balanced Budget Note be supplied for HOUSE BILL 422, as amended.

MESSAGES FROM THE SENATE

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 44

A bill for AN ACT in relation to vehicles.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 44

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 44 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-305 as follows:

(625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

Sec. 6-305. Renting motor vehicle to another. (a) No person shall rent a motor vehicle to any other person unless the latter person, or a driver designated by a nondriver with disabilities and meeting any

minimum age and driver's record requirements that are uniformly applied by the person renting a motor vehicle, is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the State or country of his residence unless the State or country of his residence does not require that a driver be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the drivers license of the person to whom the vehicle is to be rented, or by whom it is to be driven, and compared and verified the signature thereon with the signature of such person written in his presence unless, in the case of a nonresident, the State or country wherein the nonresident resides does not require that a driver be licensed.

(c) No person shall rent a motorcycle to another unless the latter person is then duly licensed hereunder as a motorcycle operator, and in the case of a nonresident, then duly licensed under the laws of the State or country of his residence, unless the State or country of his residence does not require that a driver be licensed.

(d) (Blank).

(e) (Blank).

(f) Any person who rents a motor vehicle to another shall only advertise, quote, and charge a rental rate that includes the entire amount except taxes and a mileage charge, if any, which a renter must pay to hire or lease the vehicle for the period of time to which the rental rate applies. The person must provide, on the request of the renter, based on the available information, an estimated total of the daily rental rate, including all applicable taxes, fees, and other charges, or an estimated total rental charge, based on the return date of the vehicle noted on the rental agreement. Further, if the rental agreement does not already provide an estimated total rental charge, the following statement must be included in the rental agreement:

"NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN DATE NOTED ON THIS AGREEMENT."

Such person shall not charge in addition to the rental rate, taxes, and mileage charge, if any, any fee which must be paid by the renter as a condition of hiring or leasing the vehicle, such as, but not limited to, required fuel or airport surcharges, nor any fee for transporting the renter to the location where the rented vehicle will be delivered to the renter. In addition to the rental rate, taxes, and mileage charge, if any, such person may charge for an item or service provided in connection with a particular rental transaction if the renter can avoid incurring the charge by choosing not to obtain or utilize the optional item or service. Items and services for which such person may impose an additional charge include, but are not limited to, optional insurance and accessories requested by the renter, service charges incident to the renter's optional return of the vehicle to a location other than the location where the vehicle was hired or leased, and charges for refueling the vehicle at the conclusion of the rental transaction in the event the renter did not return the vehicle with as much fuel as was in the fuel tank at the beginning of the rental.

(g) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license, if any, of said latter person, and the date and place when and where the license, if any, was issued. Such record shall be open to inspection by any police officer or designated agent of the Secretary of State.

(h) A person licensed as a new car dealer under Section 5-101 of this Code shall not be subject to the provisions of this Section regarding the rental of private passenger motor vehicles when providing, free of charge, temporary substitute vehicles for customers to operate during a period when a customer's vehicle, which is either leased or owned by that customer, is being repaired, serviced, replaced or otherwise made unavailable to the customer in accordance with an agreement with the licensed new car dealer or vehicle manufacturer, so long as the customer orally or in writing is made aware that the temporary substitute vehicle will be covered by his or her insurance policy and the customer shall only be liable to the extent of any amount deductible from such insurance coverage in accordance with the terms of the policy.

(i) This Section, except the requirements of subsection (g), also applies to rental agreements of 30 continuous days or less involving a motor vehicle that was delivered by an out of State person or business to a renter in this State.

(j) A public airport may, if approved by its local government corporate authorities or its airport authority, impose a customer facility charge upon customers of rental car companies for the purposes of financing, designing, constructing, operating, and maintaining consolidated car rental facilities and common use transportation equipment and facilities, which are used to transport the customer, connecting consolidated car rental facilities with other airport facilities.

Notwithstanding subsection (f) of this Section, the customer facility charge shall be collected by the rental car company as a separate charge, and clearly indicated as a separate charge on the rental agreement and invoice. Facility charges shall be immediately deposited into a trust account for the benefit of the airport and remitted at the direction of the airport, but not more often than once per month. The charge shall be uniformly calculated on a per-contract or per-day basis. Facility charges imposed by the airport may not exceed the reasonable costs of financing, designing, constructing, operating, and maintaining the consolidated car rental facilities and common use transportation equipment and facilities and may not be used for any other purpose.

Notwithstanding any other provision of law, the charges collected under this Section are not subject to retailer occupation, sales, use, or transaction taxes.

(k) When a rental car company states a rental rate in any of its rate advertisements, its proprietary computer reservation systems, or its in-person quotations intended to apply to an airport rental, a company that collects from its customers a customer facility charge for that rental under subsection (j) shall do all of the following:

(1) Clearly and conspicuously disclose in any radio, television, or other electronic media advertisements the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

(2) Clearly and conspicuously disclose in any print rate advertising the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the print rate advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

(3) Clearly and conspicuously disclose the existence and amount of the charge in any telephonic, in-person, or computer-transmitted quotation from the rental car company's proprietary computer reservation system at the time of making an initial quotation of a rental rate if the quotation is made by a rental car company location at an airport imposing the charge and at the time of making a reservation of a rental car if the reservation is made by a rental car company location at an airport imposing the charge.

(4) Clearly and conspicuously display the charge in any proprietary computer-assisted reservation or transaction directly between the rental car company and the customer, shown or referenced on the same page on the computer screen viewed by the customer as the displayed rental rate and in a print size not smaller than the print size of the rental rate.

(5) Clearly and conspicuously disclose and separately identify the existence and amount of the charge on its rental agreement.

(6) A rental car company that collects from its customers a customer facility charge under subsection (j) and engages in a practice which does not comply with subsections (f), (j), and (k) commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act. (Source: P.A. 92-426, eff. 1-1-02.)"

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 44 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 88

A bill for AN ACT in relation to health care.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 88

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 88 on page 4, by replacing lines 7 through 15 with the following:

"No later than January 1 2004, the Department shall report to the Governor and the General Assembly whether each State-operated facility for the mentally ill and developmentally disabled under the jurisdiction of the Department and all services provided in those facilities comply with all of the applicable standards adopted by the Social Security Administration under Subchapter XVIII (Medicare) of the Social Security Act (42 U.S.C. 1395-1395ccc), if the facility and services may be eligible for federal financial participation under that federal law. For those facilities that do comply, the report shall indicate what actions need to be taken to ensure continued compliance. For those facilities that do not comply, the report shall indicate what actions need to be taken to bring each facility into compliance."; and

on page 5, in line 22, by replacing "Where" with "Subject to specific appropriation, where"; and

on page 12, by replacing lines 21 through 26 with the following: "findings and recommendations. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department of Human Services. The Inspector General shall"; and

on page 16, by replacing lines 8 through 14 with the following:

"implemented. Within 60 days after the Secretary has approved the response, the facility or agency shall send notice of the completion of the corrective action or shall send an updated implementation report. The facility or agency shall continue sending updated implementation reports every 60 days until the facility or agency sends a notice of the completion of the corrective action. The Inspector General shall review any implementation plan that takes more than 120 days. The Inspector General shall monitor compliance through a random review of completed corrective actions. This monitoring may include, but need not be limited to, site visits, telephone contacts, or requests for written documentation from the facility or agency to determine whether the facility or agency is in compliance with the approved response. The facility or agency shall inform the".

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 88 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 211

A bill for AN ACT concerning insurance coverage.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 211

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 211 on page 2, below line 10, by inserting the following:

"(c) Nothing in this Section shall be construed to require an insurance company to cover services related to an abortion as the term "abortion" is defined in the Illinois Abortion Law of 1975.

(d) Nothing in this Section shall be construed to require an insurance company to cover services related to permanent sterilization that requires a surgical procedure."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 211 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 43

A bill for AN ACT in relation to health, which may be known as the Colleen O'Sullivan Law. Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 2 to HOUSE BILL NO. 43
Senate Amendment No. 3 to HOUSE BILL NO. 43
Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 43 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Physical Fitness Facility Medical Emergency Preparedness Act.

Section 5. Definitions. In this Act, words and phrases have the meanings set forth in the following Sections.

Section 5.5. Automated external defibrillator. "Automated external defibrillator" or "AED" means an automated external defibrillator as defined in the Automated External Defibrillator Act.

Section 5.10. Department. "Department" means the Department of Public Health.

Section 5.15. Director. "Director" means the Director of Public Health.

Section 5.20. Medical emergency. "Medical emergency" means the occurrence of a sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care.

Section 5.25. Physical fitness facility.

(a) "Physical fitness facility" means the following:

(1) Any of the following indoor facilities that is (i) owned or operated by a park district, municipality, or other unit of local government or by a public or private elementary or secondary school, college, university, or technical or trade school and (ii) supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of these indoor facilities: a swimming pool; stadium; athletic field; track and field facility; tennis court; basketball court; or volleyball court; or such facilities located adjacent thereto.

(2) Except as provided in subsection (b), any other indoor establishment, whether public or private, that provides services or facilities for preserving, maintaining, encouraging, or developing physical fitness or well-being, including an establishment designated as a "health club", "fitness club", or "exercise gym" or by any other term of similar import.

(b) "Physical fitness facility" does not include a facility located in a hospital or in a hotel or motel, or any outdoor facility. The term also does not include any facility that does not employ any persons to provide instruction, training, or assistance for persons using the facility.

Section 10. Medical emergency plan required.

(a) Before July 1, 2004, each person or entity that operates a physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public. The plan must comply with this Act and rules adopted by the Department to implement this Act. The facility must file a copy of the plan with the

Department.

(b) Whenever there is a change in the structure occupied by the facility or in the services provided or offered by the facility that would materially affect the facility's ability to respond to a medical emergency, the person or entity must promptly update its plan developed under subsection (a) and must file a copy of the updated plan with the Department.

Section 15. Automated external defibrillator required.

(a) The Department shall adopt rules to ensure coordination with local emergency medical services systems regarding the placement and use of AEDs in physical fitness facilities. The Department may adopt rules requiring a facility to have more than one AED on the premises, based on factors that include the following:

(1) The size of the area or the number of buildings or floors occupied by the facility.

(2) The number of persons using the facility, excluding spectators.

(b) A physical fitness facility must ensure that there is a trained AED user on staff.

(c) Every physical fitness facility must ensure that every AED on the facility's premises is properly tested and maintained in accordance with rules adopted by the Department.

Section 20. Training. The Department shall adopt rules to establish programs to train physical fitness facility staff on the role of cardiopulmonary resuscitation and the use of automated external defibrillators. The rules must be consistent with those adopted by the Department for training AED users under the Automated External Defibrillator Act.

Section 25. Economic incentives.

(a) The Department must work with physical fitness facilities and manufacturers and distributors of automated external defibrillators to develop a procedure by which 2 or more facilities may submit a joint bid for the purchase of AEDs in order to maximize their purchasing power.

(b) A private physical fitness facility that purchases an automated external defibrillator in order to comply with this Act is eligible for a tax exemption as provided in Section 3-5 of the Use Tax Act, Section 3-5 of the Service Use Tax Act, Section 3-5 of the Service Occupation Tax Act, and Section 2-5 of the Retailers' Occupation Tax Act.

Section 30. Inspections. The Department shall inspect a physical fitness facility in response to a complaint filed with the Department alleging a violation of this Act. For the purpose of ensuring compliance with this Act, the Department may inspect a physical fitness facility at other times in accordance with rules adopted by the Department.

Section 35. Penalties for violations.

(a) If a physical fitness facility violates this Act by (i) failing to adopt or implement a plan for responding to medical emergencies under Section 10 or (ii) failing to have on the premises an AED or trained AED user as required under subsection (a) or (b) of Section 15, the Director may impose a civil penalty against the facility as follows:

(1) At least \$250 but less than \$500 for a first violation.

(2) At least \$500 but less than \$1,000 for a second violation.

(3) At least \$1,000 for a third or subsequent violation.

(b) The Director may impose a civil penalty under this Section only after it provides the following to the facility:

(1) Written notice of the alleged violation.

(2) Written notice of the facility's right to request an administrative hearing on the question of the alleged violation.

(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director.

(4) A written decision from the Director, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the facility violated this Act and imposing the civil penalty.

(c) The Attorney General may bring an action in the circuit court to enforce the collection of a monetary penalty imposed under this Section.

Section 40. Rules. The Department shall adopt rules to implement this Act.

Section 45. Liability. Nothing in this Act shall be construed to either limit or expand the exemptions from civil liability in connection with the purchase or use of an automated external defibrillator that are provided under the Automated External Defibrillator Act or under any other provision of law. A right of action does not exist in connection with the use or non-use of an automated external defibrillator at a facility governed by this Act, provided that the person, unit of state or local government, or school district

operating the facility has adopted a medical emergency plan as required under Section 10 of this Act, has an automated external defibrillator at the facility as required under Section 15 of this Act, and has maintained the automated external defibrillator in accordance with the rules adopted by the Department.

Section 50. Compliance dates; private and public indoor physical fitness facilities.

(a) Privately-owned indoor physical fitness facilities. Every privately-owned or operated indoor physical fitness facility must be in compliance with this Act on or before July 1, 2004.

(b) Publicly owned indoor physical fitness facilities. A public entity owning or operating 4 or fewer indoor physical fitness facilities must have at least one such facility in compliance with this Act on or before July 1, 2004; its second facility in compliance by July 1, 2005; its third facility in compliance by July 1, 2006; and its fourth facility in compliance by July 1, 2007.

If a funding source is identified for the purchase of an automated external defibrillator, a public entity owning or operating more than 4 indoor physical fitness facilities must have 25% of those facilities in compliance by July 1, 2004; 50% of those facilities in compliance by July 1, 2005; 75% of those facilities in compliance by July 1, 2006; and 100% of those facilities in compliance by July 1, 2007.

Section 88. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

Sec. 8.27. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 90. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies,

jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public

schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of \$300 per year. For purposes of this

paragraph (33). "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 91-901, eff. 1-1-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02.)

Section 91. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to

previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges,

sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section

Ig of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(26) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of \$300 per year. For purposes of this paragraph (26), "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02.)

Section 92. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased

to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification

facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(27) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators

purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of \$300 per year. For purposes of this paragraph (27), "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02.)

Section 93. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts

or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but

excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or

commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

~~(35-5) (36)~~ Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning ~~August 2, 2001 on the effective date of this amendatory Act of the 92nd General Assembly~~, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning ~~August 2, 2001 on the effective date of this amendatory Act of the 92nd General Assembly~~, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(39) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of \$300 per year. For purposes of this paragraph (39), "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff. 7-16-02; revised 1-26-03.)

Section 95. The Automated External Defibrillator Act is amended by changing Section 30 as follows:
(410 ILCS 4/30)

Sec. 30. Exemption from civil liability. (a) A physician licensed in Illinois to practice medicine in

all its branches who authorizes the purchase of an automated external defibrillator is not liable for civil damages as a result of any act or omission arising out of authorizing the purchase of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(b) An individual or entity providing training in the use of automated external defibrillators is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(c) A person, unit of State or local government, or school district owning, occupying, or managing the premises where an automated external defibrillator is located is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(d) ~~An A-trained~~ AED user is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator in an emergency situation, except for willful or wanton misconduct, if the requirements of this Act are met. (Source: P.A. 91-524, eff. 1-1-00.)".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 43, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 47, between lines 10 and 11, by inserting the following:

"(e) This Section does not apply to a public hospital."

The foregoing message from the Senate reporting Senate Amendments numbered 2 and 3 to HOUSE BILL 43 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 414

A bill for AN ACT in relation to children.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 414

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 414 on page 1, line 5, by replacing "Section 3" with "Sections 3 and 13.50"; and

on page 2, by replacing lines 12 through 18 with the following:

"or self-help skills. The term means a delay of 30% or more below the mean in function in one or more of those areas."; and

on page 6, after line 2, by inserting the following:

"(325 ILCS 20/13.50)

Sec. 13.50. Early Intervention Legislative Advisory Committee. No later than 60 days after the effective date of this amendatory Act of 92nd General Assembly, there shall be convened the Early Intervention Legislative Advisory Committee. The majority and minority leaders of the General Assembly shall each appoint 2 members to the Committee. The Committee's term is for a period of ~~4~~ 2 years, and the Committee shall publicly convene no less than 4 times per year. The Committee's responsibilities shall include, but not be limited to, providing guidance to the lead agency regarding programmatic and fiscal management and accountability, provider development and accountability, contracting, and program outcome measures. During the life of the Committee, on a quarterly basis, or more often as the Committee may request, the lead agency shall provide to the Committee, and simultaneously to the public, through postings on the lead agency's early intervention website, quarterly reports containing monthly data and

other early intervention program information that the Committee requests. The first data report must be supplied no later than September 21, 2001, and must include the previous 2 quarters of data. (Source: P.A. 92-307, eff. 8-9-01.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 414 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 558

A bill for AN ACT in relation to videotaped confessions.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 558

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 558 by replacing the title with the following:

"AN ACT in relation to criminal law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 3-7 as follows:

(720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

Sec. 3-7. Periods excluded from limitation.

The period within which a prosecution must be commenced does not include any period in which:

(a) The defendant is not usually and publicly resident within this State; or

(b) The defendant is a public officer and the offense charged is theft of public funds while in public office; or

(c) A prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal; or

(d) A proceeding or an appeal from a proceeding relating to the quashing or enforcement of a Grand Jury subpoena issued in connection with an investigation of a violation of a criminal law of this State is pending. However, the period within which a prosecution must be commenced includes any period in which the State brings a proceeding or an appeal from a proceeding specified in this subsection (d); or-

(e) A material witness is placed on active military duty or leave. In this subsection (e), "material witness" includes, but is not limited to, the arresting officer, occurrence witness, or the alleged victim of the offense. (Source: P.A. 91-231, eff. 1-1-00.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 110-6 as follows:

(725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

Sec. 110-6. (a) Upon verified application by the State or the defendant or on its own motion the court before which the proceeding is pending may increase or reduce the amount of bail or may alter the conditions of the bail bond or grant bail where it has been previously revoked or denied. If bail has been previously revoked pursuant to subsection (f) of this Section or if bail has been denied to the defendant pursuant to subsection (e) of Section 110-6.1 or subsection (e) of Section 110-6.3, the defendant shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the previous revocation or denial of bail proceedings. If the court grants bail where it has been previously revoked or denied, the court shall state on the record of the proceedings the findings of facts and conclusion of law upon which such order is based.

(b) Violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court shall constitute grounds for the court to increase the amount of bail, or otherwise alter the conditions of bail, or, where the alleged offense committed on bail is a forcible felony in Illinois or a Class 2 or greater offense under the Controlled Substances Act or Cannabis Control Act, revoke bail pursuant to the appropriate provisions of subsection (e) of this section.

(c) Reasonable notice of such application by the defendant shall be given to the State.

(d) Reasonable notice of such application by the State shall be given to the defendant, except as provided in subsection (e).

(e) Upon verified application by the State stating facts or circumstances constituting a violation or a threatened violation of any of the conditions of the bail bond the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. If the actual court before which the proceeding is pending is absent or otherwise unavailable another court may issue a warrant pursuant to this Section. When the defendant is charged with a felony offense and while free on bail is charged with a subsequent felony offense and is the subject of a proceeding set forth in Section 109-1 or 109-3 of this Code, upon the filing of a verified petition by the State alleging a violation of Section 110-10 (a) (4) of this Code, the court shall without prior notice to the defendant, grant leave to file such application and shall order the transfer of the defendant and the application without unnecessary delay to the court before which the previous felony matter is pending for a hearing as provided in subsection (b) or this subsection of this Section. The defendant shall be held without bond pending transfer to and a hearing before such court. At the conclusion of the hearing based on a violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court the court may enter an order increasing the amount of bail or alter the conditions of bail as deemed appropriate.

(f) Where the alleged violation consists of the violation of one or more felony statutes of any jurisdiction which would be a forcible felony in Illinois or a Class 2 or greater offense under the Illinois Controlled Substances Act or Cannabis Control Act and the defendant is on bail for the alleged commission of a felony, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic battery against the same victim the court shall, on the motion of the State or its own motion, revoke bail in accordance with the following provisions:

(1) The court shall hold the defendant without bail pending the hearing on the alleged breach; however, if the defendant is not admitted to bail the hearing shall be commenced within 10 days from the date the defendant is taken into custody or the defendant may not be held any longer without bail, unless delay is occasioned by the defendant. Where defendant occasions the delay, the running of the 10 day period is temporarily suspended and resumes at the termination of the period of delay. Where defendant occasions the delay with 5 or fewer days remaining in the 10 day period, the court may grant a period of up to 5 additional days to the State for good cause shown. The State, however, shall retain the right to proceed to hearing on the alleged violation at any time, upon reasonable notice to the defendant and the court.

(2) At a hearing on the alleged violation the State has the burden of going forward and proving the violation by clear and convincing evidence. The evidence shall be presented in open court with the opportunity to testify, to present witnesses in his behalf, and to cross-examine witnesses if any are called by the State, and representation by counsel and if the defendant is indigent to have counsel appointed for him. The rules of evidence applicable in criminal trials in this State shall not govern the admissibility of evidence at such hearing. Information used by the court in its findings or stated in or offered in connection with hearings for increase or revocation of bail may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained at such a hearing. Evidence that proof may have been obtained as a result of an unlawful search and seizure or through improper interrogation is not relevant to this hearing.

(3) Upon a finding by the court that the State has established by clear and convincing evidence that the defendant has committed a forcible felony or a Class 2 or greater offense under the Controlled Substances Act or Cannabis Control Act while admitted to bail, or where the defendant is on bail for a

felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic battery, against the same victim, the court shall revoke the bail of the defendant and hold the defendant for trial without bail. Neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115-10.1 of this Code or in a perjury proceeding.

(4) If the bail of any defendant is revoked pursuant to paragraph (f) (3) of this Section, the defendant may demand and shall be entitled to be brought to trial on the offense with respect to which he was formerly released on bail within 90 days after the date on which his bail was revoked. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

(5) If the defendant either is arrested on a warrant issued pursuant to this Code or is arrested for an unrelated offense and it is subsequently discovered that the defendant is a subject of another warrant or warrants issued pursuant to this Code, the defendant shall be transferred promptly to the court which issued such warrant. If, however, the defendant appears initially before a court other than the court which issued such warrant, the non-issuing court shall not alter the amount of bail heretofore set on such warrant unless the court sets forth on the record of proceedings the conclusions of law and facts which are the basis for such altering of another court's bond. The non-issuing court shall not alter another court's bail set on a warrant unless the interests of justice and public safety are served by such action.

(g) The State may appeal any order where the court has increased or reduced the amount of bail or altered the conditions of the bail bond or granted bail where it has previously been revoked. (Source: P.A. 86-984; 87-870; 87-871.)

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 558 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 560

A bill for AN ACT in relation to criminal law.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 560

Senate Amendment No. 2 to HOUSE BILL NO. 560

Senate Amendment No. 3 to HOUSE BILL NO. 560

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 560 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 12-4 and adding Section 21-9 as follows:

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

Sec. 12-4. Aggravated Battery. (a) A person who, in committing a battery, intentionally or

knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

- (1) Uses a deadly weapon other than by the discharge of a firearm;
- (2) Is hooded, robbed or masked, in such manner as to conceal his identity;
- (3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;
- (4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;
- (5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;
- (6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;
- (7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel from performing official duties, or in retaliation for performing official duties;
- (8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;
- (9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;
- (10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;
- (11) Knows the individual harmed is pregnant;
- (12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;
- (13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;
- (14) Knows the individual harmed to be a person who is physically handicapped;
- (15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;
- (16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; ~~or~~

(17) Knows the individual harmed to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or -

(18) Knows the individual harmed to be a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (18), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee, and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunshot or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties. (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; revised 1-9-03.)

(720 ILCS 5/21-9 new)

Sec. 21-9. Criminal trespass to the playing field of a professional sports team.

(a) A person commits the offense of criminal trespass to the playing field of a professional sports team when he or she knowingly and without lawful authority enters or remains on the playing field of a professional sports team after having received notice that entry to the playing field is forbidden.

(b) A person has received notice within the meaning of subsection (a) if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the entrance to the playing field.

(c) Criminal trespass to the playing field of a professional sports team is a Class A misdemeanor.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition. (a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed \$500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section ~~3.85~~ ~~4.05~~ of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

- (A) First degree murder where the death penalty is not imposed.
- (B) Attempted first degree murder.
- (C) A Class X felony.
- (D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
- (E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
- (F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
- (G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
- (H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.
- (I) Aggravated battery of a senior citizen.
- (J) A forcible felony if the offense was related to the activities of an organized gang.
Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.
Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
- (K) Vehicular hijacking.
- (L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
- (M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.
- (N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm

Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after

having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of \$500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of \$1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of \$2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of \$2,500.

(11) The court shall impose a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for (1) criminal trespass to the playing field of a professional sports team or for (2) battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. The court shall require a person convicted of or placed on supervision for a violation described in this paragraph (11) to undergo an alcohol or drug abuse evaluation. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

- (i) removal from the household;
- (ii) restricted contact with the victim;
- (iii) continued financial support of the family;
- (iv) restitution for harm done to the victim; and
- (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's

Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement. (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff. 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; revised 2-17-03.)

Section 99. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 560, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, as follows:

on page 4, lines 27 and 28, by replacing "sports official" with "participant, sports official"; and

on page 4, lines 31 and 32, by replacing "sports official" with "participant, sports official"; and

on page 4, line 34, by inserting after "(18)," the following:

"participant" means a member or employee of one of the teams in the athletic contest."; and

on page 5, line 4, by replacing "that conducted" with "governing"; and

on page 6, lines 14, 17, 19, 20, and 27, by replacing "field" wherever it appears with "area"; and

on page 6, line 22, by replacing "has" with "shall be deemed to have"; and

on page 6, line 26, by replacing "entrance to the playing field." with the following:

"athletic facility or an oral warning has been broadcast over the public address system.

(c) For purposes of this Section, "playing area" means the playing field, court, ice, or other playing surface used by a professional sports team and the surrounding area."; and

on page 6, line 27, by replacing "(c)" with "(d)"; and

on page 14, line 28, by replacing "field" with "area"; and

on page 14, lines 29 and 33, by replacing "sports official" wherever it appears with "participant, sports official"; and

on page 15, line 1, by inserting after "facility" the following:

"and the person committing the battery is not a participant, coach, or sports official"; and

on page 15, line 4, by inserting after "(11)" the following:

"participant" means a member or employee of one of the teams in the athletic contest."; and

on page 15, line 8, by replacing "that conducted" with "governing".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 560, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, as follows:

on page 4, line 33, by inserting "and the person committing the battery is not a participant, coach, or sports official", after "facility".

The foregoing message from the Senate reporting Senate Amendments numbered 1, 2 and 3 to HOUSE BILL 560 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 564

A bill for AN ACT in relation to criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 564

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 564 by replacing the title with the following:

"AN ACT in relation to criminal history records."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Secretary of State Merit Employment Code is amended by changing Section 10b.1 as follows:

(15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

Sec. 10b.1. (a) Competitive examinations. For open competitive examinations to test the relative fitness of applicants for the respective positions. Tests shall be designed to eliminate those who are not qualified for entrance into the Office of the Secretary of State and to discover the relative fitness of those who are qualified. The Director may use any one of or any combination of the following examination methods which in his judgment best serves this end: investigation of education and experience; test of cultural knowledge; test of capacity; test of knowledge; test of manual skill; test of linguistic ability; test of character; test of physical skill; test of psychological fitness. No person with a record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of 1961, or arrested for any cause but not convicted thereon shall be disqualified from taking such examinations or subsequent appointment unless the person is attempting to qualify for a position which would give him the powers of a peace officer, in which case the person's conviction or arrest record may be considered as a factor in determining the person's fitness for the position. All examinations shall be announced publicly at least 2 weeks in advance of the date of examinations and may be advertised through the press, radio or other media.

The Director may, at his discretion, accept the results of competitive examinations conducted by any merit system established by Federal law or by the law of any State, and may compile eligible lists therefrom or may add the names of successful candidates in examinations conducted by those merit systems to existing eligible lists in accordance with their respective ratings. No person who is a non-resident of the State of Illinois may be appointed from those eligible lists, however, unless the requirement that applicants be residents of the State of Illinois is waived by the Director of Personnel and unless there are less than 3 Illinois residents available for appointment from the appropriate eligible list. The results of the examinations conducted by other merit systems may not be used unless they are comparable in difficulty and comprehensiveness to examinations conducted by the Department of Personnel for similar positions. Special linguistic options may also be established where deemed appropriate.

(b) The Director of Personnel may require that each person seeking employment with the Secretary of State, as part of the application process, authorize an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director of Personnel may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. The investigation shall be undertaken after the fingerprinting of an applicant in the form and manner prescribed by the Department of State Police. The investigation shall consist of a criminal history records check performed by the Department of State Police and the Federal Bureau of Investigation, or some other entity that has the ability to check the applicant's fingerprints against the fingerprint records now and hereafter filed in the Department of State Police and

Federal Bureau of Investigation criminal history records databases. If the Department of State Police and the Federal Bureau of Investigation conduct an investigation directly for the Secretary of State's Office, then the Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant or prospective employee of the Secretary of State upon request of the Department of Personnel when the request is made in the form and manner required by the Department of State Police. The information derived from this investigation, including the source of this information, and any conclusions or recommendations derived from this information by the Director of Personnel shall be provided to the applicant or prospective employee, or his designee, upon request to the Director of Personnel prior to any final action by the Director of Personnel on the application. No information obtained from such investigation may be placed in any automated information system. Any criminal convictions and their disposition information obtained by the Director of Personnel shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the application. The only physical identity materials which the applicant or prospective employee can be required to provide the Director of Personnel are photographs or fingerprints; these shall be returned to the applicant or prospective employee upon request to the Director of Personnel, after the investigation has been completed and no copy of these materials may be kept by the Director of Personnel or any agency to which such identity materials were transmitted. Only information and standards which bear a reasonable and rational relation to the performance of an employee shall be used by the Director of Personnel. The Secretary of State shall adopt rules and regulations for the administration of this Section. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions and their disposition of an applicant or prospective employee shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section. (Source: P.A. 84-25.)

Section 6. The Park District Code is amended by changing Section 8-23 as follows:

(70 ILCS 1205/8-23)

Sec. 8-23. Criminal background investigations. (a) An applicant for employment with a park district is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the park district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the park district. Upon receipt of this authorization, the park district shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history records database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, ~~of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.~~ The Department of State Police shall charge the park district a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the park district for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check ~~positive identification~~, records of convictions, until expunged, to the president of the park district. Any information concerning the record of convictions obtained by the president shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential

information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No park district shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no park district shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. No park district shall knowingly employ a person for whom a criminal background investigation has not been initiated. (Source: P.A. 91-885, eff. 7-6-00.)

Section 7. The Chicago Park District Act is amended by changing Section 16a-5 as follows:

(70 ILCS 1505/16a-5)

Sec. 16a-5. Criminal background investigations. (a) An applicant for employment with the Chicago Park District is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the Chicago Park District, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the Chicago Park District. Upon receipt of this authorization, the Chicago Park District shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history record information database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, of committing or attempting to commit within 7 years of the application for employment with the Chicago Park District, ~~of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.~~ The Department of State Police shall charge the Chicago Park District a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the Chicago Park District for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the Chicago Park District, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check, positive identification, records of convictions, until expunged, to the General Superintendent and Chief Executive Officer of the Chicago Park District. Any information concerning the record of convictions obtained by the General Superintendent and Chief Executive Officer shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The Chicago Park District may not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more

of the foregoing offenses. Further, the Chicago Park District may not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The Chicago Park District may not knowingly employ a person for whom a criminal background investigation has not been initiated. (Source: P.A. 91-885, eff. 7-6-00.)

Section 10. The School Code is amended by changing Sections 10-21.9 and 34-18.5 as follows:

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal background investigations. (a) After August 1, 1985, certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct a search of the Illinois criminal history records database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, ~~of~~ any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) If the search of the Illinois criminal history records database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years before the application for employment with the school district, any other felony under the laws of this State, the Department and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check ~~positive identification~~, records of convictions, until expunged, to the president of the school board for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the school district, the presidents of the appropriate school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support

personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards. (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal background investigations. (a) After August 1, 1985, certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher

seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct a search of the Illinois Criminal history record information database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, ~~of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.~~ The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) If the search of the Illinois criminal history records database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, any other felony under the laws of this State, the Department and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check ~~positive identification~~, records of convictions, until expunged, to the president of the board of education for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may

rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards. (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

Section 15. The Child Care Act of 1969 is amended by changing Section 4.1 as follows:

(225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

Sec. 4.1. Criminal Background Investigations. The Department shall require that each child care facility license applicant as part of the application process, and each employee of a child care facility as a condition of employment, authorize an investigation to determine if such applicant or employee has ever been charged with a crime and if so, the disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director shall request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed, against an applicant or child care facility employee upon request of the Department of Children and Family Services when the request is made in the form and manner required by the Department of State Police.

Information concerning convictions of a license applicant investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant prior to final action by the Department on the application. State conviction information provided by the Department of State Police regarding ~~Such information on convictions~~ of employees or prospective employees of child care facilities licensed under this Act shall be provided to the operator of such facility, and, upon request, to the employee or prospective employee. Any information concerning criminal charges and the disposition of such charges obtained by the Department

shall be confidential and may not be transmitted outside the Department, except as required herein, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating an application or a child care facility employee. Only information and standards which bear a reasonable and rational relation to the performance of a child care facility shall be used by the Department or any licensee. Any employee of the Department of Children and Family Services, Department of State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of a child care facility applicant, or child care facility employee, shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

A child care facility may hire, on a probationary basis, any employee authorizing a criminal background investigation under this Section, pending the result of such investigation. Employees shall be notified prior to hiring that such employment may be terminated on the basis of criminal background information obtained by the facility. (Source: P.A. 84-158.)

Section 20. The Nursing and Advanced Practice Nursing Act is amended by changing Section 5-23 as follows:

(225 ILCS 65/5-23) (Section scheduled to be repealed on January 1, 2008)

Sec. 5-23. Criminal background check. After the effective date of this amendatory Act of the 91st General Assembly, the Department shall require an applicant for initial licensure under this Act to submit to a criminal background check by the Illinois State Police and the Federal Bureau of Investigation as part of the qualification for licensure. If an applicant's criminal background check indicates criminal conviction, the applicant must further submit to a fingerprint-based criminal background check. The applicant's name, sex, race, date of birth, and social security number shall be forwarded to the Illinois State Police to be searched against the Illinois criminal history records database in the form and manner prescribed by the Illinois State Police. The Illinois State Police shall charge a fee for conducting the search, which shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. If a search of the Illinois criminal history records database indicates that the applicant has a conviction record, a fingerprint based criminal history records check shall be required. Each applicant requiring a fingerprint based search shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department shall adopt rules to implement this Section. (Source: P.A. 91-369, eff. 1-1-00; 92-744, eff. 7-25-02.)

Section 25. The Illinois Horse Racing Act of 1975 is amended by changing Section 15 as follows:

(230 ILCS 5/15) (from Ch. 8, par. 37-15)

Sec. 15. (a) The Board shall, in its discretion, issue occupation licenses to horse owners, trainers, harness drivers, jockeys, agents, apprentices, grooms, stable foremen, exercise persons, veterinarians, valets, blacksmiths, concessionaires and others designated by the Board whose work, in whole or in part, is conducted upon facilities within the State. Such occupation licenses will be obtained prior to the persons engaging in their vocation upon such facilities. The Board shall not license pari-mutuel clerks, parking attendants, security guards and employees of concessionaires. No occupation license shall be required of any person who works at facilities within this State as a pari-mutuel clerk, parking attendant, security guard or as an employee of a concessionaire. Concessionaires of the Illinois State Fair and DuQuoin State Fair and employees of the Illinois Department of Agriculture shall not be required to obtain an occupation license by the Board.

(b) Each application for an occupation license shall be on forms prescribed by the Board. Such license, when issued, shall be for the period ending December 31 of each year, except that the Board in its discretion may grant 3-year licenses. The application shall be accompanied by a fee of not more than \$25 per year or, in the case of 3-year occupation license applications, a fee of not more than \$60. Each applicant shall set forth in the application his full name and address, and if he had been issued prior occupation licenses or has been licensed in any other state under any other name, such name, his age, whether or not a permit or license issued to him in any other state has been suspended or revoked and if so whether such suspension or revocation is in effect at the time of the application, and such other information as the Board may require. Fees for registration of stable names shall not exceed \$50.00.

(c) The Board may in its discretion refuse an occupation license to any person:

- (1) who has been convicted of a crime;
- (2) who is unqualified to perform the duties required of such applicant;
- (3) who fails to disclose or states falsely any information called for in the application;
- (4) who has been found guilty of a violation of this Act or of the rules and regulations of the Board;

or

- (5) whose license or permit has been suspended, revoked or denied for just cause in any other state.

(d) The Board may suspend or revoke any occupation license:

- (1) for violation of any of the provisions of this Act; or
- (2) for violation of any of the rules or regulations of the Board; or
- (3) for any cause which, if known to the Board, would have justified the Board in refusing to issue such occupation license; or

(4) for any other just cause.

(e) Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of conviction to the Board. Each applicant for licensure shall submit with his occupation license application, on forms provided by the Board, 2 sets of his fingerprints. All such applicants shall appear in person at the location designated by the Board for the purpose of submitting such sets of fingerprints; however, with the prior approval of a State steward, an applicant may have such sets of fingerprints taken by an official law enforcement agency and submitted to the Board.

~~The Board shall cause one set of such fingerprints to be compared with fingerprints of criminals now or hereafter filed in the records of the Illinois Department of State Police. The Board shall also cause such fingerprints to be compared with fingerprints of criminals now or hereafter filed in the records of other official fingerprint files within or without this State.~~

~~The Board may, in its discretion, require the applicant to pay a fee for the purpose of having his fingerprints processed. The fingerprint processing fee shall be set annually by the Director of State Police, based upon actual costs.~~

(f) The Board may, in its discretion, issue an occupation license without submission of fingerprints if an applicant has been duly licensed in another recognized racing jurisdiction after submitting fingerprints that were subjected to a Federal Bureau of Investigation criminal history background check in that jurisdiction.

(Source: P.A. 91-40, eff. 6-25-99.)

Section 30. The Riverboat Gambling Act is amended by changing Section 22 as follows:

(230 ILCS 10/22) (from Ch. 120, par. 2422)

Sec. 22. Criminal history record information. Whenever the Board is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, the Board shall, in the form and manner required by the Department of State Police and the Federal Bureau of Investigation, cause to be conducted a criminal history record investigation to obtain any information currently or thereafter contained in the files of the Department of State Police or the Federal Bureau of Investigation. Each applicant for occupational licensing under Section 9 or key person as defined by the Board in administrative rules shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide, on the Board's request, information concerning any criminal charges, and their disposition, currently or thereafter filed against an applicant for or holder of an occupational license. Information obtained as a result of an investigation under this Section shall be used in determining eligibility for an occupational license under Section 9. Upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request. (Source: P.A. 91-239, eff. 1-1-00.)

Section 35. The Liquor Control Act of 1934 is amended by changing Section 4-7 as follows:

(235 ILCS 5/4-7) (from Ch. 43, par. 114a)

Sec. 4-7. The local liquor control commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the local liquor control commissioner. For purposes of obtaining fingerprints under this Section, the local liquor commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the Illinois Department of State Police. (Source: P.A. 84-1081.)

Section 40. The Housing Authorities Act is amended by changing Section 25 as follows:

(310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

Sec. 25. Rentals and tenant selection. In the operation or management of housing projects an Authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) It shall not accept any person as a tenant in any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority determines (which determination shall be conclusive) to be necessary in order to enable such persons to secure safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living for themselves.

(b) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines (pursuant to (a) of this Section) to be necessary in order to obtain safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living.

(c) It may rent or lease to a tenant a dwelling consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

(d) It shall not change the residency preference of any prospective tenant once the application has been accepted by the authority.

(e) It may refuse to renew the tenancy of any person if, after due notice and an impartial hearing, that person or any of the proposed occupants of the dwelling has, during a term of tenancy or occupancy in any housing project operated by an Authority, been convicted of a criminal offense relating to the sale or distribution of controlled substances under the laws of this State, the United States or any other state. Confirmation of conviction data shall be determined by a fingerprint based criminal history records check. In such cases, the tenant or proposed occupant to whom the disqualifying conviction record belongs shall have his or her fingerprints submitted to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Authority.

(f) It may, if a tenant has created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or Authority employees, after 3 days' written notice of termination and without a hearing, file suit against any such tenant for recovery of possession of the premises. The tenant shall be given the opportunity to contest the termination in the court proceedings. A serious and clear danger to the health or safety of other tenants or Authority employees shall include, but not be limited to, any of the following activities of the tenant or of any other person on the premises with the consent of the tenant:

(1) Physical assault or the threat of physical assault.

(2) Illegal use of a firearm or other weapon or the threat to use in an illegal manner a firearm or other weapon.

(3) Possession of a controlled substance by the tenant or any other person on the premises with the consent of the tenant if the tenant knew or should have known of the possession by the other person of a controlled substance, unless the controlled substance was obtained directly from or pursuant to a valid

prescription.

(4) Streetgang membership as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act.

The management of low-rent public housing projects financed and developed under the U.S. Housing Act of 1937 shall be in accordance with that Act.

Nothing contained in this Section or any other Section of this Act shall be construed as limiting the power of an Authority to vest in a bondholder or trustee the right, in the event of a default by the Authority, to take possession and operate a housing project or cause the appointment of a receiver thereof, free from all restrictions imposed by this Section or any other Section of this Act. (Source: P.A. 89-351, eff. 1-1-96.)

Section 45. The Illinois Vehicle Code is amended by changing Sections 6-411 and 18a-200 as follows:

(625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

Sec. 6-411. Qualifications of Driver Training Instructors. In order to qualify for a license as an instructor for a driving school, an applicant must:

(a) Be of good moral character;

(b) Authorize an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization the Secretary of State may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant upon request of the Secretary of State when the request is made in the form and manner required by the Department of State Police. The information derived from this investigation including the source of this information, and any conclusions or recommendations derived from this information by the Secretary of State shall be provided to the applicant, or his designee, upon request to the Secretary of State, prior to any final action by the Secretary of State on the application. No information obtained from such investigation may be placed in any automated information system. Any criminal convictions and their disposition information obtained by the Secretary of State shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The only physical identity materials which the applicant can be required to provide the Secretary of State are photographs or fingerprints; these shall be returned to the applicant upon request to the Secretary of State, after the investigation has been completed and no copy of these materials may be kept by the Secretary of State or any agency to which such identity materials were transmitted. Only information and standards which bear a reasonable and rational relation to the performance of a driver training instructor shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal charges and their disposition of an applicant shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section;

(c) Pass such examination as the Secretary of State shall require on (1) traffic laws, (2) safe driving practices, (3) operation of motor vehicles, and (4) qualifications of teacher;

(d) Be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles. An instructors license application must be accompanied by a medical examination report completed by a competent physician licensed to practice in the State of Illinois;

(e) Hold a valid Illinois drivers license;

(f) Have graduated from an accredited high school after at least 4 years of high school education or the equivalent; and

(g) Pay to the Secretary of State an application and license fee of \$35.

If a driver training school class room instructor teaches an approved driver education course, as defined in Section 1-103 of this Code, to students under 18 years of age, he or she shall furnish to the Secretary of State a certificate issued by the State Board of Education that the said instructor is qualified and meets the minimum educational standards for teaching driver education courses in the local public or parochial school systems, except that no State Board of Education certification shall be required of any instructor who teaches exclusively in a commercial driving school. On and after July 1, 1986, the existing rules and regulations of the State Board of Education concerning commercial driving schools shall continue to

remain in effect but shall be administered by the Secretary of State until such time as the Secretary of State shall amend or repeal the rules in accordance with The Illinois Administrative Procedure Act. Upon request, the Secretary of State shall issue a certificate of completion to a student under 18 years of age who has completed an approved driver education course at a commercial driving school. (Source: P.A. 87-829; 87-832.)

(625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

Sec. 18a-200. General powers and duties of Commission. The Commission shall:

(1) Regulate commercial vehicle relocators and their employees or agents in accordance with this Chapter and to that end may establish reasonable requirements with respect to proper service and practices relating thereto;

(2) Require the maintenance of uniform systems of accounts, records and the preservation thereof;

(3) Require that all drivers and other personnel used in relocation be employees of a licensed relocator;

(4) Regulate equipment leasing to and by relocators;

(5) Adopt reasonable and proper rules covering the exercise of powers conferred upon it by this Chapter, and reasonable rules governing investigations, hearings and proceedings under this Chapter;

(6) Set reasonable rates for the commercial towing or removal of trespassing vehicles from private property. The rates shall not exceed the mean average of the 5 highest rates for police tows within the territory to which this Chapter applies that are performed under Sections 4-201 and 4-214 of this Code and that are of record at hearing; provided that the Commission shall not re-calculate the maximum specified herein if the order containing the previous calculation was entered within one calendar year of the date on which the new order is entered. Set reasonable rates for the storage, for periods in excess of 24 hours, of the vehicles in connection with the towing or removal; however, no relocator shall impose charges for storage for the first 24 hours after towing or removal. Set reasonable rates for other services provided by relocators, provided that the rates shall not be charged to the owner or operator of a relocated vehicle. Any fee charged by a relocator for the use of a credit card that is used to pay for any service rendered by the relocator shall be included in the total amount that shall not exceed the maximum reasonable rate established by the Commission. The Commission shall require a relocator to refund any amount charged in excess of the reasonable rate established by the Commission, including any fee for the use of a credit card;

(7) Investigate and maintain current files of the criminal records, if any, of all relocators and their employees and of all applicants for relocator's license, operator's licenses and dispatcher's licenses. If the Commission determines that an applicant for a license issued under this Chapter will be subjected to a criminal history records check, the applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These Fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record information databases now and hereafter filed. The Department of State Police shall charge the applicant a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Commission;

(8) Issue relocator's licenses, dispatcher's employment permits, and operator's employment permits in accordance with Article IV of this Chapter;

(9) Establish fitness standards for applicants seeking relocator licensees and holders of relocator licenses;

(10) Upon verified complaint in writing by any person, organization or body politic, or upon its own initiative may, investigate whether any commercial vehicle relocator, operator, dispatcher, or person otherwise required to comply with any provision of this Chapter or any rule promulgated hereunder, has failed to comply with any provision or rule;

(11) Whenever the Commission receives notice from the Secretary of State that any domestic or foreign corporation regulated under this Chapter has not paid a franchise tax, license fee or penalty required under the Business Corporation Act of 1983, institute proceedings for the revocation of the license or right to engage in any business required under this Chapter or the suspension thereof until such time as the delinquent franchise tax, license fee or penalty is paid. (Source: P.A. 88-448.)

Section 50. The Adoption Act is amended by changing Section 6 as follows:

(750 ILCS 50/6) (from Ch. 40, par. 1508)

Sec. 6. A. Investigation; all cases. Within 10 days after the filing of a petition for the adoption or standby adoption of a child other than a related child, the court shall appoint a child welfare agency approved by the Department of Children and Family Services, or a person deemed competent by the court, or in Cook County the Court Services Division of the Cook County Department of Public Aid, or the

Department of Children and Family Services if the court determines that no child welfare agency is available or that the petitioner is financially unable to pay for the investigation, to investigate accurately, fully and promptly, the allegations contained in the petition; the character, reputation, health and general standing in the community of the petitioners; the religious faith of the petitioners and, if ascertainable, of the child sought to be adopted; and whether the petitioners are proper persons to adopt the child and whether the child is a proper subject of adoption. The investigation required under this Section shall include a fingerprint based criminal background check with a review of fingerprints by the Illinois State Police and Federal Bureau of Investigation authorities. Each petitioner subject to this investigation, shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The criminal background check required by this Section shall include a listing of when, where and by whom the criminal background check was prepared. The criminal background check required by this Section shall not be more than two years old.

Neither a clerk of the circuit court nor a judge may require that a criminal background check or fingerprint review be filed with, or at the same time as, an initial petition for adoption.

B. Investigation; foreign-born child. In the case of a child born outside the United States or a territory thereof, in addition to the investigation required under subsection (A) of this Section, a post-placement investigation shall be conducted in accordance with the requirements of the Child Care Act of 1969, the Interstate Compact on the Placement of Children, and regulations of the foreign placing agency and the supervising agency.

The requirements of a post-placement investigation shall be deemed to have been satisfied if a valid final order or judgment of adoption has been entered by a court of competent jurisdiction in a country other than the United States or a territory thereof with respect to such child and the petitioners.

C. Report of investigation. The court shall determine whether the costs of the investigation shall be charged to the petitioners. The information obtained as a result of such investigation shall be presented to the court in a written report. The results of the criminal background check required under subsection (A) shall be provided to the court for its review. The court may, in its discretion, weigh the significance of the results of the criminal background check against the entirety of the background of the petitioners. The Court, in its discretion, may accept the report of the investigation previously made by a licensed child welfare agency, if made within one year prior to the entry of the judgment. Such report shall be treated as confidential and withheld from inspection unless findings adverse to the petitioners or to the child sought to be adopted are contained therein, and in that event the court shall inform the petitioners of the relevant portions pertaining to the adverse findings. In no event shall any facts set forth in the report be considered at the hearing of the proceeding, unless established by competent evidence. The report shall be filed with the record of the proceeding. If the file relating to the proceeding is not impounded, the report shall be impounded by the clerk of the court and shall be made available for inspection only upon order of the court.

D. Related adoption. Such investigation shall not be made when the petition seeks to adopt a related child or an adult unless the court, in its discretion, shall so order. In such an event the court may appoint a person deemed competent by the court. (Source: P.A. 91-429, eff. 1-1-00; 91-572, eff. 1-1-00; 91-740, eff. 6-2-00.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 564 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 570

A bill for AN ACT in relation to criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 570
Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 570 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 16D-2, 16D-3, and 16-6 and adding Section 16D-4.1 as follows:

(720 ILCS 5/16D-2) (from Ch. 38, par. 16D-2)

Sec. 16D-2. Definitions. As used in this Article, unless the context otherwise indicates:

(a) "Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.

(a-5) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through the communications facilities.

(b) "Computer program" or "program" means a series of coded instructions or statements in a form acceptable to a computer which causes the computer to process data and supply the results of the data processing.

(b-5) "Computer services" means computer time or services, including data processing services, Internet services, electronic mail services, electronic message services, or information or data stored in connection therewith.

(c) "Data" means a representation of information, knowledge, facts, concepts or instructions, including program documentation, which is prepared in a formalized manner and is stored or processed in or transmitted by a computer. Data shall be considered property and may be in any form including but not limited to printouts, magnetic or optical storage media, punch cards or data stored internally in the memory of the computer.

(c-5) "Electronic mail service provider" means any person who (1) is an intermediary in sending or receiving electronic mail and (2) provides to end-users of electronic mail services the ability to send or receive electronic mail.

(d) In addition to its meaning as defined in Section 15-1 of this Code, "property" means: (1) electronic impulses; (2) electronically produced data; (3) confidential, copyrighted or proprietary information; (4) private identification codes or numbers which permit access to a computer by authorized computer users or generate billings to consumers for purchase of goods and services, including but not limited to credit card transactions and telecommunications services or permit electronic fund transfers; (5) software or programs in either machine or human readable form; or (6) any other tangible or intangible item relating to a computer or any part thereof.

(e) "Access" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize any services of a computer.

(f) "Services" includes but is not limited to computer time, data manipulation or storage functions.

(g) "Vital services or operations" means those services or operations required to provide, operate, maintain, and repair network cabling, transmission, distribution, or computer facilities necessary to ensure or protect the public health, safety, or welfare. Public health, safety, or welfare include, but are not limited to, services provided by medical personnel or institutions, fire departments, emergency services agencies, national defense contractors, armed forces or militia personnel, private and public utility companies, or law enforcement agencies.

(h) A person "uses" a computer or computer network when he or she attempts to cause or causes:

(1) a computer or computer network to perform or to stop performing computer operations;

(2) the withholding or denial of the use of a computer, a computer network, a computer program, data, or software to another user; or

(3) a person to put false information into a computer.

(i) "Software" means a set of computer programs, procedures, and associated documentation concerned with data or with the operation of a computer, computer program, or computer network. (Source: P.A. 91-

233, eff. 1-1-00.)

(720 ILCS 5/16D-3) (from Ch. 38, par. 16D-3)

Sec. 16D-3. Computer Tampering. (a) A person commits the offense of computer tampering when he knowingly and without the authorization of a computer's owner, as defined in Section 15-2 of this Code, or in excess of the authority granted to him:

(1) Accesses or causes to be accessed a computer or any part thereof, or a program or data;

(2) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and obtains data or services;

(3) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and damages or destroys the computer or alters, deletes or removes a computer program or data;

(4) Inserts or attempts to insert a "program" into a computer or computer program knowing or having reason to believe that such "program" contains information or commands that will or may damage or destroy that computer, or any other computer subsequently accessing or being accessed by that computer, or that will or may alter, delete or remove a computer program or data from that computer, or any other computer program or data in a computer subsequently accessing or being accessed by that computer, or that will or may cause loss to the users of that computer or the users of a computer which accesses or which is accessed by such "program";

~~(5) Falsifies or forges electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers;~~

~~(a 5) It shall be unlawful for any person knowingly to sell, give, or otherwise distribute or possess with the intent to sell, give, or distribute software which (1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (2) has only a limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.~~

(b) Sentence.

(1) A person who commits the offense of computer tampering as set forth in subsection (a)(1); ~~(a)(5); or (a 5)~~ of this Section shall be guilty of a Class B misdemeanor.

(2) A person who commits the offense of computer tampering as set forth in subsection (a)(2) of this Section shall be guilty of a Class A misdemeanor and a Class 4 felony for the second or subsequent offense.

(3) A person who commits the offense of computer tampering as set forth in subsection (a)(3) or subsection (a)(4) of this Section shall be guilty of a Class 4 felony and a Class 3 felony for the second or subsequent offense.

~~(4) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of \$10 for each and every unsolicited bulk electronic mail message transmitted in violation of this Section, or \$25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network.~~

~~(5) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the greater of \$10 for each and every unsolicited electronic mail advertisement transmitted in violation of this Section, or \$25,000 per day.~~

~~(6) The provisions of this Section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.~~

(c) Whoever suffers loss by reason of a violation of subsection (a)(4) of this Section may, in a civil action against the violator, obtain appropriate relief. In a civil action under this Section, the court may award to the prevailing party reasonable attorney's fees and other litigation expenses. (Source: P.A. 91-233, eff. 1-1-00.)

(720 ILCS 5/16D-4.1 new)

Sec. 16D-4.1. Transmission of unsolicited bulk electronic mail.

(a) A person commits the offense of transmission of unsolicited bulk electronic mail when he or she:

(1) knowingly uses a computer or computer network with the intent to falsify or forge electronic

mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers; or

(2) knowingly sells, gives, or otherwise distributes or possesses with the intent to sell, give, or distribute software that: (i) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (ii) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (iii) is marketed by that person acting alone or with another for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(b) Sentence.

(1) A person who commits a violation of subsection (a) is guilty of a Class A misdemeanor.

(2) A person is guilty of a Class 4 felony if he or she commits a violation of subsection (a) and:

(A) the volume of unsolicited bulk electronic mail transmitted exceeded 10,000 attempted recipients in any 24-hour period, 100,000 attempted recipients in any 30-day time period, or 1,000,000 attempted recipients in any one-year time period;

(B) the revenue generated from a specific unsolicited bulk electronic mail transmission exceeded \$1,000 or the total revenue generated from all unsolicited bulk electronic mail transmitted to any electronic mail service provider exceeded \$50,000; or

(C) the person is at least 18 years of age and knowingly hires, employs, uses, or permits any person who is under 18 years of age to assist in the transmission of unsolicited bulk electronic mail in violation of subdivision (b)(2)(A) or (b)(2)(B).

(c) Civil relief; damages.

(1) Any person whose property or person is injured by reason of a violation of any provision of this Section may sue therefor and recover for any damages sustained and the costs of suit. Without limiting the generality of the term, "damages" includes loss of profits.

(2) If the injury under this Section arises from the transmission of unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider where the defendant has knowledge of the authority or policies of the electronic mail service provider or where the authority or policies of the electronic mail service provider are available on the electronic mail service provider's website, the injured person, other than an electronic mail service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of \$10 for each and every unsolicited bulk electronic mail advertisement transmitted in violation of this Section, or \$25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network. Transmission of electronic mail from an organization to its members shall not be deemed to be unsolicited bulk electronic mail.

(3) If the injury under this Section arises from the transmission of unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider where the defendant has knowledge of the authority or policies of the electronic mail service provider or where the authority or policies of the electronic mail service provider are available on the electronic mail service provider's website, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the greater of \$10 for each and every unsolicited electronic mail advertisement transmitted in violation of this Section, or \$25,000 per day. Transmission of electronic mail from an organization to its members shall not be deemed to be unsolicited bulk electronic mail.

(4) At the request of any party to an action brought pursuant to this subsection (c), the court may, in its discretion, conduct all legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program and computer software involved in order to prevent possible recurrence of the same or a similar act by another person and to protect any trade secrets of any party and in such a way as to protect the privacy of nonparties who complain about violations of this section.

(5) The provisions of this subsection (c) shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(720 ILCS 5/16D-6) (from Ch. 38, par. 16D-6)

Sec. 16D-6. Forfeiture. 1. Any person who commits the offense of transmission of unsolicited bulk

electronic mail as set forth in Section 16D-4.1 or computer fraud as set forth in Section 16D-5 shall forfeit, according to the provisions of this Section, any monies, profits or proceeds, and any interest or property which the sentencing court determines he has acquired or maintained, directly or indirectly, in whole or in part, as a result of such offense. Such person shall also forfeit any interest in, security, claim against, or contractual right of any kind which affords him a source of influence over any enterprise which he has established, operated, controlled, conducted or participated in conducting, where his relationship to or connection with any such thing or activity directly or indirectly, in whole or in part, is traceable to any item or benefit which he has obtained or acquired through computer fraud or transmission of unsolicited bulk electronic mail.

Proceedings instituted pursuant to this Section shall be subject to and conducted in accordance with the following procedures:

(a) The sentencing court shall, upon petition by the prosecuting agency, whether it is the Attorney General or a State's Attorney, at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Section. At the forfeiture hearing the People of the State of Illinois shall have the burden of establishing, by a preponderance of the evidence, that the property or property interests are subject to such forfeiture.

(b) In any action brought by the People of the State of Illinois under this Section, the circuit courts of Illinois shall have jurisdiction to enter such restraining orders, injunctions or prohibitions, or to take such other action in connection with any real, personal, or mixed property or other interest subject to forfeiture, as they shall consider proper.

(c) In any action brought by the People of the State of Illinois under this Section, wherein any restraining order, injunction or prohibition or any other action in connection with any property or interest subject to forfeiture under this Section is sought, the circuit court presiding over the trial of the person or persons charged with computer fraud or transmission of unsolicited bulk electronic mail shall first determine whether there is probable cause to believe that the person or persons so charged have committed the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail and whether the property or interest is subject to forfeiture pursuant to this Section. In order to make this determination, prior to entering any such order, the court shall conduct a hearing without a jury, where the People shall establish: (1) probable cause that the person or persons so charged have committed the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail, and (2) probable cause that any property or interest may be subject to forfeiture pursuant to this Section. Such hearing may be conducted simultaneously with a preliminary hearing if the prosecution is commenced by information or complaint, or by motion of the People at any stage in the proceedings. The court may enter a finding of probable cause at a preliminary hearing following the filing of an information charging the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail or the return of an indictment by a grand jury charging the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail as sufficient evidence of probable cause for purposes of this Section. Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or other interest subject to forfeiture under this Section as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed or otherwise disposed of by the owner or holder of that property or interest prior to a forfeiture hearing under this Section. The Attorney General or State's Attorney shall file a certified copy of such restraining order, injunction or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor or other lienholder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, prohibition or other action. The court may release such property to the defendant for good cause shown and within the sound discretion of the court.

(d) Upon conviction of a person under Section 16D-4.1 or Section 16D-5, the court shall authorize the Attorney General to seize and sell all property or other interest declared forfeited under this Act, unless such property is required by law to be destroyed or is harmful to the public. The court may order the Attorney General to segregate funds from the proceeds of such sale sufficient: (1) to satisfy any order of restitution, as the court may deem appropriate; (2) to satisfy any legal right, title, or interest which the court deems superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to forfeiture under this Section; or (3) to satisfy any bona-fide purchaser for value of the right, title, or interest in the property who was without reasonable notice that the property was subject to

forfeiture. Following the entry of an order of forfeiture, the Attorney General shall publish notice of the order and his intent to dispose of the property. Within the 30 days following such publication, any person may petition the court to adjudicate the validity of his alleged interest in the property.

After the deduction of all requisite expenses of administration and sale, the Attorney General shall distribute the proceeds of such sale, along with any moneys forfeited or seized as follows:

(1) 50% shall be distributed to the unit of local government whose officers or employees conducted the investigation into computer fraud or transmission of unsolicited bulk electronic mail and caused the arrest or arrests and prosecution leading to the forfeiture. Amounts distributed to units of local government shall be used for training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud and transmission of unsolicited bulk electronic mail. In the event, however, that the investigation, arrest or arrests and prosecution leading to the forfeiture were undertaken solely by a State agency, the portion provided hereunder shall be paid into the State Police Services Fund of the Illinois Department of State Police to be used for training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud and transmission of unsolicited bulk electronic mail.

(2) 50% shall be distributed to the county in which the prosecution and petition for forfeiture resulting in the forfeiture was instituted by the State's Attorney, and deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud and transmission of unsolicited bulk electronic mail. Where a prosecution and petition for forfeiture resulting in the forfeiture has been maintained by the Attorney General, 50% of the proceeds shall be paid into the Attorney General's Financial Crime Prevention Fund. Where the Attorney General and the State's Attorney have participated jointly in any part of the proceedings, 25% of the proceeds forfeited shall be paid to the county in which the prosecution and petition for forfeiture resulting in the forfeiture occurred, and 25% shall be paid to the Attorney General's Financial Crime Prevention Fund to be used for the purposes as stated in this subsection.

2. Where any person commits a felony under any provision of this Code or another statute and the instrumentality used in the commission of the offense, or in connection with or in furtherance of a scheme or design to commit the offense, is a computer owned by the defendant or if the defendant is a minor, owned by his or her parents or legal guardian, the computer shall be subject to the provisions of this Section. However, in no case shall a computer, or any part thereof, be subject to the provisions of the Section if the computer accessed in the commission of the offense is owned or leased by the victim or an innocent third party at the time of the commission of the offense or if the rights of creditors, lienholders, or any person having a security interest in the computer at the time of the commission of the offense shall be adversely affected. (Source: P.A. 85-1042.)

Section 10. The Code of Civil Procedure is amended by changing Section 2-209 as follows:

(735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

Sec. 2-209. Act submitting to jurisdiction - Process. (a) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits such person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any of such acts:

- (1) The transaction of any business within this State;
- (2) The commission of a tortious act within this State;
- (3) The ownership, use, or possession of any real estate situated in this State;
- (4) Contracting to insure any person, property or risk located within this State at the time of contracting;
- (5) With respect to actions of dissolution of marriage, declaration of invalidity of marriage and legal separation, the maintenance in this State of a matrimonial domicile at the time this cause of action arose or the commission in this State of any act giving rise to the cause of action;
- (6) With respect to actions brought under the Illinois Parentage Act of 1984, as now or hereafter amended, the performance of an act of sexual intercourse within this State during the possible period of conception;
- (7) The making or performance of any contract or promise substantially connected with this State;
- (8) The performance of sexual intercourse within this State which is claimed to have resulted in the conception of a child who resides in this State;
- (9) The failure to support a child, spouse or former spouse who has continued to reside in this State since the person either formerly resided with them in this State or directed them to reside in this State;

(10) The acquisition of ownership, possession or control of any asset or thing of value present within this State when ownership, possession or control was acquired;

(11) The breach of any fiduciary duty within this State;

(12) The performance of duties as a director or officer of a corporation organized under the laws of this State or having its principal place of business within this State;

(13) The ownership of an interest in any trust administered within this State; ~~or~~

(14) The exercise of powers granted under the authority of this State as a fiduciary; or

(15) The use of a computer or computer network located in this State. For purposes of this subdivision (15), "use" and "computer network" have the same meanings as those contained in Section 16D-2 of the Criminal Code of 1961.

(b) A court may exercise jurisdiction in any action arising within or without this State against any person who:

(1) Is a natural person present within this State when served;

(2) Is a natural person domiciled or resident within this State when the cause of action arose, the action was commenced, or process was served;

(3) Is a corporation organized under the laws of this State; or

(4) Is a natural person or corporation doing business within this State.

(c) A court may also exercise jurisdiction on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.

(d) Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this Section, may be made by personally serving the summons upon the defendant outside this State, as provided in this Act, with the same force and effect as though summons had been personally served within this State.

(e) Service of process upon any person who resides or whose business address is outside the United States and who is subject to the jurisdiction of the courts of this State, as provided in this Section, in any action based upon product liability may be made by serving a copy of the summons with a copy of the complaint attached upon the Secretary of State. The summons shall be accompanied by a \$5 fee payable to the Secretary of State. The plaintiff shall forthwith mail a copy of the summons, upon which the date of service upon the Secretary is clearly shown, together with a copy of the complaint to the defendant at his or her last known place of residence or business address. Plaintiff shall file with the circuit clerk an affidavit of the plaintiff or his or her attorney stating the last known place of residence or the last known business address of the defendant and a certificate of mailing a copy of the summons and complaint to the defendant at such address as required by this subsection (e). The certificate of mailing shall be prima facie evidence that the plaintiff or his or her attorney mailed a copy of the summons and complaint to the defendant as required. Service of the summons shall be deemed to have been made upon the defendant on the date it is served upon the Secretary and shall have the same force and effect as though summons had been personally served upon the defendant within this State.

(f) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him or her is based upon subsection (a).

(g) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law. (Source: P.A. 86-840.)"

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 570 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 430

A bill for AN ACT respecting schools.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 430
 Senate Amendment No. 3 to HOUSE BILL NO. 430
 Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 430 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 18-8.05 as follows:

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.
(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is \$4,225. For the 1999-2000 school year, the Foundation Level of support is \$4,325. For the 2000-2001 school year, the Foundation Level of support is \$4,425.

(3) For the 2001-2002 school year and each school year thereafter, the Foundation Level of support is \$4,560 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of \$218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax

increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension

Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed \$14,000,000. Claims shall be prorated if they exceed \$14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or and in each fiscal year thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (4), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, and Food Stamps) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be \$800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for the 1998-1999 school year shall be \$1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be \$1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be \$1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d)

immediately above shall be increased to \$1,243, \$1,600, and \$2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be \$1,273, \$1,640, and \$2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year ~~and each school year thereafter~~:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be \$355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be \$675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be \$1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be \$1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be \$1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be \$2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be \$355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be \$294.25 added to the product of \$2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33.

For the 2003-2004 school year only, the grant shall be no greater than 1.25 multiplied by the amount of the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than 1.50 multiplied by the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than 1.75 multiplied by the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than \$261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this

subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district that has not submitted a plan that has been approved by the State Board of Education.

(I) General State Aid for Newly Configured School Districts.

(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.

(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition

under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.

(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.

(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and

the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the

supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section. (Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96, eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99; 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636, eff. 7-11-02; 92-651, eff. 7-11-02; revised 7-26-02.)

Section 99. Effective date. This Act takes effect on July 1, 2003."

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 430, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 19, by replacing lines 30 through 34 with the following:

"For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year."; and

on page 20, by deleting lines 1 through 3.

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 430 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 294

A bill for AN ACT in relation to public aid.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 4 to HOUSE BILL NO. 294

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 294 on page 4, by replacing lines 11 through 14 with the

following:

"children in care. Co-payments shall not be increased due solely to a change in the methodology for counting family income."; and

on page 5, after line 12, by inserting the following:

"Section 99. Effective date. This Act takes effect on September 1, 2003."

The foregoing message from the Senate reporting Senate Amendment No. 4 to HOUSE BILL 294 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 467

A bill for AN ACT concerning electronic fund transfers.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 467

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 467 on page 3, below line 17, by inserting the following:

"For the purpose of this subsection (i), the term "person operating a terminal" means the person who has control over and is responsible for a terminal. The term "person operating a terminal" does not mean the person who owns or controls the property or building in which a terminal is located, unless he or she also has control over and is responsible for the terminal."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 467 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 572

A bill for AN ACT in relation to criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 572

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 572 by replacing everything after the enacting clause with

the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition. (a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed ~~\$1,000~~ ~~\$500~~ per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section ~~3.85~~ ~~4.05~~ of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at

least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of \$500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of \$1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of \$2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of \$2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the

defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (1) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement. (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff. 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; revised 2-17-03.)

Section 99. Effective date. This Act takes effect July 1, 2003."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 572 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 691

A bill for AN ACT in relation to public health.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 691

Senate Amendment No. 2 to HOUSE BILL NO. 691

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 691 by replacing everything after the enacting clause with the following:

"Section 5. The Vital Records Act is amended by changing Section 25.5 as follows:
(410 ILCS 535/25.5)

Sec. 25.5. Death Certificate Surcharge Fund. The additional \$2 fee for certified copies of death certificates and fetal death certificates must be deposited into the Death Certificate Surcharge Fund, a special fund created in the State treasury. Beginning 30 days after the effective date of this amendatory Act of the 92nd General Assembly and until January 1, 2003, moneys in the Fund, subject to appropriation,

may be used by the Department for the purpose of implementing an electronic reporting system for death registrations as provided in Section 18.5 of this Act. Before the effective date of this amendatory Act of the 92nd General Assembly and on and after January 1, 2003, moneys in the Fund, subject to appropriations, may be used as follows: (i) 25% by the Illinois Law Enforcement Training Standards Board for the purpose of training coroners, deputy coroners, forensic pathologists, and police officers for homicide investigations, (ii) 25% for grants by the Department of Public Health by the Illinois Necropsy Board for distribution to all local county coroners and medical examiners or officials charged with the duties set forth under Division 3-3 of the Counties Code, who have a different title, for equipment and lab facilities ~~for local county coroners~~, (iii) 25% by the Department of Public Health for the purpose of setting up a statewide database of death certificates and implementing an electronic reporting system for death registrations pursuant to Section 18.5, and (iv) 25% for a grant by the Department of Public Health to local registrars. (Source: P.A. 91-382, eff. 7-30-99; 92-16, eff. 6-28-01; 92-141, eff. 7-24-01.)".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 691, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, on line 13, immediately after "January 1, 2003" by inserting the following:

"and then beginning again on July 1, 2003 and until July 1, 2005"; and

on page 1, by replacing line 18 with the following:

"General Assembly, ~~and~~ on and after January 1, 2003 and until July 1, 2003, and on and after July 1, 2005, moneys in"; and

on page 2, by replacing "eff. 7-24-01.)" with the following:

"eff. 7-24-01.)"

Section 99. Effective date. This Act takes effect on July 1, 2003."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 691 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 696

A bill for AN ACT concerning human services.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 696

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 696 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Guaranteed Job Opportunity Act is amended by changing Sections 10, 15, 25, 30, 35, 40, 45, 50, 55, and 65 as follows:

(20 ILCS 1510/10)

Sec. 10. Definitions. As used in this Act:

"Department" means the Department of Commerce and Community Affairs.

"Eligible area" means a county, township, municipality, or ward or precinct of a municipality.

(a) "Participant" means an individual who is determined to be eligible under Section 25.

(b) "Project" means the definable task or group of tasks which:

(1) will be carried out by a public agency, a private nonprofit organization, a private contractor, or a cooperative,

(2) ~~(blank), will meet the requirements of subsection (f) of Section 35,~~

(3) will result in a specific product or accomplishment, and

(4) would not otherwise be conducted with existing funds.

~~(e) "Director" means the Director of Commerce and Community Affairs Director of Labor.~~ (Source: P.A. 88-114.)

(20 ILCS 1510/15)

Sec. 15. Establishment of program. ~~The Department may issue grants for the operation of projects under this Act. The issuance of the grants is subject to the availability of State or federal funds and at the discretion of the Director. Grants shall be made and projects shall be assisted under this Act only to the extent that funding from federal sources is available for those purposes. From the sums appropriated by the General Assembly for any fiscal year, the Director shall make grants to Executive Councils established in accordance with Section 20 for the purpose of assisting local job projects which meet the requirements of this Act.~~ The General Assembly may appropriate funds for the purposes of this Section from any appropriate State source or from any appropriate federal source, regardless of which State agency is the initial recipient of the federal funds. (Source: P.A. 88-114.)

(20 ILCS 1510/25)

Sec. 25. Program eligibility. (a) General Rule. An individual is eligible to participate in the job projects assisted under this Act if the individual:

(1) is at least 16 years of age;

(2) has resided in the eligible area for at least 30 days;

(3) has been unemployed for 35 days prior to the determination of employment for job projects assisted under this Act; ~~and~~

(4) is a citizen of the United States, is a national of the United States, is a lawfully admitted permanent resident alien, is a lawfully admitted refugee or parolee, or is otherwise authorized by the United States Attorney General to work in the United States; ~~and~~

(5) is a recipient of assistance under Article IV of the Illinois Public Aid Code.

(b) Limitations.

~~(1) (Blank). Not more than 2 individuals who reside in any household may be eligible for a job assisted under this Act.~~

~~(2) (Blank). No individual whose earned income for the year preceding the year in which the determination of employment under this Act is made is equal to or more than \$17,000, or who has a combined family income in the year in which the determination of employment under this Act is made which is equal to or more than \$17,000 a year, may be eligible for a job assisted under this Act.~~

(3) No individual participating in the job opportunity project assisted under this Act may work in any compensated job other than the job assisted under this Act for more than 20 ~~16~~ hours per week.

~~(4) Individuals Each individual participating in the job project assisted under this Act shall demonstrate, to the project manager of the job project assisted under this Act shall, that the individual sought employment in the private sector during the 35 days prior to making application for employment under this Act and will continue to seek employment during the period of employment assisted under this Act.~~

(5) Any individual eligible for retirement benefits under the Social Security Act, under any retirement system for Federal Government employees, under the railroad retirement system, under the military retirement system, under a State or local government pension plan or retirement system, or any private pension program is not eligible to receive a job under a job project assisted under this Act.

(Source: P.A. 88-114.)

(20 ILCS 1510/30)

Sec. 30. ~~Testing and~~ Education requirements. Any individual who has not completed high school and who participates in a job project under this Act may enroll, if appropriate, in and maintain satisfactory progress in a secondary school or an adult basic education or GED program. Any individual with limited English speaking ability may participate, if appropriate, in an English as a Second Language program.

~~(a) Testing. Each participant shall be tested for basic reading and writing competence by the District Executive Council prior to employment by a job project assisted under this Act.~~

~~(b) Education Requirement.~~

~~(1) Each participant who fails to complete satisfactorily the basic competency test required by subsection (a) of this Section shall be furnished counseling and instruction.~~

~~(2) Each participant in a job project assisted under this Act shall, in order to continue employment, maintain satisfactory progress toward and receive a secondary school diploma or its equivalent.~~

~~(3) Each participant with limited English speaking ability may be furnished instruction as the District Executive Council deems appropriate.~~

(Source: P.A. 88-114.)

(20 ILCS 1510/35)

Sec. 35. Local Job Projects. (a) General authority. ~~The Department may accept applications and issue grants for operation of projects under this Act. Each District Executive Council shall select job projects to be assisted under this Act. Each job project selected for assistance shall provide employment to eligible participants.~~

~~(b) Project objection. Subject to appropriation, no more than 3 small projects may be selected to pilot a subsidized employment to Temporary Assistance for Needy Families (TANF) program for participants for a period of not more than 6 months. The selected projects shall demonstrate their ability to move clients from participation in the project to unsubsidized employment. The Department may refer TANF participants to other subsidized employment programs available through the Workforce Investment Act (WIA) One Stops or through other community-based programs. No project may be selected under this Section if an objection to the project is filed by 2 representatives appointed under subparagraph (A) of paragraph (3) of subsection (a) of Section 20 or by 2 representatives appointed under subparagraph (B) of paragraph (3) of subsection (a) of Section 20.~~

~~(c) Political affiliation prohibited. No manager or other officer or employee of a District Executive Council or of the job project assisted under this Act may apply a political affiliation test in selecting eligible participation for employment in the project.~~

~~(d) Limitations.~~

~~(1) Not more than 10% of the total expenses in any fiscal year of the job project may be used for transportation and equipment.~~

~~(2) (Blank). Not more than 10% of the individuals employed in any job project assisted under this Act may be employed to supervise a project. Individuals selected as supervisors may be selected without regard to the provisions of Section 25 and may receive wages in excess of the rate determined under Section 40. The limitation on the ratio of supervisors to employees shall not apply where more supervision of eligible participants will contribute to carrying out the objectives of this Act.~~

~~(c) Minimum Maximum hours per week employed. No eligible participant employed in a job project assisted under this Act may be employed on the project for less more than 30 32 hours per week.~~

~~(f) (Blank). Project Progress Reports. Each project manager shall prepare and submit to the District Executive Council monthly progress reports on the job project assisted under this Act. (Source: P.A. 88-114.)~~

(20 ILCS 1510/40)

Sec. 40. Benefits; supportive services; job clubs. (a) Wages. Each eligible participant who is employed in job projects assisted under this Act shall receive wages equal to the higher of (1) the minimum wage under Section 6(a)(1) of the Fair Labor Standards Act of 1938 or; (2) the minimum wage under the applicable minimum wage law; or (3) the amount which the eligible participant received in welfare benefits pursuant to the State plan approved under Part A of Title IV of the Social Security Act or in the form of unemployment compensation, if applicable, plus 10% of the amount, whichever is higher.

~~(b) Benefits. Each eligible participant who is employed in projects assisted under this Act shall be furnished benefits and employment conditions comparable to the benefits and conditions provided to other employees employed in similar occupations by a comparable employer, but No participant shall be eligible for unemployment compensation during or on the basis of employment in a project.~~

~~(c) Supportive services. Each eligible participant who is employed in projects assisted under this Act shall be eligible for supportive services as provided under rules developed by the Department, which may include transportation, health care, special services and materials for the handicapped, child care and other services which are necessary to enable the individual to participate.~~

~~(d) Job clubs. All participants shall participate in a job club. The project shall operate or otherwise make arrangements for each participant to participate in a job club. Each District Executive Council shall establish for the eligible area job clubs to assist eligible participants with the preparation of resumes, the development of interviewing techniques, evaluation of individual job search activities, and economic education classes. (Source: P.A. 88-114.)~~

(20 ILCS 1510/45)

Sec. 45. Labor standards applicable to job projects. (a) Conditions of employment.

(1) Conditions of employment and training shall be appropriate and reasonable in light of factors such as the type of work, geographical region, and proficiency of the participant.

(2) Health and safety standards established under State and Federal law, otherwise applicable to working conditions of employees, shall be equally applicable to working conditions of participants. ~~With respect to any participant in a job project conducted under this Act who is engaged in activities which are not covered by health and safety standards under the Occupational Safety and Health Act of 1970, the Director shall prescribe, by regulation, standards as may be necessary to protect the health and safety of a participant.~~

(3) No funds available under this Act may be used for contributions on behalf of any participant to retirement systems or plans.

(b) Displacement rules.

(1) No currently employed worker shall be displaced by any participant, including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits.

(2) No job project shall impair existing contracts for services or collective bargaining agreements, except that no job project under this Act which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No participant shall be employed or job opening filled when any other individual is on layoff from the same or any substantially equivalent job, or when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

(Source: P.A. 88-114.)

(20 ILCS 1510/50)

Sec. 50. Nondiscrimination. (a) General rule.

(1) Discrimination on the basis of age, on the basis of handicap, on the basis of sex, or on the basis of race, color, or national origin is prohibited.

(2) No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any project because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(3) ~~(Blank). No participant shall be employed on the construction, operation, or maintenance of any facility used or to be used for sectarian instruction or as a place for religious worship.~~

(4) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this Act, the individuals shall not be discriminated against solely because of their status as the participants.

(b) ~~(Blank). Failure To Comply With Rules. Whenever the Director finds that a recipient has failed to comply with subsection (a) of this Section, or with an applicable regulation prescribed to carry out this Section, the Director shall notify the recipient and shall request compliance. If within a reasonable period of time, not to exceed 60 days, the recipient fails or refuses to comply, the Director may (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted, or (2) take other action as may be provided by law.~~

(c) ~~(Blank). Referral to Attorney General. When a matter is referred to the Attorney General pursuant to paragraph (1) of subsection (b), or whenever the Attorney General has reason to believe that a recipient is engaged in a pattern or practice in violation of subsection (a), the Attorney General may bring a civil action in any appropriate court of the State of Illinois for relief as may be appropriate, including injunctive relief.~~

(Source: P.A. 88-114.)

(20 ILCS 1510/55)

Sec. 55. Evaluation. ~~Each project District Executive Council shall establish and maintain a an evaluation file for each individual employed in a project assisted under this Act. These files shall be available to the Department upon request. The evaluation file shall be made available to the participant monthly and shall not be available to any other person without the consent of the employee. In carrying out the provisions of this Section, each Council shall assure that the participant will be afforded the opportunity to discuss any matter contained in, or omitted from, the file.~~ (Source: P.A. 88-114.)

(20 ILCS 1510/65)

Sec. 65. Evaluation. The Department shall conduct an evaluation of the success of the projects funded under this Act. Each project shall cooperate with the Department in the collection of any data needed for

~~the evaluation. Administration.~~

~~(a) Accepting Property For Use Under This Act. The Director is authorized, in carrying out this Act, to accept, purchase, or lease in the name of the Department, and employ or dispose of in furtherance of the purpose of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services.~~

~~(b) General Administrative Authority. The Director may make grants, contracts, or agreements, establish procedures and make payments, in installments, in advance or by way of reimbursement, or otherwise allocate or expend funds under this Act as necessary to carry out this Act, including expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.~~

~~(c) Waiver Authority. The Director may waive:~~

~~(1) the testing requirement for individuals with handicaps;~~

~~(2) the education requirement in paragraph (2) of subsection (b) of Section 30; and~~

~~(3) subject to a 2/3 vote of each District Executive Council, the requirement relating to a 32 hour work week under subsection (e) of Section 35 for unusual circumstances.~~

~~(d) Report. The Director shall prepare and submit to the General Assembly an annual report on the administration of this Act. The Director shall include the following in the report:~~

~~(1) a summary of the achievements, failures, and problems of the programs authorized in this Act in meeting the objective of this Act; and~~

~~(2) recommendations, including recommendations for legislative or administrative action, as the Director deems appropriate.~~

~~(e) Audit. The Auditor General of the State of Illinois and any authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records, of any recipient under this Act that are pertinent to the amounts received and disbursed under this Act.~~

~~(f) Adoption of rules. The Director may adopt appropriate rules to carry out this Act. (Source: P.A. 88-114.)~~

~~(20 ILCS 1510/20 rep.)~~

~~(20 ILCS 1510/60 rep.)~~

~~Section 10. The Illinois Guaranteed Job Opportunity Act is amended by repealing Sections 20 and 60.~~

~~Section 99. Effective date. This Act takes effect July 1, 2003."~~

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 696 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 702

A bill for AN ACT in relation to public aid.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 702

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 702 by replacing the title with the following:

"AN ACT in relation to public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.12 as follows:

(305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

Sec. 5-5.12. Pharmacy payments. (a) Every request submitted by a pharmacy for reimbursement under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) Reimbursement under this Article for prescription drugs shall be limited to reimbursement for 4 brand-name prescription drugs per patient per month. This subsection applies only if (i) the brand-name drug was not prescribed for an acute or urgent condition, (ii) the brand-name drug was not prescribed for Alzheimer's disease, arthritis, diabetes, HIV/AIDS, a mental health condition, or respiratory disease, and (iii) a therapeutically equivalent generic medication has been approved by the federal Food and Drug Administration.

(d) The Department shall not impose requirements for prior approval based on a preferred drug list for anti-retroviral or any atypical antipsychotics, conventional antipsychotics, ~~or~~ anticonvulsants, or antidepressants used for the treatment of serious mental illnesses ~~until 30 days after it has conducted a study of the impact of such requirements on patient care and submitted a report to the Speaker of the House of Representatives and the President of the Senate. The Department shall adopt policies and implement procedures that ensure continuous access to medications 24 hours per day, 7 days per week. In an emergency situation, when prior approval or an edit override is not available, a pharmacy may dispense, and the Department shall pay for, up to a 72-hour supply of a drug prescribed to an eligible recipient for a mental illness. Nothing in this Section shall be construed as preventing the Department from implementing other restrictions as necessary to ensure the appropriate use of medications described in this subsection, by persons with a serious mental illness, as supported by evidence-based medicine. This subsection is inoperative after June 30, 2005.~~ (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02; revised 9-19-02.)".

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 702 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 715

A bill for AN ACT concerning vehicles.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 715

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 715 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5-595 as follows:

(30 ILCS 105/5.595)

Sec. 5.595. The Secretary of State Police DUI Fund. Section 10. The Illinois Vehicle Code is

amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(c) Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 5 days of imprisonment or assigned to a minimum of 30 days of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to an additional mandatory minimum fine of \$500 and an additional mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to an additional mandatory minimum fine of \$500 and an additional 10 days of mandatory community service in a program benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-1) (1) A person who violates this Section during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall

not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of \$500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of \$1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of \$2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of \$2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

(C) the person in committing a violation of paragraph (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of paragraph (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) of this paragraph (1); or

(E) the person, in committing a violation of paragraph (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of paragraph (a) was a proximate cause of the bodily harm.

(2) Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined \$100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be \$200. In the event that more than one agency is responsible for the arrest, the \$100 or \$200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State. (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 715 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 571

A bill for AN ACT in relation to criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 3 to HOUSE BILL NO. 571

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 571 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition. (a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

- (1) A period of probation.
- (2) A term of periodic imprisonment.
- (3) A term of conditional discharge.
- (4) A term of imprisonment.
- (5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.
- (6) A fine.
- (7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
- (8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed \$500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section ~~3.85~~ ~~4.05~~ of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

- (A) First degree murder where the death penalty is not imposed.
- (B) Attempted first degree murder.
- (C) A Class X felony.
- (D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
- (E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
- (F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
- (G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault, ~~except as otherwise provided in subsection (e) of this Section.~~

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of \$500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of \$1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of \$2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of \$2,500.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for ~~criminal sexual assault~~ or aggravated criminal sexual abuse under Section ~~12-13 or~~ 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum

duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

- (i) removal from the household;
- (ii) restricted contact with the victim;
- (iii) continued financial support of the family;
- (iv) restitution for harm done to the victim; and
- (v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health

facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

- (1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and
- (2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois

Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (1) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement. (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff. 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; revised 2-17-03.)".

The foregoing message from the Senate reporting Senate Amendment No. 3 to HOUSE BILL 571 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 563

A bill for AN ACT in relation to criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 563

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 563 by replacing everything after the enacting clause with the following:

"Section 5. If and only if House Bill 2526 of the 93rd General Assembly becomes law, the Code of Criminal Procedure of 1963 is amended by changing Section 115-10.2 as follows:

(725 ILCS 5/115-10.2)

Sec. 115-10.2. Admissibility of prior statements when witness refused to testify despite a court order to testify.

(a) A statement not specifically covered by any other hearsay exception but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule if the declarant is unavailable as defined in subsection (c) and if the court determines that:

(1) the statement is offered as evidence of a material fact; and

(2) the statement is more probative on the point for which it is offered than any other evidence which

the proponent can procure through reasonable efforts; and

(3) the general purposes of this Section and the interests of justice will best be served by admission of the statement into evidence.

(b) A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement, and the particulars of the statement, including the name and address of the declarant.

(c) Unavailability as a witness is limited to the situation in which the declarant persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so. Unavailability as a witness includes circumstances in which the declarant:

~~(1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or~~

~~(2) persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; or~~

~~(3) testifies to a lack of memory of the subject matter of the declarant's statement; or~~

~~(4) is unable to be present or to testify at the hearing because of health or then existing physical or mental illness or infirmity; or~~

~~(5) is absent from the hearing and the proponent of the statement has been unable to procure the declarant's attendance by process or other reasonable means; or~~

~~(6) is a crime victim as defined in Section 3 of the Rights of Crime Victims and Witnesses Act and the failure of the declarant to testify is caused by the defendant's intimidation of the declarant as defined in Section 12-6 of the Criminal Code of 1961.~~

(d) A declarant is not unavailable as a witness if exemption, refusal, claim or lack of memory, inability or absence is due to the procurement or wrongdoing of the proponent of a statement for purpose of preventing the witness from attending or testifying.

(e) Nothing in this Section shall render a prior statement inadmissible for purposes of impeachment because the statement was not recorded or otherwise fails to meet the criteria set forth in this Section. (Source: P.A. 89-689, eff. 12-31-96; 93HB2526enrolled.)

Section 10. The Code of Criminal Procedure of 1963 is amended by adding Section 115-10.2a as follows:

(725 ILCS 5/115-10.2a new)

Sec. 115-10.2a. Admissibility of prior statements in domestic violence prosecutions when the witness is unavailable to testify.

(a) In a domestic violence prosecution, a statement, made by an individual identified in Section 201 of the Illinois Domestic Violence Act of 1986 as a person protected by that Act, that is not specifically covered by any other hearsay exception but having equivalent circumstantial guarantees of trustworthiness, is not excluded by the hearsay rule if the declarant is identified as unavailable as defined in subsection (c) and if the court determines that:

(1) the statement is offered as evidence of a material fact; and

(2) the statement is more probative on the point for which it is offered than any other evidence which the proponent can procure through reasonable efforts; and

(3) the general purposes of this Section and the interests of justice will best be served by admission of the statement into evidence.

(b) A statement may not be admitted under this exception unless the proponent of it makes known to the adverse party sufficiently in advance of the trial or hearing to provide the adverse party with a fair opportunity to prepare to meet it, the proponent's intention to offer the statement, and the particulars of the statement, including the name and address of the declarant.

(c) Unavailability as a witness includes circumstances in which the declarant:

(1) is exempted by ruling of the court on the ground of privilege from testifying concerning the subject matter of the declarant's statement; or

(2) persists in refusing to testify concerning the subject matter of the declarant's statement despite an order of the court to do so; or

(3) testifies to a lack of memory of the subject matter of the declarant's statement; or

(4) is unable to be present or to testify at the hearing because of health or then existing physical or mental illness or infirmity; or

(5) is absent from the hearing and the proponent of the statement has been unable to procure the declarant's attendance by process or other reasonable means; or

(6) is a crime victim as defined in Section 3 of the Rights of Crime Victims and Witnesses Act and the failure of the declarant to testify is caused by the defendant's intimidation of the declarant as defined in Section 12-6 of the Criminal Code of 1961.

(d) A declarant is not unavailable as a witness if exemption, refusal, claim of lack of memory, inability, or absence is due to the procurement or wrongdoing of the proponent of a statement for purpose of preventing the witness from attending or testifying.

(e) Nothing in this Section shall render a prior statement inadmissible for purposes of impeachment because the statement was not recorded or otherwise fails to meet the criteria set forth in this Section.

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 563 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 764

A bill for AN ACT relating to schools.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 764
Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 764 by replacing everything after the enacting clause with the following:

"(105 ILCS 5/7-2c rep.)

Section 5. The School Code is amended by repealing Section 7-2c. Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 764 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 259

A bill for AN ACT in relation to credit and debit cards.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE BILL NO. 259
Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 259 on page 1, line 9 by inserting "(a)" before "Definitions"; and
 on page 1, line 10 by deleting "(a)"; and
 on page 1, line 29 by changing "5" to "4"; and
 on page 2, by inserting after line 8 the following:
"(e) A violation of this Section constitutes an unlawful practice within the meaning of this Act."; and
 on page 2, line 9 by changing "(e)" to "(f)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 259 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
 Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 784

A bill for AN ACT concerning assistance to citizens.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 784

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 784 by replacing everything after the enacting clause with the following:

"Section 5. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 4 as follows:

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

Sec. 4. Amount of Grant. (a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than \$14,000 for grant years before the 1998 grant year, less than \$16,000 for the 1998 and 1999 grant years, and less than (i) \$21,218 for a household containing one person, (ii) \$28,480 for a household containing 2 persons, or (iii) \$35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he or she files his or her claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued

upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) \$700 less 4.5% of household income for that year for those with a household income of \$14,000 or less or (ii) \$70 if household income for that year is more than \$14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of \$55 per month from the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over \$55 to the number twelve. If household income did not include such cash assistance over \$55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his or her household, the amount of property taxes accrued used in computing the amount of grant to which he or she is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he or she may claim only one residence for any part of a month. In the case of property taxes accrued, he or she shall prorate 1/12 of the total property taxes accrued on his or her residence to each month that he or she owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall prorate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays \$5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays \$25 for an identification card shall pay \$3 per prescription. In addition, after a beneficiary receives \$2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must: (1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be domiciled in this State at the time he or she files his or her claim, and (3) have a maximum household income of less than \$14,000 for grant years before the 1998 grant year, less than \$16,000 for the 1998 and 1999 grant years, and less than (i) \$21,218 for a household containing one person, (ii) \$28,480 for a household containing 2 persons, or (iii) \$35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.

The Department may adopt rules specifying participation requirements for the pharmaceutical assistance program, including copayment amounts, identification card fees, expenditure limits, and the benefit threshold after which a 20% charge is imposed on the cost of each prescription, to be in effect on and after July 1, 2004. Notwithstanding any other provision of this paragraph, however, the Department may not increase the identification card fee above the amount in effect on May 1, 2003 without the express consent of the General Assembly. To the extent practicable, those requirements shall be commensurate with the requirements provided in rules adopted by the Department of Public Aid to implement the pharmacy assistance program under Section 5-5.12a of the Illinois Public Aid Code.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand

medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to \$5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and \$25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card. (Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01; 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; 92-651, eff. 7-11-02.)

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 784 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 816

A bill for AN ACT in relation to employment.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 816

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 816 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by adding Section 1005-155 as follows:

(20 ILCS 1005/1005-155 new)

Sec. 1005-155. Illinois Employment and Training Centers report. The Department of Employment Security, or the State agency responsible for the oversight of the federal Workforce Investment Act of 1998 if that agency is not the Department of Employment Security, shall prepare a report for the Governor and the General Assembly regarding the progress of the Illinois Employment and Training Centers in serving individuals with disabilities. The report must include, but is not limited to, the following: (i) the number of individuals referred to the Illinois Employment and Training Centers by the Department of Human Services Office of Rehabilitation Services; (ii) the total number of disabled individuals served by the Illinois Employment and Training Centers; (iii) the number of disabled individuals served in federal Workforce Investment Act of 1988 employment and training programs; (iv) the number of individuals with disabilities annually placed in jobs by the Illinois Employment and Training Centers; and (v) the number of individuals

with disabilities referred by the Illinois Employment and Training Centers to the Department of Human Services Office of Rehabilitation Services. The report is due by March 1, 2004 and is due annually thereafter."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 816 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 860

A bill for AN ACT in relation to taxes.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 860

Senate Amendment No. 2 to HOUSE BILL NO. 860

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 860 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 10-235, 10-245, and 10-250 as follows:

(35 ILCS 200/10-235)

Sec. 10-235. ~~Section 515~~ Low-income housing project valuation policy; intent. It is the policy of this State that low-income housing projects receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code under Section 515 of the federal Housing Act shall be valued at 33 and one-third percent of the fair market value of their economic productivity to the owners of the projects to help insure that their valuation for property taxation does not result in taxes so high that rent levels must be raised to cover this project expense, which can cause excess vacancies, project loan defaults, and eventual loss of rental housing facilities for those most in need of them, low-income families and the elderly. It is the intent of this State that the valuation required by this Division is the closest representation of cash value required by law and is the method established as proper and fair. (Source: P.A. 91-651, eff. 1-1-00; 92-16, eff. 6-28-01.)

(35 ILCS 200/10-245)

Sec. 10-245. Method of valuation of ~~Section 515~~ low-income housing projects. Notwithstanding Section 1-55 and except in counties with a population of more than 200,000 that classify property for the purposes of taxation, to determine 33 and one-third percent of the fair cash value of any ~~Section 515~~ low-income housing project receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code, in assessing the project, local assessment officers must consider the actual or probable net operating income attributable to the project, using a vacancy rate of not more than 5%, capitalized at normal market rates. The interest rate to be used in developing the normal market value capitalization rate shall be one that reflects the prevailing cost of cash for other types of commercial real estate in the geographic market in which the low-income housing Section 515 project is located. (Source: P.A. 91-651, eff. 1-1-00; 91-884, eff. 6-30-00.)

(35 ILCS 200/10-250)

Sec. 10-250. Certification procedure and effective date of implementation.

(a) After (i) an application for a Section 515 low-income housing project certificate is filed with the State Director of the United States Department of Agriculture Rural Development Office in a manner and

form prescribed in regulations issued by the office and (ii) the certificate is issued certifying that the housing is a Section 515 low-income housing project as defined in Section 2 of this Act, the certificate must be presented to the appropriate local assessment officer to receive the property assessment valuation under this Division. The local assessment officer must assess the property according to this Act. Beginning on January 1, 2000 and through taxable year 2003, all certified Section 515 low-income housing projects shall be assessed in accordance with Section 10-245.

(b) Beginning with taxable year 2004, all low-income housing projects receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code shall be assessed in accordance with Section 10-245 if the owner or owners of the low-income housing project certify to the appropriate local assessment officer that the owner or owner is receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code for the property. (Source: P.A. 91-651, eff. 1-1-00; 91-884, eff. 6-30-00.)

Section 99. Effective date. This Act takes effect on January 1, 2004."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 860, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 9, by replacing "receiving a" with "that qualify for the"; and on page 2, line 8, by replacing "receiving a" with "that qualifies for the"; and on page 3, line 6, by replacing "receiving a" with "that qualify for the"; and on page 3, line 11, by replacing "is receiving a" with "that qualifies for the".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 860 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 873

A bill for AN ACT concerning public utilities.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 873

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 873 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 5-109 as follows:

(220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

Sec. 5-109. Each public utility in the State, other than a commercial mobile radio service provider, shall each year furnish to the Commission, in such form as the Commission shall require, annual reports as to all the items mentioned in the preceding Sections of this Article, and in addition such other items, whether of a nature similar to those therein enumerated or otherwise, as the Commission may prescribe. Such annual reports shall contain all the required information for the period of 12 to twelve months ending on the thirtieth day of June in each year, or ending on the thirty-first day of December in each year, as the Commission may by order prescribe for each class of public utilities, except commercial mobile radio service providers, and shall be filed with the Commission at its office in Springfield within 3 three months after the close of the year for which the report is made. The Commission shall have authority to require any public utility to file monthly reports of earnings and expenses of such utility, and to file other periodical or

special, or both periodical and special reports concerning any matter about which the Commission is authorized by law to keep itself informed. All reports shall be under oath.

When any report is erroneous or defective or appears to the Commission to be erroneous or defective, the Commission may notify the public utility to amend such report within 30 ~~thirty~~ days, and before or after the termination of such period the Commission may examine the officers, agents, or employees, and books, records, accounts, vouchers, plant, equipment and property of such public utility, and correct such items in the report as upon such examination the Commission may find defective or erroneous.

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission. Such reports shall be preserved in the office of the Commission.

Any public utility which fails to make and file any report called for by the Commission within the time specified; or to make specific answer to any question propounded by the Commission within 30 ~~thirty~~ days from the time it is lawfully required to do so, or within such further time, not to exceed 90 ~~ninety~~ days, as may in its discretion be allowed by the Commission, shall forfeit up to \$100 for each and every day it may so be in default if the utility collects less than \$100,000 annually in gross revenue; and if the utility collects \$100,000 or more annually in gross revenue, it shall forfeit \$100 per day for each and every day it is in default.

Any person who wilfully makes any false return or report to the Commission, or to any member, officer or employee thereof, and any person who aids or abets such person shall be guilty of a Class A misdemeanor. (Source: P.A. 84-617.)

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 873 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 910

A bill for AN ACT concerning environmental protection.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 910

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 910 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 22.3a as follows:

(415 ILCS 5/22.3a new)

Sec. 22.3a. Expedited review of hazardous waste corrective action.

(a) It is the intent of this Section to promote an expedited RCRA hazardous waste corrective action review process.

(b) The owner or operator of a hazardous waste facility performing corrective action pursuant to the federal Resource Conservation and Recovery Act of 1976 or regulations issued thereunder, or analogous State law or regulations, may request from the Agency an expedited review of that corrective action. Within a reasonable time, the Agency shall respond in writing, indicating whether the Agency will perform expedited review.

(c) An owner or operator approved by the Agency for an expedited review under this Section shall pay

to the Agency all reasonable costs the Agency incurs in its review of the owner's or operator's corrective action activities (including but not limited to investigations, monitoring, and cleanup of releases of hazardous waste or hazardous constituents). Prior to any Agency review, the owner or operator shall make an advance partial payment to the Agency for anticipated review costs in an amount acceptable to the Agency, but not to exceed \$5,000 or one-half of the total anticipated costs of the Agency, whichever is less. All amounts paid to the Agency pursuant to this Section shall be deposited into the Environmental Protection Permit and Inspection Fund.

(d) The Agency's expedited review under this Section shall include, but need not be limited to: review of the owner's or operator's corrective action plans, reports, documents, and associated field activities; issuance of corrective action decision documents; and issuance of letters certifying the completion of corrective action activities or discrete portions thereof.

(e) The Agency may cease its expedited review under this Section if an owner or operator fails to pay the Agency's review costs when due.

(f) An owner or operator approved by the Agency for an expedited review under this Section may withdraw its request for an expedited review at any time by providing the Agency with written notification of its withdrawal; but the owner or operator shall be responsible to pay all expedited review costs incurred by the Agency through the date of withdrawal.

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 910 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 992

A bill for AN ACT in relation to executive agencies.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 992

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 992 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be cited as the State Facility Modification Review Act.

Section 5. The Department of Human Services, the Department of Corrections, or the Department of Veterans' Affairs, within any 12-month period, shall not close any facility or modify the use of any facility operated by such Department which would reduce the functional bed capacity or occupancy level of such facility by 10% or 25 persons, whichever is less, or which would reduce the number of employees at such facility by 10% of the total employees at such facility or 25 employees, whichever is less, unless the General Assembly has approved such change in compliance with the procedures set forth in Section 10 of this Act.

Section 10. The Secretary or Director of the Department proposing a change under Section 5 must submit a closure or modification plan in writing with supporting documents as described in Section 15 to the General Assembly by delivering a copy thereof to the Secretary of the Senate and to the Clerk of the House of Representatives. The Secretary of the Senate and Clerk of the House shall receive and note on the proposed change and supporting documents the date and time of delivery. Delivery may take place during such period on a date or at an hour when the Senate and House are not in session as long as the offices of the Secretary and Clerk are open to receive the proposed change and supporting documents.

For a proposed change to become effective, the General Assembly must approve the proposed change by joint resolution, no sooner than 30 session days after receipt of the proposed change and supporting documents. In determining the 30 session-day period within which the General Assembly may not act, the day on which delivery is made to the Senate and House shall not be counted. If delivery of the proposed change and supporting documents to the 2 houses occurs on different days, the 30 session-day period shall begin on the day following the later delivery. For the purposes of this Section, the term "session day" means any day during which either the Senate or the House of Representatives is in session and includes days when either the Senate or House of Representatives is in special session.

Section 15. Any proposed change submitted to the General Assembly shall include, at a minimum, the following supporting documents:

- (1) the rationale for the proposed change;
- (2) the number and service needs of the individuals whose service delivery will be affected by the proposed change;
- (3) the number, functions, and duties of the State employees to be laid-off;
- (4) specifically how, by means of either State government employees or contracted providers, the service needs of the affected individuals will be met and the impact that will have on the type and availability of services for such individuals and other service recipients;
- (5) a cost-benefit analysis of the closing or modification, including:
 - (i) specific first-year cost savings itemized by budget line including personal services, retirement, social security, contractual services, travel, commodities, printing, equipment, telecommunications, operation of automotive equipment, and any other applicable items;
 - (ii) specific first-year costs and up-front expenses associated with replacing the services currently rendered at the facility that will be closed or modified, including the cost of contracting out the service and monitoring such contracts and additional costs at other State facilities.
- (6) an independent economic impact study of the community where the facility proposed for closure or modification is located;
- (7) a legal opinion that ensures that the proposed change does not violate State or federal laws.

The Department proposing the change shall provide any clarification or additional information that the General Assembly may request.

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 992 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1032

A bill for AN ACT in relation to State employees.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1032

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1032 by replacing everything after the enacting clause with the following:

"Section 3. The Secretary of State Act is amended by adding Section 20 as follows:

(15 ILCS 305/20 new)

Sec. 20. Security guard shields. The Secretary may issue shields or other distinctive identification to his or her security guards, wherever located in the State, if the Secretary determines that a shield or distinctive identification is needed by the security guard to carry out his or her responsibilities.

Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by changing Section 205-435 as follows:

(20 ILCS 205/205-435)

Sec. 205-435. Badges. The Director must authorize to each Inspector of the Department and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Director from issuing shields or other distinctive identification to employees performing security or regulatory duties who are not peace officers if the Director determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01.)

Section 10. The Department of Natural Resources Act is amended by changing Section 1-30 as follows:

(20 ILCS 801/1-30)

Sec. 1-30. Badges. The Director must authorize to each Conservation Police Officer and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Director from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Director determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01.)

Section 15. The Department of Human Services Act is amended by changing Section 1-30 as follows:

(20 ILCS 1305/1-30)

Sec. 1-30. Badges. The Secretary must authorize to each employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Secretary from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Secretary determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01.)

Section 20. The Peace Officer Fire Investigation Act is amended by changing Section 1 as follows:

(20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

Sec. 1. Peace Officer Status. (a) Any person who is a sworn member of any organized and paid fire department of a political subdivision of this State and is authorized to investigate fires or explosions for such political subdivision, or who is employed by the Office of the State Fire Marshal to determine the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes, may be classified as a peace officer by the political subdivision or agency employing such person. A person so classified shall possess the same powers of arrest, search and seizure and the securing and service of warrants as sheriffs of counties, and police officers within the jurisdiction of their political subdivision. While in the actual investigation and matters incident thereto, such person may carry weapons as may be necessary, but only if that person has satisfactorily completed (1) a training program offered or approved by the Illinois Law Enforcement Training Standards Board which substantially conforms to standards promulgated pursuant to the Illinois Police Training Act and "An Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; or in the case of employees of the Office of the State Fire Marshal, a training course approved by the Department of State Police which also substantially conforms to standards promulgated pursuant to "An Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; and (2) a course in fire and arson investigation approved by the Office of the State Fire Marshal pursuant to the Illinois Fire Protection Training Act. Such training need not include exposure to vehicle and traffic law, traffic control and accident investigation, or first aid, but shall include training in the law relating to the rights of persons suspected of involvement in criminal activities.

Any person granted the powers enumerated in this Section may exercise such powers only during the actual investigation of the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes.

(b) The State Fire Marshal must authorize to each employee of the Office of the State Fire Marshal who

is exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Office of the State Fire Marshal and (ii) contains a unique identifying number. No other badge shall be authorized by the Office of the State Fire Marshal, except that a badge, different from the badge issued to peace officers, may be authorized by the Office of the State Fire Marshal for the use of fire prevention inspectors employed by that Office. Nothing in this subsection prohibits the State Fire Marshal from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the State Fire Marshal determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01; 92-339, eff. 8-10-01.)

Section 25. The University of Illinois Act is amended by changing Section 7 as follows:

(110 ILCS 305/7) (from Ch. 144, par. 28)

Sec. 7. Powers of trustees. (a) The trustees shall have power to provide for the requisite buildings, apparatus, and conveniences; to fix the rates for tuition; to appoint such professors and instructors, and to establish and provide for the management of such model farms, model art, and other departments and professorships, as may be required to teach, in the most thorough manner, such branches of learning as are related to agriculture and the mechanic arts, and military tactics, without excluding other scientific and classical studies. The trustees shall, upon the written request of an employee withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the trustees shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding. They may accept the endowments and voluntary professorships or departments in the University, from any person or persons or corporations who may offer the same, and, at any regular meeting of the board, may prescribe rules and regulations in relation to such endowments and declare on what general principles they may be admitted: Provided, that such special voluntary endowments or professorships shall not be incompatible with the true design and scope of the act of congress, or of this Act: Provided, that no student shall at any time be allowed to remain in or about the University in idleness, or without full mental or industrial occupation: And provided further, that the trustees, in the exercise of any of the powers conferred by this Act, shall not create any liability or indebtedness in excess of the funds in the hands of the treasurer of the University at the time of creating such liability or indebtedness, and which may be specially and properly applied to the payment of the same. Any lease to the trustees of lands, buildings or facilities which will support scientific research and development in such areas as high technology, super computing, microelectronics, biotechnology, robotics, physics and engineering shall be for a term not to exceed 18 years, and may grant to the trustees the option to purchase the lands, buildings or facilities. The lease shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent payable under the terms of the lease.

Leases for the purposes described herein exceeding 5 years shall have the approval of the Illinois Board of Higher Education.

The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment and personal property therefor, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the University of Illinois may deem advisable and enter into any contract or agreement with such nonprofit corporations as may be necessary or suitable for the construction, financing, operation and maintenance and management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the University may deem advisable; and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate.

The Trustees shall have power (a) to purchase real property and easements, and (b) to acquire real property and easements in the manner provided by law for the exercise of the right of eminent domain, and in the event negotiations for the acquisition of real property or easements for making any improvement which the Trustees are authorized to make shall have proven unsuccessful and the Trustees shall have by resolution adopted a schedule or plan of operation for the execution of the project and therein made a finding that it is necessary to take such property or easements immediately or at some specified later date in order to comply with the schedule, the Trustees may acquire such property or easements in the same manner provided in Sections 7-103 through 7-112 of the Code of Civil Procedure.

The Board of Trustees also shall have power to agree with the State's Attorney of the county in which any properties of the Board are located to pay for services rendered by the various taxing districts for the years 1944 through 1949 and to pay annually for services rendered thereafter by such district such sums as may be determined by the Board upon properties used solely for income producing purposes, title to which is held by said Board of Trustees, upon properties leased to members of the staff of the University of Illinois, title to which is held in trust for said Board of Trustees and upon properties leased to for-profit entities the title to which properties is held by the Board of Trustees. A certified copy of any such agreement made with the State's Attorney shall be filed with the County Clerk and such sums shall be distributed to the respective taxing districts by the County Collector in such proportions that each taxing district will receive therefrom such proportion as the tax rate of such taxing district bears to the total tax rate that would be levied against such properties if they were not exempt from taxation under the Property Tax Code.

The Board of Trustees of the University of Illinois, subject to the applicable civil service law, may appoint persons to be members of the University of Illinois Police Department. Members of the Police Department shall be peace officers and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes and city or county ordinances, except that they may exercise such powers only in counties wherein the University and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when requested by appropriate state or local law enforcement officials; provided, however, that such officer shall have no power to serve and execute civil processes.

The Board of Trustees must authorize to each member of the University of Illinois Police Department and to any other employee of the University of Illinois exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the University of Illinois and (ii) contains a unique identifying number. No other badge shall be authorized by the University of Illinois. Nothing in this paragraph prohibits the Board of Trustees from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Board of Trustees determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.

The Board of Trustees may own, operate, or govern, by or through the College of Medicine at Peoria, a managed care community network established under subsection (b) of Section 5-11 of the Illinois Public Aid Code.

The powers of the trustees as herein designated are subject to the provisions of "An Act creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act herein named", approved August 22, 1961, as amended.

The Board of Trustees shall have the authority to adopt all administrative rules which may be necessary for the effective administration, enforcement and regulation of all matters for which the Board has jurisdiction or responsibility.

(b) To assist in the provision of buildings and facilities beneficial to, useful for, or supportive of University purposes, the Board of Trustees of the University of Illinois may exercise the following powers with regard to the area located on or adjacent to the University of Illinois at Chicago campus and bounded as follows: on the West by Morgan Street; on the North by Roosevelt Road; on the East by Union Street; and on the South by 16th Street, in the City of Chicago:

(1) Acquire any interests in land, buildings, or facilities by purchase, including installments payable over a period allowed by law, by lease over a term of such duration as the Board of Trustees shall determine, or by exercise of the power of eminent domain;

(2) Sub-lease or contract to purchase through installments all or any portion of buildings or facilities for such duration and on such terms as the Board of Trustees shall determine, including a term that exceeds 5 years, provided that each such lease or purchase contract shall be and shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an

appropriation to pay the rent or purchase installments payable under the terms of such lease or purchase contract; and

(3) Sell property without compliance with the State Property Control Act and retain proceeds in the University Treasury in a special, separate development fund account which the Auditor General shall examine to assure compliance with this Act.

Any buildings or facilities to be developed on the land shall be buildings or facilities that, in the determination of the Board of Trustees, in whole or in part: (i) are for use by the University; or (ii) otherwise advance the interests of the University, including, by way of example, residential facilities for University staff and students and commercial facilities which provide services needed by the University community. Revenues from the development fund account may be withdrawn by the University for the purpose of demolition and the processes associated with demolition; routine land and property acquisition; extension of utilities; streetscape work; landscape work; surface and structure parking; sidewalks, recreational paths, and street construction; and lease and lease purchase arrangements and the professional services associated with the planning and development of the area. Moneys from the development fund account used for any other purpose must be deposited into and appropriated from the General Revenue Fund. Buildings or facilities leased to an entity or person other than the University shall not be subject to any limitations applicable to a State supported college or university under any law. All development on the land and all use of any buildings or facilities shall be subject to the control and approval of the Board of Trustees. (Source: P.A. 91-883, eff. 1-1-01; 92-370, eff. 8-15-01.)

Section 30. The Illinois Vehicle Code is amended by changing Section 13-107 as follows:

(625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

Sec. 13-107. Investigation of complaints against official testing stations. The Department shall, upon its own motion, or upon charges made in writing verified under oath, investigate complaints that an official testing station is willfully falsifying records or tests, either for the purpose of selling parts or services not actually required, or for the purpose of issuing a certificate of safety for a vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, second division vehicle, or medical transport vehicle that is not in safe mechanical condition as determined by the standards of this Chapter in violation of the provisions of this Chapter or of the rules and regulations issued by the Department.

The Secretary of Transportation, for the purpose of more effectively carrying out the provisions of Chapter 13, may appoint such a number of inspectors as he may deem necessary. Such inspectors shall inspect and investigate applicants for official testing station permits and investigate and report violations. With respect to enforcement of the provisions of this Chapter 13, such inspectors shall have and may exercise throughout the State all the powers of police officers.

The Secretary must authorize to each inspector and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Secretary from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Secretary determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01; 92-108, eff. 1-1-02.)

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 1032 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1074

A bill for AN ACT in relation to insurance.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1074

Senate Amendment No. 2 to HOUSE BILL NO. 1074

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1074 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 370k and adding Sections 368b, 368c, 368d, and 368e as follows:

(215 ILCS 5/368b new)

Sec. 368b. Contracting procedures.

(a) A health care professional or health care provider offered a contract by an insurer, health maintenance organization, independent practice association, or physician hospital organization for signature after the effective date of this amendatory Act of the 93rd General Assembly shall be provided with a proposed health care professional or health care provider services contract including, if any, exhibits and attachments that the contract indicates are to be attached. Within 35 days after a written request, the health care professional or health care provider offered a contract shall be given the opportunity to review and obtain a copy of the following: a specialty-specific fee schedule sample based on a minimum of the 50 highest volume fee schedule codes with the rates applicable to the health care professional or health care provider to whom the contract is offered, the network provider administration manual, and a summary capitation schedule, if payment is made on a capitation basis. If 50 codes do not exist for a particular specialty, the health care professional or health care provider offered a contract shall be given the opportunity to review or obtain a copy of a fee schedule sample with the codes applicable to that particular specialty. This information may be provided electronically. An insurer, health maintenance organization, independent practice association, or physician hospital organization may substitute the fee schedule sample with a document providing reference to the information needed to calculate the fee schedule that is available to the public at no charge and the percentage or conversion factor at which the insurer, health maintenance organization, preferred provider organization, independent practice association, or physician hospital organization sets its rates.

(b) The fee schedule, the capitation schedule, and the network provider administration manual constitute confidential, proprietary, and trade secret information and are subject to the provisions of the Illinois Trade Secrets Act. The health care professional or health care provider receiving such protected information may disclose the information on a need to know basis and only to individuals and entities that provide services directly related to the health care professional's or health care provider's decision to enter into the contract or keep the contract in force. Any person or entity receiving or reviewing such protected information pursuant to this Section shall not disclose the information to any other person, organization, or entity, unless the disclosure is requested pursuant to a valid court order or required by a state or federal government agency. Individuals or entities receiving such information from a health care professional or health care provider as delineated in this subsection are subject to the provisions of the Illinois Trade Secrets Act.

(c) The health care professional or health care provider shall be allowed at least 30 days to review the health care professional or health care provider services contract, including exhibits and attachments, if any, before signing. The 30-day review period begins upon receipt of the health care professional or health care provider services contract, unless the information available upon request in subsection (a) is not included. If information is not included in the professional services contract and is requested pursuant to subsection (a), the 30-day review period begins on the date of receipt of the information. Nothing in this subsection shall prohibit a health care professional or health care provider from signing a contract prior to the expiration of the 30-day review period.

(d) The insurer, health maintenance organization, independent practice association, or physician hospital organization shall provide all contracted health care professionals or health care providers with any changes to the fee schedule provided under subsection (a) not later than 35 days after the effective date of the changes, unless such changes are specified in the contract and the health care professional or health care

provider is able to calculate the changed rates based on information in the contract and information available to the public at no charge. For the purposes of this subsection, "changes" means an increase or decrease in the fee schedule referred to in subsection (a). This information may be made available by mail, e-mail, newsletter, website listing, or other reasonable method. Upon request, a health care professional or health care provider may request an updated copy of the fee schedule referred to in subsection (a) every calendar quarter.

(e) Upon termination of a contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization and at the request of the patient, a health care professional or health care provider shall transfer copies of the patient's medical records. Any other provision of law notwithstanding, the costs for copying and transferring copies of medical records shall be assigned per the arrangements agreed upon, if any, in the health care professional or health care provider services contract.

(215 ILCS 5/368c new)

Sec. 368c. Remittance advice and procedures.

(a) A remittance advice shall be furnished to a health care professional or health care provider that identifies the disposition of each claim. The remittance advice shall identify the services billed; the patient responsibility, if any; the actual payment, if any, for the services billed; and the reason for any reduction to the amount for which the claim was submitted. For any reductions to the amount for which the claim was submitted, the remittance shall identify any withholds and the reason for any denial or reduction.

A remittance advice for capitation or prospective payment arrangements shall be furnished to a health care professional or health care provider pursuant to a contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization in accordance with the terms of the contract.

(b) Health care professionals and health care providers may not provide a statement that requires payment from the patient or group contract holder, or collect and have any recourse against an insured patient or group contract holder for services provided pursuant to a contract in which an insurer, health maintenance organization, independent practice association, or physician hospital organization has contractually agreed with a health care professional or health care provider that the health care professional or health care provider does not have such a right or rights, except as otherwise provided by law. Health care professionals and health care providers shall be allowed to collect payment for applicable co-payments, co-insurance, and deductibles and payment for non-covered services directly from patients, except as otherwise provided by law. When health care services are provided by a non-participating health care professional or health care provider, an insurer, health maintenance organization, independent practice association, or physician hospital organization may pay for covered services either to a patient directly or to the non-participating health care professional or health care provider.

(c) When a person presents a benefits information card, a health care professional or health care provider shall make a good faith effort to inform the person if the health care professional or health care provider has a participation contract with the insurer, health maintenance organization, or other entity identified on the card.

(215 ILCS 5/368d new)

Sec. 368d. Recoupments.

(a) A health care professional or health care provider shall be provided a remittance advice, which must include an explanation of a recoupment or offset taken by an insurer, health maintenance organization, independent practice association, or physician hospital organization, if any. The recoupment explanation shall, at a minimum, include the name of the patient; the date of service; the service code or if no service code is available a service description; the recoupment amount; and the reason for the recoupment or offset. In addition, an insurer, health maintenance organization, independent practice association, or physician hospital organization shall provide with the remittance advice a telephone number or mailing address to initiate an appeal of the recoupment or offset.

(b) It is not a recoupment when a health care professional or health care provider is paid an amount prospectively or concurrently under a contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization that requires a retrospective reconciliation based upon specific conditions outlined in the contract.

(215 ILCS 5/368e new)

Sec. 368e. Administration and enforcement.

(a) Other than the duties specifically created in Sections 368b, 368c, and 368d, nothing in those Sections is intended to preclude, prevent, or require the adoption, modification, or termination of any

utilization management, quality management, or claims processing methodologies or other provisions of a contract applicable to services provided under a contract between an insurer, health maintenance organization, independent practice association, or physician hospital organization and a health care professional or health care provider.

(b) Nothing in Sections 368b, 368c, and 368d precludes, prevents, or requires the adoption, modification, or termination of any health plan term, benefit, coverage or eligibility provision, or payment methodology.

(c) The provisions of Sections 368b, 368c, and 368d are deemed incorporated into health care professional and health care provider service contracts entered into on or before the effective date of this amendatory Act of the 93rd General Assembly and do not require an insurer, health maintenance organization, independent practice association, or physician hospital organization to renew or renegotiate the contracts with a health care professional or health care provider.

(d) The Department shall enforce the provisions of this Section and Sections 368b, 368c, and 368d pursuant to the enforcement powers granted to it by law.

(e) The Department is hereby granted specific authority to issue a cease and desist order against, fine, or otherwise penalize independent practice associations and physician-hospital organizations for violations.

(f) The Department shall adopt reasonable rules to enforce compliance with this Section and Sections 368b, 368c, and 368d.

(215 ILCS 5/370k) (from Ch. 73, par. 982k)

Sec. 370k. Registration. (a) All administrators of a preferred provider program subject to this Article shall register with the Department of Insurance, which shall by rule establish criteria for such registration including minimum solvency requirements and an annual registration fee for each administrator.

(b) The Department of Insurance shall compile and maintain a listing updated at least annually of administrators and insurers offering agreements authorized under this Article.

(c) Preferred provider administrators are subject to the provisions of Sections 368b, 368c, 368d, and 368e of this Code. (Source: P.A. 84-618.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions. (a) Health Maintenance Organizations shall be subject to the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring

company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section. (Source: P.A. 91-357, eff. 7-29-99; 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-764, eff. 1-1-03.)

Section 99. Effective date. This Act takes effect January 1, 2004."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1074, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, by replacing lines 27 through 33 of page 4 and lines 1 through 8 of page 5 with the following:

"(b) When".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1074 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:
Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1281

A bill for AN ACT in relation to criminal matters.
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 5 to HOUSE BILL NO. 1281
Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend House Bill 1281, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Capital Punishment Reform Study Committee Act.
Section 2. Capital Punishment Reform Study Committee.

(a) There is created the Capital Punishment Reform Study Committee, hereinafter referred to as the Committee, consisting of 15 members appointed as follows:

- (1) Three members appointed by the President of the Senate;
- (2) Two members appointed by the Minority Leader of the Senate;
- (3) Three members appointed by the Speaker of the House of Representatives;
- (4) Two members appointed by the Minority Leader of the House of Representatives;
- (5) One member appointed by the Attorney General;
- (6) One member appointed by the Governor;
- (7) One member appointed by the Cook County State's Attorney;
- (8) One member appointed by the Office of the Cook County Public Defender;
- (9) One member appointed by the Office of the State Appellate Defender; and
- (10) One member appointed by the office of the State's Attorneys Appellate Prosecutor.

(b) The Committee shall study the impact of the various reforms to the capital punishment system enacted by the 93rd General Assembly and annually report to the General Assembly on the effects of these reforms. Each report shall include:

- (1) The impact of the reforms on the issue of uniformity and proportionality in the application of the death penalty including, but not limited to, the tracking of data related to whether the reforms have eliminated the statistically significant differences in sentencing related to the geographic location of the homicide and the race of the victim found by the Governor's Commission on Capital Punishment in its report issued on April 15, 2002.
- (2) The implementation of training for police, prosecutors, defense attorneys, and judges as recommended by the Governor's Commission on Capital Punishment.
- (3) The impact of the various reforms on the quality of evidence used during capital prosecutions.
- (4) The quality of representation provided by defense counsel to defendants in capital prosecutions.
- (5) The impact of the various reforms on the costs associated with the administration of the Illinois capital punishment system.

(c) The Committee shall hold hearings on a periodic basis to receive testimony from the public regarding the manner in which reforms have impacted the capital punishment system.

(d) The Committee shall submit its final report to the General Assembly no later than 5 years after the effective date of this Act.

Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 7.2 as follows:

(20 ILCS 3930/7.2 new)

Sec. 7.2. Custodial Interview Pilot Program.

(a) Legislative findings and intent. The General Assembly finds that technology has made it possible to electronically record custodial interviews of suspects during first degree murder investigations. This technology will protect law enforcement agencies against claims of abuse and coercion by suspects while providing a memorialized account of interviews at police stations. The technology will also provide a better

means for courts to review confessions of suspects with direct evidence of demeanor, tone, manner, and content of statements. The General Assembly intends to create a Custodial Interview Pilot Program to establish 4 pilot programs at police stations in the State of Illinois. For each program, video and audio experts shall install equipment and train participating law enforcement agencies to electronically record custodial interviews at their respective police stations. Participating law enforcement agencies shall choose how to use the equipment in cooperation with the local State's Attorney's office. The participating law enforcement agencies may choose to electronically record interviews of suspects for offenses other than first degree murder if they adopt local protocols in cooperation with the local State's Attorney's office.

(b) Definitions. In this Section:

(1) "Electronically record" means to memorialize by video and audio electronic equipment.

(2) "Custodial interviews" means interviews of suspects during first degree murder investigations or other investigations established by local protocol by law enforcement authorities that take place at the police station.

(c) Custodial Interview Pilot Program. The Authority shall, subject to appropriation, establish a Custodial Interview Pilot Program to operate 4 custodial interview pilot programs. The programs shall be established in a police station in the County of Cook and in 3 other police stations geographically distributed throughout the State. Each participating law enforcement agency must:

(1) Promulgate procedures for recording custodial interviews of suspects during first degree murder investigations by video and audio means.

(2) Promulgate procedures for maintaining and storing video and audio recordings.

(d) Each of the 4 pilot programs established by the Authority shall be in existence for a minimum of 2 years after its establishment under this Act.

(e) Report. No later than one year after the establishment of pilot programs under this Section, the Authority must report to the General Assembly on the efficacy of the Custodial Interview Pilot Program.

(f) The Authority shall adopt rules in cooperation with the Illinois Department of State Police to implement this Section.

Section 6. The Illinois Police Training Act is amended by changing Section 6.1 as follows:

(50 ILCS 705/6.1)

Sec. 6.1. Decertification of full-time and part-time police officers. (a) The Board must review police officer conduct and records to ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony. The Board must also ensure that no police officer is certified or provided a valid waiver if that police officer has been convicted on or after the effective date of this amendatory Act of 1999 of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or to Section 5 or 5.2 of the Cannabis Control Act. The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.

(b) It is the responsibility of the sheriff or the chief executive officer of every local law enforcement agency or department within this State to report to the Board any arrest or conviction of any officer for an offense identified in this Section.

(c) It is the duty and responsibility of every full-time and part-time police officer in this State to report to the Board within 30 days, and the officer's sheriff or chief executive officer, of his or her arrest or conviction for an offense identified in this Section. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests or convictions in this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.

(e) Any full-time or part-time police officer with a certificate or waiver issued by the Board who is convicted of any offense described in this Section immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board his or her conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

(f) The Board's investigators are peace officers and have all the powers possessed by policemen in cities and by sheriff's, provided that the investigators may exercise those powers anywhere in the State,

only after contact and cooperation with the appropriate local law enforcement authorities.

(g) The Board must request and receive information and assistance from any federal, state, or local governmental agency as part of the authorized criminal background investigation. The Department of State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed before, on, or after the effective date of this amendatory Act of the 91st General Assembly against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Department of State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Department of State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.

(h) A police officer who has been certified or granted a valid waiver may also be decertified or have his or her waiver revoked upon a determination by the Board that he or she, while under oath, has knowingly and willfully made false statements as to a material fact during a homicide proceeding. A determination may be made only after an investigation and hearing upon a verified complaint filed with the Illinois Law Enforcement Training Standards Board. No action may be taken by the Board regarding a complaint unless a majority of the members of the Board are present at the meeting at which the action is taken.

(1) The Board shall adopt rules governing the investigation and hearing of a verified complaint to assure the police officer due process and to eliminate conflicts of interest within the Board itself.

(2) Upon receipt of the initial verified complaint, the Board must make a finding within 30 days of receipt of the complaint as to whether sufficient evidence exists to support the complaint. The Board is empowered to investigate and dismiss the complaint if it finds, by a vote of a majority of the members present, that there is insufficient evidence to support it. Upon the initial filing, the sheriff or police chief, or other employing agency, of the accused officer may suspend, with or without pay, the accused officer pending a decision of the Board. Upon a Board finding of insufficient evidence, the police officer shall be reinstated with back pay, benefits, and seniority status as appropriate. The sheriff or police chief, or employing agency, shall take such necessary action as is ordered by the Board.

(3) If the Board finds, by a vote of a majority of the members present, that sufficient evidence exists to support the complaint, it shall authorize a hearing before an administrative law judge within 45 days of the Board's finding, unless, based upon the complexity and extent of the allegations and charges, additional time is needed. In no event may a hearing before an administrative law judge take place later than 60 days after the Board's finding.

(i) The Board shall have the power and authority to appoint administrative law judges on a contractual basis. The Administrative law judges must be attorneys licensed to practice law in the State of Illinois. The Board shall also adopt rules governing the appointment of administrative law judges and the conduct of hearings consistent with the requirements of this Section. The administrative law judge shall hear all evidence and prepare a written recommendation of his or her findings to the Board. At the hearing the accused police officer shall be afforded the opportunity to:

(1) Be represented by counsel;

(2) Be heard in his or her own defense;

(3) Produce evidence in his or her defense;

(4) Request that the Board compel the attendance of witnesses and production of court records and documents.

(j) Once a case has been set for hearing, the person who filed the verified complaint shall have the opportunity to produce evidence to support any charge against a police officer that he or she, while under oath, has knowingly and willfully made false statements as to a material fact during a homicide proceeding.

(1) The person who filed the verified complaint shall have the opportunity to be represented by counsel and shall produce evidence to support his or her charges;

(2) The person who filed the verified complaint may request the Board to compel the attendance of witnesses and production of court records and documents.

(k) The Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of court records and documents and shall have the power to administer oaths.

(l) The administrative law judge shall have the responsibility of receiving into evidence relevant testimony and documents, including court records, to support or disprove the allegations made by the person filing the verified complaint, and, at the close of the case, hear arguments. If the administrative law

judge finds that there is not clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the administrative law judge shall make a written recommendation of dismissal to the Board. If the administrative law judge finds that there is clear and convincing evidence to support the verified complaint that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the administrative law judge shall make a written recommendation of decertification to the Board.

(m) Any person, with the exception of the police officer who is the subject of the hearing, who is served by the Board with a subpoena to appear, testify or produce evidence and refuses to comply with the subpoena is guilty of a Class B misdemeanor. Any circuit court or judge, upon application by the Board, may compel compliance with a subpoena issued by the Board.

(n) Within 15 days of receiving the recommendation, the Board shall consider the recommendation of the administrative law judge and the record of the hearing at a Board meeting. If, by a two-thirds vote of the members present at the Board meeting, the Board finds that there is clear and convincing evidence that the police officer has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding, the Board shall order that the police officer be decertified as a full-time or part-time police officer. If less than two-thirds of the members present vote to decertify the police officer, the Board shall dismiss the complaint.

(o) The provisions of the Administrative Review Law shall govern all proceedings for the judicial review of any order rendered by the Board. The moving party shall pay the reasonable costs of preparing and certifying the record for review. If the moving party is the police officer and he or she prevails, the court may award the police officer actual costs incurred in all proceedings, including reasonable attorney fees. If the court awards the police officer the actual costs incurred in a proceeding, including reasonable attorney fees, the costs and attorney fees shall be paid, subject to appropriation, from the Illinois Law Enforcement Training Standards Board Costs and Attorney Fees Fund, a special fund that is created in the State Treasury. The Fund shall consist of moneys appropriated or transferred into the Fund for the purpose of making payments of costs and attorney fees in accordance with this subsection (o). The Illinois Law Enforcement Training Standards Board shall administer the Fund and adopt rules for the administration of the Fund and for the submission and disposition of claims for costs and attorney fees in accordance with this subsection (o).

(p) If the police officer is decertified under subsection (h), the Board shall notify the defendant who was a party to the proceeding that resulted in the police officer's decertification and his or her attorney of the Board's decision. Notification shall be by certified mail, return receipt requested, sent to the party's last known address and to the party's attorney if any.

(q) Limitation of action.

(1) No complaint may be filed pursuant to this Section until after a verdict or other disposition is rendered in the underlying case or the underlying case is dismissed in the trial court.

(2) A complaint pursuant to this Section may not be filed more than 2 years after the final resolution of the case. For purposes of this Section, final resolution is defined as the trial court's ruling on the State post-conviction proceeding in the case in which it is alleged the police officer, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding. In the event a post-conviction petition is not filed, an action pursuant to this Section may not be commenced more than 2 years after the denial of a petition for certiorari to the United States Supreme Court, or if no petition for certiorari is filed, 2 years after the date such a petition should have been filed. In the event of an acquittal, no proceeding may be commenced pursuant to this Section more than 6 years after the date upon which judgment on the verdict of acquittal was entered.

(r) Interested parties. Only interested parties to the criminal prosecution in which the police officer allegedly, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding may file a verified complaint pursuant to this Section. For purposes of this Section, "interested parties" include the defendant and any police officer who has personal knowledge that the police officer who is the subject of the complaint has, while under oath, knowingly and willfully made false statements as to a material fact during a homicide proceeding. (Source: P.A. 91-495, eff. 1-1-00.)

Section 10. The Criminal Code of 1961 is amended by changing Sections 9-1 and 14-3 as follows:

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

Sec. 9-1. First degree Murder - Death penalties - Exceptions - Separate Hearings - Proof - Findings - Appellate procedures - Reversals.

(a) A person who kills an individual without lawful justification commits first degree murder if, in

performing the acts which cause the death:

(1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he is attempting or committing a forcible felony other than second degree murder.

(b) Aggravating Factors. A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to death if:

(1) the murdered individual was a peace officer or fireman killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or

(2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, or the murdered individual was an inmate at such institution or facility and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof; or

(3) the defendant has been convicted of murdering two or more individuals under subsection (a) of this Section or under any law of the United States or of any state which is substantially similar to subsection (a) of this Section regardless of whether the deaths occurred as the result of the same act or of several related or unrelated acts so long as the deaths were the result of either an intent to kill more than one person or of separate acts which the defendant knew would cause death or create a strong probability of death or great bodily harm to the murdered individual or another; or

(4) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance; or

(5) the defendant committed the murder pursuant to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value; or

(6) the murdered individual was killed in the course of another felony if:

(a) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and

(b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(c) the other felony was an inherently violent crime ~~one of the following: armed robbery, armed violence, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy as defined in Section 405 of the Illinois Controlled Substances Act, streetgang criminal drug conspiracy as defined in Section 405.2 of the Illinois Controlled Substances Act, or the attempt to commit an inherently violent crime. In this subparagraph (c), "inherently violent crime" includes, but is not limited to, armed robbery, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, aggravated arson, aggravated stalking, residential burglary, and home invasion~~ any of the felonies listed in this subsection (c); or

(7) the murdered individual was under 12 years of age and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(8) the defendant committed the murder with intent to prevent the murdered individual from

testifying or participating in any criminal investigation or prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; for purposes of this paragraph (8), "participating in any criminal investigation or prosecution" is intended to include those appearing in the proceedings in any capacity such as trial judges, prosecutors, defense attorneys, investigators, witnesses, or jurors; or

(9) the defendant, while committing an offense punishable under Sections 401, 401.1, 401.2, 405, 405.2, 407 or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(10) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(11) the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom; or

(12) the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel; or

(13) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person; or

(14) the murder was intentional and involved the infliction of torture. For the purpose of this Section torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim; or

(15) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle; or

(16) the murdered individual was 60 years of age or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(17) the murdered individual was a disabled person and the defendant knew or should have known that the murdered individual was disabled. For purposes of this paragraph (17), "disabled person" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care; or

(18) the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer; or

(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986; or

(20) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes; or

(21) the murder was committed by the defendant in connection with or as a result of the offense of terrorism as defined in Section 29D-30 of this Code.

(c) Consideration of factors in Aggravation and Mitigation.

The court shall consider, or shall instruct the jury to consider any aggravating and any mitigating factors which are relevant to the imposition of the death penalty. Aggravating factors may include but need not be

limited to those factors set forth in subsection (b). Mitigating factors may include but need not be limited to the following:

- (1) the defendant has no significant history of prior criminal activity;
 - (2) the murder was committed while the defendant was under the influence of extreme mental or emotional disturbance, although not such as to constitute a defense to prosecution;
 - (3) the murdered individual was a participant in the defendant's homicidal conduct or consented to the homicidal act;
 - (4) the defendant acted under the compulsion of threat or menace of the imminent infliction of death or great bodily harm;
 - (5) the defendant was not personally present during commission of the act or acts causing death;
 - (6) the defendant's background includes a history of extreme emotional or physical abuse;
 - (7) the defendant suffers from a reduced mental capacity.
- (d) Separate sentencing hearing.

Where requested by the State, the court shall conduct a separate sentencing proceeding to determine the existence of factors set forth in subsection (b) and to consider any aggravating or mitigating factors as indicated in subsection (c). The proceeding shall be conducted:

- (1) before the jury that determined the defendant's guilt; or
 - (2) before a jury impanelled for the purpose of the proceeding if:
 - A. the defendant was convicted upon a plea of guilty; or
 - B. the defendant was convicted after a trial before the court sitting without a jury; or
 - C. the court for good cause shown discharges the jury that determined the defendant's guilt; or
 - (3) before the court alone if the defendant waives a jury for the separate proceeding.
- (e) Evidence and Argument.

During the proceeding any information relevant to any of the factors set forth in subsection (b) may be presented by either the State or the defendant under the rules governing the admission of evidence at criminal trials. Any information relevant to any additional aggravating factors or any mitigating factors indicated in subsection (c) may be presented by the State or defendant regardless of its admissibility under the rules governing the admission of evidence at criminal trials. The State and the defendant shall be given fair opportunity to rebut any information received at the hearing.

(f) Proof.

The burden of proof of establishing the existence of any of the factors set forth in subsection (b) is on the State and shall not be satisfied unless established beyond a reasonable doubt.

(g) Procedure - Jury.

If at the separate sentencing proceeding the jury finds that none of the factors set forth in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. If there is a unanimous finding by the jury that one or more of the factors set forth in subsection (b) exist, the jury shall consider aggravating and mitigating factors as instructed by the court and shall determine whether the sentence of death shall be imposed. If the jury determines unanimously, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the court shall sentence the defendant to death. If the court does not concur with the jury determination that death is the appropriate sentence, the court shall set forth reasons in writing including what facts or circumstances the court relied upon, along with any relevant documents, that compelled the court to non-concur with the sentence. This document and any attachments shall be part of the record for appellate review. The court shall be bound by the jury's sentencing determination.

If after weighing the factors in aggravation and mitigation, one or more jurors determines that death is not the appropriate sentence, Unless the jury unanimously finds that there are no mitigating factors sufficient to preclude the imposition of the death sentence the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h) Procedure - No Jury.

In a proceeding before the court alone, if the court finds that none of the factors found in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

If the Court determines that one or more of the factors set forth in subsection (b) exists, the Court shall consider any aggravating and mitigating factors as indicated in subsection (c). If the Court determines, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence that there are no mitigating factors sufficient to preclude the imposition of the death sentence, the Court shall sentence the

defendant to death.

If Unless the court finds that there are no mitigating factors sufficient to preclude the imposition of the sentence of death is not the appropriate sentence, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h-5) Decertification as a capital case.

In a case in which the defendant has been found guilty of first degree murder by a judge or jury, or a case on remand for resentencing, and the State seeks the death penalty as an appropriate sentence, on the court's own motion or the written motion of the defendant, the court may decertify the case as a death penalty case if the court finds that the only evidence supporting the defendant's conviction is the uncorroborated testimony of an informant witness, as defined in Section 115-21 of the Code of Criminal Procedure of 1963, concerning the confession or admission of the defendant or that the sole evidence against the defendant is a single eyewitness or single accomplice without any other corroborating evidence. If the court decertifies the case as a capital case under either of the grounds set forth above, the court shall issue a written finding. The State may pursue its right to appeal the decertification pursuant to Supreme Court Rule 604(a)(1). If the court does not decertify the case as a capital case, the matter shall proceed to the eligibility phase of the sentencing hearing.

(i) Appellate Procedure.

The conviction and sentence of death shall be subject to automatic review by the Supreme Court. Such review shall be in accordance with rules promulgated by the Supreme Court. The Illinois Supreme Court may overturn the death sentence, and order the imposition of imprisonment under Chapter V of the Unified Code of Corrections if the court finds that the death sentence is fundamentally unjust as applied to the particular case. If the Illinois Supreme Court finds that the death sentence is fundamentally unjust as applied to the particular case, independent of any procedural grounds for relief, the Illinois Supreme Court shall issue a written opinion explaining this finding.

(j) Disposition of reversed death sentence.

In the event that the death penalty in this Act is held to be unconstitutional by the Supreme Court of the United States or of the State of Illinois, any person convicted of first degree murder shall be sentenced by the court to a term of imprisonment under Chapter V of the Unified Code of Corrections.

In the event that any death sentence pursuant to the sentencing provisions of this Section is declared unconstitutional by the Supreme Court of the United States or of the State of Illinois, the court having jurisdiction over a person previously sentenced to death shall cause the defendant to be brought before the court, and the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(k) Guidelines for seeking the death penalty.

The Attorney General and State's Attorneys Association shall consult on voluntary guidelines for procedures governing whether or not to seek the death penalty. The guidelines do not have the force of law and are only advisory in nature. (Source: P.A. 91-357, eff. 7-29-99; 91-434, eff. 1-1-00; 92-854, eff. 12-5-02.)

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such

recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated. Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissible in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005₂.

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording; ~~and~~

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged

to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

- (i) soliciting the sale of goods or services;
- (ii) receiving orders for the sale of goods or services;
- (iii) assisting in the use of goods or services; or
- (iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both; and

(k) Recording the interview or statement of any person when the person knows that the interview is being conducted by a law enforcement officer or prosecutor and the interview takes place at a police station that is currently participating in the Custodial Interview Pilot Program established under the Illinois Criminal Justice Information Act. (Source: P.A. 91-357, eff. 7-29-99; 92-854, eff. 12-5-02.)

Section 15. The Code of Criminal Procedure of 1963 is amended by changing Sections 114-13, 116-3, 122-1, and 122-2.1 and adding Article 107A and Sections 114-15, 115-21, 115-22, 116-5, and 122-2.2 as follows:

(725 ILCS 5/107A Art. heading new) ARTICLE 107A. LINEUP AND PHOTO SPREAD PROCEDURE

(725 ILCS 5/107A-5 new)

Sec. 107A-5. Lineup and photo spread procedure.

(a) All lineups shall be photographed or otherwise recorded. These photographs shall be disclosed to the accused and his or her defense counsel during discovery proceedings as provided in Illinois Supreme Court Rules. All photographs of suspects shown to an eyewitness during the photo spread shall be disclosed to the accused and his or her defense counsel during discovery proceedings as provided in Illinois Supreme Court Rules.

(b) Each eyewitness who views a lineup or photo spread shall sign a form containing the following information:

(1) The suspect might not be in the lineup or photo spread and the eyewitness is not obligated to make an identification.

(2) The eyewitness should not assume that the person administering the lineup or photo spread knows which person is the suspect in the case.

(c) Suspects in a lineup or photo spread should not appear to be substantially different from "fillers" or "distracters" in the lineup or photo spread, based on the eyewitness' previous description of the perpetrator, or based on other factors that would draw attention to the suspect.

(725 ILCS 5/107A-10 new)

Sec. 107A-10. Pilot study on sequential lineup procedures.

(a) Legislative intent. Because the goal of a police investigation is to apprehend the person or persons responsible for committing a crime, it is useful to conduct a pilot study in the field on the effectiveness of the sequential method for lineup procedures.

(b) Establishment of pilot jurisdictions. The Department of State Police shall select 3 police departments to participate in a one-year pilot study on the effectiveness of the sequential lineup method for

photo and live lineup procedures. One such pilot jurisdiction shall be a police district within a police department in a municipality whose population is at least 500,000 residents; one such pilot jurisdiction shall be a police department in a municipality whose population is at least 100,000 but less than 500,000; and one such pilot jurisdiction shall be a police department in a municipality whose population is less than 100,000. All such pilot jurisdictions shall be selected no later than January 1, 2004.

(c) Sequential lineup procedures in pilot jurisdictions. For any offense alleged to have been committed in a pilot jurisdiction on or after January 1, 2004, selected lineup identification procedure shall be presented in the sequential method in which a witness is shown lineup participants one at a time, using the following procedures:

(1) The witness shall be requested to state whether the individual shown is the perpetrator of the crime prior to viewing the next lineup participant. Only one member of the lineup shall be a suspect and the remainder shall be "fillers" who are not suspects but fit the general description of the offender without the suspect unduly standing out;

(2) The lineup administrator shall be someone who is not aware of which member of the lineup is the suspect in the case; and

(3) Prior to presenting the lineup using the sequential method the lineup administrator shall:

(A) Inform the witness that the perpetrator may or may not be among those shown, and the witness should not feel compelled to make an identification;

(B) Inform the witness that he or she will view individuals one at a time and will be requested to state whether the individual shown is the perpetrator of the crime, prior to viewing the next lineup participant; and

(C) Ask the witness to state in his or her own words how sure he or she is that the person identified is the actual offender. During the statement, or as soon thereafter as reasonably possible, the witness's actual words shall be documented.

(d) Application. This Section applies to selected live lineups that are composed and presented at a police station and to selected photo lineups regardless of where presented; provided that this Section does not apply in police investigations in which a spontaneous identification is possible and no lineup procedure is being used. This Section does not affect the right to counsel afforded by the U.S. or Illinois Constitutions or State law at any stage of a criminal proceeding.

(e) Selection of lineups. The participating jurisdictions shall develop a protocol for the selection and administration of lineups which is practical, designed to elicit information for comparative evaluation purposes, and is consistent with objective scientific research methodology.

(f) Training and administrators. The Department of State Police shall offer training to police officers and any other appropriate personnel on the sequential method of conducting lineup procedures in the pilot jurisdictions and the requirements of this Section. The Department of State Police may seek funding for training and administration from the Illinois Criminal Justice Information Authority and the Illinois Law Enforcement Training Standards Board if necessary.

(g) Report on the pilot study. The Department of State Police shall gather information from each of the participating police departments selected as a pilot jurisdiction with respect to the effectiveness of the sequential method for lineup procedures and shall file a report of its findings with the Governor and the General Assembly no later than April 1, 2005.

(725 ILCS 5/114-13) (from Ch. 38, par. 114-13)

Sec. 114-13. Discovery in criminal cases. (a) Discovery procedures in criminal cases shall be in accordance with Supreme Court Rules.

(b) Any public investigative, law enforcement, or other public agency responsible for investigating any homicide offense or participating in an investigation of any homicide offense, other than defense investigators, shall provide to the authority prosecuting the offense all investigative material, including but not limited to reports, memoranda, and field notes, that have been generated by or have come into the possession of the investigating agency concerning the homicide offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information, including but not limited to reports, memoranda, and field notes, within its possession or control that would tend to negate the guilt of the accused of the offense charged or reduce his or her punishment for the homicide offense. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these standards. Any investigative, law enforcement, or other public agency responsible for investigating any "non-homicide felony" offense or participating in an investigation of any "non-homicide felony" offense, other than defense investigators, shall provide to the authority prosecuting the offense all investigative material, including but not limited to reports and memoranda that have been

generated by or have come into the possession of the investigating agency concerning the "non-homicide felony" offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information, including but not limited to reports and memoranda, within its possession or control that would tend to negate the guilt of the accused of the "non-homicide felony" offense charged or reduce his or her punishment for the "non-homicide felony" offense. This obligation to furnish exculpatory evidence exists whether the information was recorded or documented in any form. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these standards. (Source: Laws 1963, p. 2836.)

(725 ILCS 5/114-15 new)

Sec. 114-15. Mental retardation.

(a) In a first degree murder case in which the State seeks the death penalty as an appropriate sentence, any party may raise the issue of the defendant's mental retardation by motion. A defendant wishing to raise the issue of his or her mental retardation shall provide written notice to the State and the court as soon as the defendant reasonably believes such issue will be raised.

(b) The issue of the defendant's mental retardation shall be determined in a pretrial hearing. The court shall be the fact finder on the issue of the defendant's mental retardation and shall determine the issue by a preponderance of evidence in which the moving party has the burden of proof. The court may appoint an expert in the field of mental retardation. The defendant and the State may offer experts from the field of mental retardation. The court shall determine admissibility of evidence and qualification as an expert.

(c) If after a plea of guilty to first degree murder, or a finding of guilty of first degree murder in a bench trial, or a verdict of guilty for first degree murder in a jury trial, or on a matter remanded from the Supreme Court for sentencing for first degree murder, and the State seeks the death penalty as an appropriate sentence, the defendant may raise the issue of defendant's mental retardation not at eligibility but at aggravation and mitigation. The defendant and the State may offer experts from the field of mental retardation. The court shall determine admissibility of evidence and qualification as an expert.

(d) In determining whether the defendant is mentally retarded, the mental retardation must have manifested itself by the age of 18. IQ tests and psychometric tests administered to the defendant must be the kind and type recognized by experts in the field of mental retardation. In order for the defendant to be considered mentally retarded, a low IQ must be accompanied by significant deficits in adaptive behavior in at least 2 of the following skill areas: communication, self-care, social or interpersonal skills, home living, self-direction, academics, health and safety, use of community resources, and work. An intelligence quotient (IQ) of 75 or below is presumptive evidence of mental retardation.

(e) Evidence of mental retardation that did not result in disqualifying the case as a capital case, may be introduced as evidence in mitigation during a capital sentencing hearing. A failure of the court to determine that the defendant is mentally retarded does not preclude the court during trial from allowing evidence relating to mental disability should the court deem it appropriate.

(f) If the court determines at a pretrial hearing or after remand that a capital defendant is mentally retarded, and the State does not appeal pursuant to Supreme Court Rule 604, the case shall no longer be considered a capital case and the procedural guidelines established for capital cases shall no longer be applicable to the defendant. In that case, the defendant shall be sentenced under the sentencing provisions of Chapter V of the Unified Code of Corrections.

(725 ILCS 5/115-21 new)

Sec. 115-21. Informant testimony.

(a) For the purposes of this Section, "informant" means someone who is purporting to testify about admissions made to him or her by the accused while incarcerated in a penal institution contemporaneously.

(b) This Section applies to any capital case in which the prosecution attempts to introduce evidence of incriminating statements made by the accused to or overheard by an informant.

(c) In any case under this Section, the prosecution shall timely disclose in discovery:

(1) the complete criminal history of the informant;

(2) any deal, promise, inducement, or benefit that the offering party has made or will make in the future to the informant;

(3) the statements made by the accused;

(4) the time and place of the statements, the time and place of their disclosure to law enforcement officials, and the names of all persons who were present when the statements were made;

(5) whether at any time the informant recanted that testimony or statement and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation;

(6) other cases in which the informant testified, provided that the existence of such testimony can be ascertained through reasonable inquiry and whether the informant received any promise, inducement, or benefit in exchange for or subsequent to that testimony or statement; and

(7) any other information relevant to the informant's credibility.

(d) In any case under this Section, the prosecution must timely disclose its intent to introduce the testimony of an informant. The court shall conduct a hearing to determine whether the testimony of the informant is reliable, unless the defendant waives such a hearing. If the prosecution fails to show by a preponderance of the evidence that the informant's testimony is reliable, the court shall not allow the testimony to be heard at trial. At this hearing, the court shall consider the factors enumerated in subsection (c) as well as any other factors relating to reliability.

(e) A hearing required under subsection (d) does not apply to statements covered under subsection (b) that are lawfully recorded.

(f) This Section applies to all death penalty prosecutions initiated on or after the effective date of this amendatory Act of the 93rd General Assembly.

(725 ILCS 5/115-22 new)

Sec. 115-22. Witness inducements. When the State intends to introduce the testimony of a witness in a capital case, the State shall, before trial, disclose to the defendant and to his or her defense counsel the following information, which shall be reduced to writing:

(1) whether the witness has received or been promised anything, including pay, immunity from prosecution, leniency in prosecution, or personal advantage, in exchange for testimony;

(2) any other case in which the witness testified or offered statements against an individual but was not called, and whether the statements were admitted in the case, and whether the witness received any deal, promise, inducement, or benefit in exchange for that testimony or statement; provided that the existence of such testimony can be ascertained through reasonable inquiry;

(3) whether the witness has ever changed his or her testimony;

(4) the criminal history of the witness; and

(5) any other evidence relevant to the credibility of the witness.

(725 ILCS 5/116-3)

Sec. 116-3. Motion for fingerprint or forensic testing not available at trial regarding actual innocence.

(a) A defendant may make a motion before the trial court that entered the judgment of conviction in his or her case for the performance of fingerprint or forensic DNA testing, including comparison analysis of genetic marker groupings of the evidence collected by criminal justice agencies pursuant to the alleged offense, to those of the defendant, to those of other forensic evidence, and to those maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, on evidence that was secured in relation to the trial which resulted in his or her conviction, but which was not subject to the testing which is now requested because the technology for the testing was not available at the time of trial. Reasonable notice of the motion shall be served upon the State.

(b) The defendant must present a prima facie case that:

(1) identity was the issue in the trial which resulted in his or her conviction; and

(2) the evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect.

(c) The trial court shall allow the testing under reasonable conditions designed to protect the State's interests in the integrity of the evidence and the testing process upon a determination that:

(1) the result of the testing has the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence even though the results may not completely exonerate the defendant;

(2) the testing requested employs a scientific method generally accepted within the relevant scientific community.

(Source: P.A. 90-141, eff. 1-1-98.)

(725 ILCS 5/116-5 new)

Sec. 116-5. Motion for DNA database search (genetic marker groupings comparison analysis).

(a) Upon motion by a defendant charged with any offense where DNA evidence may be material to the defense investigation or relevant at trial, a court may order a DNA database search by the Department of State Police. Such analysis may include comparing:

(1) the genetic profile from forensic evidence that was secured in relation to the trial against the genetic profile of the defendant.

(2) the genetic profile of items of forensic evidence secured in relation to trial to the genetic profile of other forensic evidence secured in relation to trial, or

(3) the genetic profiles referred to in subdivisions (1) and (2) against:

(i) genetic profiles of offenders maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, or

(ii) genetic profiles, including but not limited to, profiles from unsolved crimes maintained in state or local DNA databases by law enforcement agencies.

(b) If appropriate federal criteria are met, the court may order the Department of State Police to request the National DNA index system to search its database of genetic profiles.

(c) If requested by the defense, a defense representative shall be allowed to view any genetic marker grouping analysis conducted by the Department of State Police. The defense shall be provided with copies of all documentation, correspondence, including digital correspondence, notes, memoranda, and reports generated in relation to the analysis.

(d) Reasonable notice of the motion shall be served upon the State.

(725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

Sec. 122-1. Petition in the trial court. (a) Any person imprisoned in the penitentiary may institute a proceeding under this Article if the person who asserts that:

(1) in the proceedings which resulted in his or her conviction there was a substantial denial of his or her rights under the Constitution of the United States or of the State of Illinois or both; or may institute a proceeding under this Article.

(2) the death penalty was imposed and there is newly discovered evidence not available to the person at the time of the proceeding that resulted in his or her conviction that establishes a substantial basis to believe that the defendant is actually innocent by clear and convincing evidence.

(a-5) A proceeding under paragraph (2) of subsection (a) may be commenced within a reasonable period of time after the person's conviction notwithstanding any other provisions of this Article. In such a proceeding regarding actual innocence, if the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

(b) The proceeding shall be commenced by filing with the clerk of the court in which the conviction took place a petition (together with a copy thereof) verified by affidavit. Petitioner shall also serve another copy upon the State's Attorney by any of the methods provided in Rule 7 of the Supreme Court. The clerk shall docket the petition for consideration by the court pursuant to Section 122-2.1 upon his or her receipt thereof and bring the same promptly to the attention of the court.

(c) Except as otherwise provided in subsection (a-5), if the petitioner is under sentence of death, no proceedings under this Article shall be commenced more than 6 months after the denial of a petition for certiorari to the United States Supreme Court on direct appeal, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

When a defendant has a sentence other than death, no proceedings under this Article shall be commenced more than 6 months after the denial of the Petition for Leave to Appeal to the Illinois Supreme Court, or more than 6 months from the date for filing such a petition if none is filed, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

This limitation does not apply to a petition advancing a claim of actual innocence. no proceedings under this Article shall be commenced more than 6 months after the denial of a petition for leave to appeal or the date for filing such a petition if none is filed or more than 45 days after the defendant files his or her brief in the appeal of the sentence before the Illinois Supreme Court (or more than 45 days after the deadline for the filing of the defendant's brief with the Illinois Supreme Court if no brief is filed) or 3 years from the date of conviction, whichever is sooner, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

(d) A person seeking relief by filing a petition under this Section must specify in the petition or its heading that it is filed under this Section. A trial court that has received a petition complaining of a conviction or sentence that fails to specify in the petition or its heading that it is filed under this Section need not evaluate the petition to determine whether it could otherwise have stated some grounds for relief under this Article.

(e) A proceeding under this Article may not be commenced on behalf of a defendant who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental

or physical condition, is incapable of asserting his or her own claim. (Source: P.A. 89-284, eff. 1-1-96; 89-609, eff. 1-1-97; 89-684, eff. 6-1-97; 90-14, eff. 7-1-97.)

(725 ILCS 5/122-2.1) (from Ch. 38, par. 122-2.1)

Sec. 122-2.1. (a) Within 90 days after the filing and docketing of each petition, the court shall examine such petition and enter an order thereon pursuant to this Section.

(1) If the petitioner is under sentence of death and is without counsel and alleges that he is without means to procure counsel, he shall state whether or not he wishes counsel to be appointed to represent him. If appointment of counsel is so requested, the court shall appoint counsel if satisfied that the petitioner has no means to procure counsel.

(2) If the petitioner is sentenced to imprisonment and the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

(b) If the petition is not dismissed pursuant to this Section, the court shall order the petition to be docketed for further consideration in accordance with Sections 122-4 through 122-6. If the petitioner is under sentence of death, the court shall order the petition to be docketed for further consideration and hearing within one year of the filing of the petition. Continuances may be granted as the court deems appropriate.

(c) In considering a petition pursuant to this Section, the court may examine the court file of the proceeding in which the petitioner was convicted, any action taken by an appellate court in such proceeding and any transcripts of such proceeding. (Source: P.A. 86-655; 87-904.)

(725 ILCS 5/122-2.2 new)

Sec. 122-2.2. Mental retardation and post-conviction relief.

(a) In cases where no determination of mental retardation was made and a defendant has been convicted of first-degree murder, sentenced to death, and is in custody pending execution of the sentence of death, the following procedures shall apply:

(1) Notwithstanding any other provision of law or rule of court, a defendant may seek relief from the death sentence through a petition for post-conviction relief under this Article alleging that the defendant was mentally retarded as defined in Section 114-15 at the time the offense was alleged to have been committed.

(2) The petition must be filed within 180 days of the effective date of this amendatory Act of the 93rd General Assembly or within 180 days of the issuance of the mandate by the Illinois Supreme Court setting the date of execution, whichever is later.

(3) All other provisions of this Article governing petitions for post-conviction relief shall apply to a petition for post-conviction relief alleging mental retardation.

Section 20. The Capital Crimes Litigation Act is amended by changing Sections 15 and 19 as follows:

(725 ILCS 124/15) (Section scheduled to be repealed on July 1, 2004)

Sec. 15. Capital Litigation Trust Fund. (a) The Capital Litigation Trust Fund is created as a special fund in the State Treasury. The Trust Fund shall be administered by the State Treasurer to provide moneys for the appropriations to be made, grants to be awarded, and compensation and expenses to be paid under this Act. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited into the Trust Fund.

(b) Moneys deposited into the Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases as provided in this Act and shall not be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Every fiscal year the State Treasurer shall transfer from the General Revenue Fund to the Capital Litigation Trust Fund an amount equal to the full amount of moneys appropriated by the General Assembly (both by original and supplemental appropriation), less any unexpended balance from the previous fiscal year, from the Capital Litigation Trust Fund for the specific purpose of making funding available for the prosecution and defense of capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall make annual requests for appropriations from the Trust Fund.

(1) The Public Defender in Cook County shall request appropriations to the State Treasurer for expenses incurred by the Public Defender and for funding for private appointed defense counsel in Cook County.

(2) The State's Attorney in Cook County shall request an appropriation to the State Treasurer for expenses incurred by the State's Attorney.

(3) The State Appellate Defender shall request a direct appropriation from the Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act and an appropriation to the State Treasurer for payments from the Trust Fund for the defense of cases in counties other than Cook County.

(4) The State's Attorneys Appellate Prosecutor shall request a direct appropriation from the Trust Fund to pay expenses incurred by the State's Attorneys Appellate Prosecutor and an appropriation to the State Treasurer for payments from the Trust Fund for expenses incurred by State's Attorneys in counties other than Cook County.

(5) The Attorney General shall request a direct appropriation from the Trust Fund to pay expenses incurred by the Attorney General in assisting the State's Attorneys in counties other than Cook County.

The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General may each request supplemental appropriations from the Trust Fund during the fiscal year.

(e) Moneys in the Trust Fund shall be expended only as follows:

(1) To pay the State Treasurer's costs to administer the Trust Fund. The amount for this purpose may not exceed 5% in any one fiscal year of the amount otherwise appropriated from the Trust Fund in the same fiscal year.

(2) To pay the capital litigation expenses of trial defense including, but not limited to, DNA testing, including DNA testing under Section 116-3 of the Code of Criminal Procedure of 1963, analysis, and expert testimony, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists, and grants and aid provided to public defenders or assistance to attorneys who have been appointed by the court to represent defendants who are charged with capital crimes.

(3) To pay the compensation of trial attorneys, other than public defenders, who have been appointed by the court to represent defendants who are charged with capital crimes.

(4) To provide State's Attorneys with funding for capital litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, and other witnesses necessary to prosecute capital cases. State's Attorneys in any county other than Cook County seeking funding for capital litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, or other witnesses under this Section may request that the State's Attorneys Appellate Prosecutor or the Attorney General, as the case may be, certify the expenses as reasonable, necessary, and appropriate for payment from the Trust Fund, on a form created by the State Treasurer. Upon certification of the expenses and delivery of the certification to the State Treasurer, the Treasurer shall pay the expenses directly from the Capital Litigation Trust Fund if there are sufficient moneys in the Trust Fund to pay the expenses.

(5) To provide financial support through the Attorney General pursuant to the Attorney General Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the Attorney General's Office.

(6) To provide financial support through the State's Attorneys Appellate Prosecutor pursuant to the State's Attorneys Appellate Prosecutor's Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the State's Attorneys Appellate Prosecutor.

(7) To provide financial support to the State Appellate Defender pursuant to the State Appellate Defender Act.

Moneys expended from the Trust Fund shall be in addition to county funding for Public Defenders and State's Attorneys, and shall not be used to supplant or reduce ordinary and customary county funding.

(f) Moneys in the Trust Fund shall be appropriated to the State Appellate Defender, the State's Attorneys Appellate Prosecutor, the Attorney General, and the State Treasurer. The State Appellate Defender shall receive an appropriation from the Trust Fund to enable it to provide assistance to appointed defense counsel throughout the State and to Public Defenders in counties other than Cook. The State's Attorneys Appellate Prosecutor and the Attorney General shall receive appropriations from the Trust Fund to enable them to provide assistance to State's Attorneys in counties other than Cook County. Moneys shall be appropriated to the State Treasurer to enable the Treasurer (i) to make grants to Cook County, (ii) to pay the expenses of Public Defenders and State's Attorneys in counties other than Cook County, (iii) to pay the expenses and compensation of appointed defense counsel in counties other than Cook County, and (iv) to pay the costs of administering the Trust Fund. All expenditures and grants made from the Trust Fund shall be subject to audit by the Auditor General.

(g) For Cook County, grants from the Trust Fund shall be made and administered as follows:

(1) For each State fiscal year, the State's Attorney and Public Defender must each make a separate application to the State Treasurer for capital litigation grants.

(2) The State Treasurer shall establish rules and procedures for grant applications. The rules shall require the Cook County Treasurer as the grant recipient to report on a periodic basis to the State Treasurer how much of the grant has been expended, how much of the grant is remaining, and the purposes for which the grant has been used. The rules may also require the Cook County Treasurer to certify on a periodic basis that expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.

(3) The State Treasurer shall make the grants to the Cook County Treasurer as soon as possible after the beginning of the State fiscal year.

(4) The State's Attorney or Public Defender may apply for supplemental grants during the fiscal year.

(5) Grant moneys shall be paid to the Cook County Treasurer in block grants and held in separate accounts for the State's Attorney, the Public Defender, and court appointed defense counsel other than the Cook County Public Defender, respectively, for the designated fiscal year, and are not subject to county appropriation.

(6) Expenditure of grant moneys under this subsection (g) is subject to audit by the Auditor General.

(7) The Cook County Treasurer shall immediately make payment from the appropriate separate account in the county treasury for capital litigation expenses to the State's Attorney, Public Defender, or court appointed defense counsel other than the Public Defender, as the case may be, upon order of the State's Attorney, Public Defender or the court, respectively.

(h) If a defendant in a capital case in Cook County is represented by court appointed counsel other than the Cook County Public Defender, the appointed counsel shall petition the court for an order directing the Cook County Treasurer to pay the court appointed counsel's reasonable and necessary compensation and capital litigation expenses from grant moneys provided from the Trust Fund. These petitions shall be considered in camera. Orders denying petitions for compensation or expenses are final. Counsel may not petition for expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act.

(i) In counties other than Cook County, and excluding capital litigation expenses or services that may have been provided by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act:

(1) Upon certification by the circuit court, on a form created by the State Treasurer, that all or a portion of the expenses are reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the Treasurer shall pay the certified expenses of Public Defenders from the money appropriated to the Treasurer for capital litigation expenses of Public Defenders in any county other than Cook County, if there are sufficient moneys in the Trust Fund to pay the expenses.

(2) If a defendant in a capital case is represented by court appointed counsel other than the Public Defender, the appointed counsel shall petition the court to certify compensation and capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists as reasonable, necessary, and appropriate for payment from the Trust Fund. Upon certification on a form created by the State Treasurer of all or a portion of the compensation and expenses certified as reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the State Treasurer shall pay the certified compensation and expenses from the money appropriated to the Treasurer for that purpose, if there are sufficient moneys in the Trust Fund to make those payments.

(3) A petition for capital litigation expenses under this subsection shall be considered in camera. Orders denying petitions for compensation or expenses are final.

(j) If the Trust Fund is discontinued or dissolved by an Act of the General Assembly or by operation of law, any balance remaining in the Trust Fund shall be returned to the General Revenue Fund after deduction of administrative costs, any other provision of this Act to the contrary notwithstanding. (Source: P.A. 91-589, eff. 1-1-00.)

(725 ILCS 124/19) (Section scheduled to be repealed on July 1, 2004)

Sec. 19. Report; repeal. (a) The Cook County Public Defender, the Cook County State's Attorney, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall each report separately to the General Assembly by January 1, 2004 detailing the amounts of money

received by them through this Act, the uses for which those funds were expended, the balances then in the Capital Litigation Trust Fund or county accounts, as the case may be, dedicated to them for the use and support of Public Defenders, appointed trial defense counsel, and State's Attorneys, as the case may be. The report shall describe and discuss the need for continued funding through the Fund and contain any suggestions for changes to this Act.

(b) ~~(Blank). Unless the General Assembly provides otherwise, this Act is repealed on July 1, 2004.~~
(Source: P.A. 91-589, eff. 1-1-00.)

Section 25. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after ~~July 1, 1990~~ ~~the effective date of this amendatory Act of 1989~~, and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or given a disposition of court supervision for the offense; ~~or~~

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after ~~January 1, 1997; the effective date of this amendatory Act of 1996; or~~

(2) ordered institutionalized as a sexually dangerous person on or after ~~July 1, 1990; the effective date of this amendatory Act of 1989; or~~

(3) convicted of a qualifying offense or attempt of a qualifying offense before ~~July 1, 1990~~ ~~the effective date of this amendatory Act of 1989~~ and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction; ~~or~~

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after ~~August 22, 2002; the effective date of this amendatory Act of the 92nd General Assembly; or~~

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; ~~or~~

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after ~~August 22, 2002~~ ~~the effective date of this amendatory Act of the 92nd General Assembly~~ shall be required to submit a specimen of blood, saliva, or tissue prior to his or her release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection

site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database or (ii) technology validation purposes or (iii) assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than \$5,000.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961~~;~~~~or~~

(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001;~~;~~

(2) any former statute of this State which defined a felony sexual offense;~~;~~

(3) (blank);~~;~~

(4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961;~~;~~
or

(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database. (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised 1-20-03.)

Section 90. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Illinois Law Enforcement Training Standards Board Costs and Attorney Fees Fund.

Section 95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 5 to HOUSE BILL 1281 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1373

A bill for AN ACT in relation to criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 1373

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1373 by replacing the title with the following:

"AN ACT concerning detection of deception."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Detection of Deception Examiners Act is amended by changing Sections 1 and 4 as follows:

(225 ILCS 430/1) (from Ch. 111, par. 2401) (Section scheduled to be repealed on January 1, 2012)

Sec. 1. Definitions. As used in this Act, unless the context otherwise requires:

"Detection of Deception Examination", hereinafter referred to as "Examination" means any examination in which a device or instrument is used to test or question individuals for the purpose of evaluating truthfulness or untruthfulness.

"Examiner" means any person licensed under this Act.

"Person" includes any natural person, partnership, association, corporation or trust.

"Department" means the Department of Professional Regulation of the State of Illinois.

"Director" means the Director of Professional Regulation of the State of Illinois.

"Him" means both the male and female gender.

"Law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the power to maintain public order and to enforce criminal laws and ordinances.

(Source: P.A. 92-453, eff. 8-21-01.)

(225 ILCS 430/4) (from Ch. 111, par. 2404) (Section scheduled to be repealed on January 1, 2012)

Sec. 4. Registration or license required; exceptions. (a) It is unlawful for any person to administer detection of deception examinations, or attempt to hold himself out as an Examiner, unless registered or licensed by the Department. However, this shall not prohibit the use of detection of deception equipment by a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 when the results are to be used in research.

(b) Nothing in this Act prohibits the use of a voice stress analyzer by any fully trained personnel of a law enforcement agency in the course of its duties. Law enforcement users of a voice stress analyzer shall be trained in a manner approved by the Illinois Law Enforcement Training Standards Board. Use of a voice stress analyzer is prohibited when a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code. For the purposes of this subsection (b), "voice stress analyzer" means an investigative tool that records voice stress factors pertinent to the detection of deception. (Source: P.A. 85-1209.)

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 1373 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
 Ms. Hawker, Secretary:
 Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1475

A bill for AN ACT concerning port districts.
 Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1475

Senate Amendment No. 2 to HOUSE BILL NO. 1475

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1475 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Heart of Illinois Regional Port District Act.

Section 5. Definitions. In this Act:

"Airport" means any locality, either land or water, that is used or designed for the landing and taking off of aircraft or for the location of runways, landing fields, airdromes, hangars, buildings, structures, airport roadways, and other facilities.

"Board" means Heart of Illinois Regional Port District Board.

"District" means the Heart of Illinois Regional Port District created by this Act.

"Governmental agency" means the United States, the State of Illinois, any local governmental body, and any agency or instrumentality, corporate or otherwise, thereof.

"Governor" means the Governor of the State of Illinois.

"Intermodal" means a type of international freight system that permits transshipping among sea, highway, rail, and air modes of transportation through use of ANSI/International Organization for Standardization containers, line haul assets, and handling equipment.

"Navigable waters" mean any public waters that are or can be made usable for water commerce.

"Person" means any individual, firm, partnership, trust, corporation, both domestic and foreign, company, association, or joint stock association and includes any trustee, receiver, assignee, or personal representative thereof.

"Port facilities" mean all public and other buildings, structures, works, improvements, and equipment, except terminal facilities as defined in this Section, that are upon, in, over, under, adjacent, or near to navigable waters, harbors, slips, and basins and that are necessary or useful for or incident to the furtherance of water and land commerce and the operation of small boats and pleasure craft. "Port facilities" includes the widening and deepening of basins, slips, harbors, and navigable waters. "Port facilities" also mean all lands, buildings, structures, improvements, equipment, and appliances located on district property that are used for industrial, manufacturing, commercial, or recreational purposes.

"Terminal" means a public place, station, depot, or area for receiving and delivering articles, commodities, baggage, mail, freight, or express matter and for any combination of those purposes in connection with the transportation and movement by water and land of persons and property.

"Terminal facilities" mean all lands, buildings, structures, improvements, equipment, and appliances useful in the operation of public warehouse, storage, and transportation facilities for water and land commerce and for handling, docking, storing, and servicing small boats and pleasure craft.

Section 10. Heart of Illinois Regional Port District created. There is created a political subdivision, body politic, and municipal corporation by the name of the Heart of Illinois Regional Port District embracing all the area within the corporate limits of Peoria, Fulton, Tazewell, Woodford, Marshall, and Putnam Counties and embracing the corporate limits of Mason County except for Havana Township.

Territory may be annexed to the district in the manner provided in this Act. The district may sue and be sued in its corporate name but execution shall not in any case issue against any property of the district. It may adopt a common seal and change the same at its pleasure.

Section 15. Property of district; exemption. All property of every kind belonging to the Heart of Illinois Regional Port District shall be exempt from taxation, provided that a tax may be levied upon a lessee of the district by reason of the value of a leasehold estate separate and apart from the fee or upon any improvements that are constructed and owned by others than the district.

All property of the Heart of Illinois Regional Port District shall be construed as constituting public grounds owned by a municipal corporation and used exclusively for public purposes within the tax exemption provisions of Sections 15-10, 15-15, 15- 20, 15-30, 15-75, 15-140, 15-155, and 15-160 of the Property Tax Code.

Section 20. Duties. The port district shall have all of the following duties:

(a) To study the existing harbor plans within the area of the district and to recommend to the appropriate governmental agency, including the General Assembly of Illinois, any changes and modifications that may from time to time be required by continuing development and to meet changing business and commercial needs.

(b) To make an investigation of conditions within the area of the district and to prepare and adopt a comprehensive plan for the development of port facilities and intermodal facilities for the district. In preparing and recommending changes and modifications in existing harbor plans or a comprehensive plan for the development of port facilities and intermodal facilities, the district may, if it deems desirable, set aside and allocate an area or areas within the lands held by it to be used and operated by the district or leased to private parties for industrial, manufacturing, commercial, recreational, or harbor purposes, where the area or areas are not, in the opinion of the district, required for its primary purposes in the development of intermodal, harbor, and port facilities for the use of public water and land transportation, or will not be immediately needed for those purposes, and where the use and operation or leasing will in the opinion of the district aid and promote the development of intermodal, terminal, and port facilities.

(c) To study and make recommendations to the proper authority for the improvement of terminal, lighterage, wharfage, warehousing, transfer, and other facilities necessary for the promotion of commerce and the interchange of traffic within, to, and from the district.

(d) To study, prepare, and recommend by specific proposals to the General Assembly changes in the jurisdiction of the district.

(e) To petition any federal, State, municipal, or local authority, administrative, judicial, and legislative, having jurisdiction in the district for the adoption and execution of any physical improvement, change in method, system of handling freight, warehousing, docking, lightering, and transfer of freight that, in the opinion of the district, may be designed to improve or better the handling of commerce in and through the district or improve terminal or transportation facilities within the district.

(f) To foster, stimulate, and promote the shipment of cargoes and commerce through ports, whether originating within or without the State of Illinois.

(g) To acquire, construct, own, lease, and develop terminals, wharf facilities, piers, docks, warehouses, bulk terminals, grain elevators, tug boats, and other harbor crafts, and any other port facility or port-related facility or service that it finds necessary and convenient.

(h) To perform any other act or function that may tend to or be useful toward development and improvement of harbors, sea ports, and port-related facilities and services and to increase foreign and domestic commerce through the harbors and ports within the port district.

(i) To study and make recommendations for river resources management and environmental education within the district, including but not limited to, wetlands banks, mitigation areas, water retention and sedimentation areas, fish hatcheries, or wildlife sanctuaries, natural habitat, and native plant research.

Section 25. Changes in harbor plans. Any changes and modifications in harbor plans within the area of the port district from time to time recommended by the district or any comprehensive plan for the development of the port facilities adopted by the district, under the authority granted by this Act, shall be submitted to the Department of Natural Resources for approval and approval by the Department shall be conclusive evidence, for all purposes, that these changes and modifications conform to the provisions of this Act.

Section 30. Rights and powers. The port district shall have the following rights and powers:

(a) To issue permits for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges, or other structures of any kind over, under, in, or within 40 feet of any navigable waters within the district; for the deposit of rock, earth, sand, or other material; or for any matter of any

kind or description in those waters;

(b) To prevent or remove obstructions, including the removal of wrecks;

(c) To locate and establish dock lines and shore or harbor lines;

(d) To acquire, own, construct, sell, lease, operate, and maintain port and harbor, water, and land terminal facilities and, subject to the provisions of Section 35, to operate or contract for the operation of those facilities, and to fix and collect just, reasonable, and non-discriminatory charges, rentals, or fees for the use of those facilities. The charges, rentals, or fees so collected shall be made available to defray the reasonable expenses of the district and to pay the principal of and interest on any revenue bonds issued by the district;

(e) To enter into any agreement or contract with any airport for the use of airport facilities to the extent necessary to carry out any of the purposes of the district;

(f) To the extent authorized by the Intergovernmental Cooperation Act, to enter into any agreements with any other public agency of this State, including other port districts;

(g) To the extent authorized by any interstate compact, to enter into agreements with any other state or unit of local government of any other state; and

(h) To enter into contracts dealing in any manner with the objects and purposes of this Act.

Section 35. Contracts for the operation of warehouses and storage facilities. Any public warehouse or other public storage facility owned or otherwise controlled by the district shall be operated by persons under contracts with the district. Any contract shall reserve reasonable rentals or other charges payable to the district sufficient to pay the cost of maintaining, repairing, regulating, and operating the facilities and to pay the principal of and interest on any revenue bonds issued by the district and may contain any other conditions that may be mutually agreed upon. However, upon the breach of a contract or if no contract is in existence as to any facility, the district shall temporarily operate the facility until a contract for its operation can be negotiated.

Section 40. Procedure for leases or contracts for operation of warehouses and storage facilities. All leases or other contracts for operation of any public warehouse or public grain elevator to which this Section is applicable owned or otherwise controlled by the district shall be governed by the following procedures. Notice shall be given by the district that bids will be received for the operation of the public warehouse or public grain elevator. This notice shall state the time within which and the place where bids may be submitted, the time and place of opening of bids, and shall be published not more than 30 days nor less than 15 days in advance of the first day for the submission of bids in any one or more newspapers designated by the district that have a general circulation within the district. The notice shall specify sufficient data of the proposed operation to enable bidders to understand the scope of the operation; provided, however, that contracts that by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of personal skill, contracts for the purchase or binding of magazines, books, periodicals, pamphlets, reports, and similar articles, and contracts for utility services such as water, light, heat, telephone, or telegraph, shall not be subject to the competitive bidding requirements of this Section, but may not be awarded without the affirmative vote of 3/5ths of the Board.

The Board may, by ordinance, promulgate reasonable regulations prescribing the qualifications of the bidders as to experience, adequacy of equipment, ability to complete performance within the time set, and other factors in addition to financial responsibility, and may, by ordinance, provide for suitable performance guaranties to qualify a bid. Copies of all regulations shall be made available to all bidders.

The district may determine in advance the minimum rental that should be produced by the public warehouse or public grain elevator offered and, if no qualified bid will produce the minimum rental, all bids may be rejected and the district shall then readvertise for bids. If after the readvertisement no responsible and satisfactory bid within the terms of the advertisement is received, the district may then negotiate a lease for not less than the amount of minimum rental so determined. If, after negotiating for a lease as provided in this Section, it is found necessary to revise the minimum rental to be produced by the facilities offered for lease, then the district shall again readvertise for bids, as provided in this Section, before negotiating a lease.

If the district shall temporarily operate any public warehouse or public grain elevator as provided in Section 35, the temporary operation shall not continue for more than one year without advertising for bids for the operation of the facility as provided in this Section.

Section 45. Obligations for expenses not to be incurred until appropriations made. Unless and until the revenues from operations conducted by the district are adequate to meet all expenditures or unless and until otherwise determined by an act of the General Assembly, the district shall not incur any obligations for

salaries, office, or administrative expenses before the making of appropriations to meet those expenses.

Section 50. Acquisition of property.

(a) The district shall have power to acquire and accept by purchase, lease, gift, grant, or otherwise any and all real property, whether a fee simple absolute or a lesser estate, and personal property either within or without its corporate limits or any right that may be useful for its purposes and to provide for the development of adequate channels, ports, harbors, terminals, port facilities, intermodal facilities, and terminal facilities adequate to serve the needs of commerce within the district. The district shall have the right to grant easements and permits for the use of any real property, rights of way, or privileges that, in the opinion of the Board, will not interfere with the use of the district's property by the district for its primary purposes and the easements and permits may contain any conditions and retain any interest therein that may be deemed for the best interest of the district by the Board.

(b) Any property or facility shall be leased or operated, if at all, only by 2 or more unrelated contracting parties in parcels that are as nearly equal in all respects as practicable unless the Board determines that it is in the best interest of the district to lease the property or facility to a single contracting party.

The district, subject to the public bid requirements prescribed in Section 40 with respect to public warehouses or public grain elevators, may lease to others for any period of time not to exceed 99 years upon any terms that the Board may determine any of its real property, rights of way, or privileges, any interest therein, or any part thereof for industrial, manufacturing, commercial, recreational, or harbor purposes, that is in the opinion of the Board no longer required for its primary purposes in the development of port, intermodal, and harbor facilities or that may not be immediately needed for those purposes. Where the leases will in the opinion of the Board aid and promote those purposes, and in conjunction with those leases, the district may grant rights of way and privileges across the property of the district, which rights of way and privileges may be assignable and irrevocable during the term of any lease and may include the right to enter upon the property of the district to do any things that may be necessary for the enjoyment of the leases, rights of way, and privileges and the leases may contain any conditions and retain any interest that may be deemed for the best interest of the district by the Board.

With respect to any and all leases, easements, rights of way, privileges, and permits made or granted by the Board, the Board may agree upon and collect the rentals, charges, and fees that may be deemed for the best interest of the district by the Board. The rentals, charges, and fees shall be used to defray the reasonable expenses of the district and to pay the principal of and interest on any revenue bonds issued by the district.

(c) The district may dedicate to the public for highway purposes any of its real property and those dedications may be subject to any conditions and the retention of any interest that may be deemed for the best interest of the district by the Board.

(d) The district may sell, convey, or operate any of its buildings, structures, or other improvements located upon district property that may be deemed in the best interest of the district by the Board.

Section 55. Grants, loans, and appropriations. The district has power to apply for and accept grants, loans, or appropriations from the federal government or any agency or instrumentality thereof or the State of Illinois or any agency or instrumentality thereof to be used for any of the purposes of the district and to enter into any agreement with the federal government, the State of Illinois, or any agency or instrumentality thereof in relation to the grants, loans, or appropriations.

Section 60. Foreign trade zones and sub-zones. The district has power to apply to the proper authorities of the United States of America under the appropriate law for the right to establish, operate, maintain, and lease foreign trade zones and sub-zones within the jurisdiction of the United States Customs Service and to establish, operate, maintain, and lease the foreign trade zones and sub-zones.

Section 65. Insurance contracts. The district has power to procure and enter into contracts for any type of insurance and indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employers' liability, against any act of any member, officer, or employee of the Board or of the district in the performance of the duties of his or her office or employment or any other insurable risk.

Section 70. Borrowing money; revenue bonds.

(a) The district has the continuing power to borrow money for the purpose of acquiring, constructing, reconstructing, extending, operating, or improving terminals, terminal facilities, intermodal facilities, and port facilities; for acquiring any property and equipment useful for the construction, reconstruction, extension, improvement, or operation of its terminals, terminal facilities, intermodal facilities, and port facilities; and for acquiring necessary cash working funds. For the purpose of evidencing the obligation of the district to repay any money borrowed, the district may, by ordinances adopted by the Board from time

to time, issue and dispose of its interest bearing revenue bonds, notes, or certificates and may also from time to time issue and dispose of its interest bearing revenue bonds, notes, or certificates to refund any bonds, notes, or certificates at maturity or by redemption provisions or at any time before maturity with the consent of the holders thereof.

(b) All bonds, notes, and certificates shall be payable solely from the revenues or income to be derived from the terminals, terminal facilities, intermodal facilities, and port facilities or any part thereof; may bear any date or dates; may mature at any time or times not exceeding 40 years from their respective dates; may bear interest at any rate or rates payable semiannually; may be in any form; may carry any registration privileges; may be executed in any manner; may be payable at any place or places; may be made subject to redemption in any manner and upon any terms, with or without premium that is stated on the face thereof; may be authenticated in any manner; and may contain any terms and covenants as may be provided in the ordinance. The holder or holders of any bonds, notes, certificates, or interest coupons appertaining to the bonds, notes, and certificates issued by the district may bring civil actions to compel the performance and observance by the district or any of its officers, agents, or employees of any contract or covenant made by the district with the holders of those bonds, notes, certificates, or interest coupons and to compel the district and any of its officers, agents, or employees to perform any duties required to be performed for the benefit of the holders of any bonds, notes, certificates, or interest coupons by the provision in the ordinance authorizing their issuance, and to enjoin the district and any of its officers, agents, or employees from taking any action in conflict with any such contract or covenant, including the establishment of charges, fees, and rates for the use of facilities as provided in this Act. Notwithstanding the form and tenor of any bonds, notes, or certificates and in the absence of any express recital on the face thereof that it is nonnegotiable, all bonds, notes, and certificates shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or certificates, temporary bonds, notes, or certificates may be issued with or without interest coupons as may be provided by ordinance.

(c) The bonds, notes, or certificates shall be sold by the corporate authorities of the district in any manner that the corporate authorities shall determine, except that if issued to bear interest at the minimum rate permitted by Bond Authorization Act, the bonds shall be sold for not less than par and accrued interest and except that the selling price of bonds bearing interest at a rate less than the maximum rate permitted in that Act shall be such that the interest cost to the district of the money received from the bond sale shall not exceed such maximum rate annually computed to absolute maturity of said bonds or certificates according to standard tables of bond values.

(d) From and after the issue of any bonds, notes, or certificates as provided in this Section, it shall be the duty of the corporate authorities of the district to fix and establish rates, charges, and fees for the use of facilities acquired, constructed, reconstructed, extended, or improved with the proceeds derived from the sale of the bonds, notes, or certificates sufficient at all times with other revenues of the district, if any, to pay (i) the cost of maintaining, repairing, regulating, and operating the facilities and (ii) the bonds, notes, or certificates and interest thereon as they shall become due, all sinking fund requirements, and all other requirements provided by the ordinance authorizing the issuance of the bonds, notes, or certificates or as provided by any trust agreement executed to secure payment thereof. To secure the payment of any or all of bonds, notes, or certificates and for the purpose of setting forth the covenants and undertaking of the district in connection with the issuance of those bonds, notes, or certificates and the issuance of any additional bonds, notes, or certificates payable from revenue income to be derived from the terminals, terminal facilities, intermodal facilities, and port facilities the district may execute and deliver a trust agreement or agreements. A lien upon any physical property of the district may be created by the trust agreement. A remedy for any breach or default of the terms of any trust agreement by the district may be by mandamus proceedings in the circuit court to compel performance and compliance with the agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

Section 75. Bonds not obligations of the State or district. Under no circumstances shall any bonds, notes, or certificates issued by the district or any other obligation of the district be or become an indebtedness or obligation of the State of Illinois or of any other political subdivision of or municipality within the State, nor shall any bond, note, certificate, or obligation be or become an indebtedness of the district within the purview of any constitutional limitation or provision. It shall be plainly stated on the face of each bond, note, and certificate that it does not constitute an indebtedness or obligation but is payable solely from the revenues or income of the district.

Section 80. Revenue bonds as legal investments. The State and all counties, cities, villages, incorporated towns and other municipal corporations, political subdivisions, public bodies, and public officers of any thereof; all banks, bankers, trust companies, savings banks and institutions, building and

loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, guardians, trustees, and their fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds, notes, or certificates issued under this Act. It is the purpose of this Section to authorize the investment in bonds, notes, or certificates of all sinking, insurance, retirement, compensation, pension, and trust funds, whether owned or controlled by private or public persons or officers; provided, however, that nothing contained in this Section may be construed as relieving any person from any duty of exercising reasonable care in selecting securities for purchase or investment.

Section 90. Permits. It shall be unlawful to make any fill or deposit of rock, earth, sand, or other material, or any refuse matter of any kind or description, or build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, bridge, or other structure over, under, in, or within 40 feet of any navigable waters within the district without first submitting the plans, profiles, and specifications for it, and any other data and information that may be required, to the district and receiving a permit. Any person, corporation, company, city or municipality, or other agency that does any of the things prohibited in this Section without securing a permit is guilty of a Class A misdemeanor. Any structure, fill, or deposit erected or made in any of the public bodies of water within the district in violation of the provisions of this Section is declared to be a purpresture and may be abated as such at the expense of the person, corporation, company, city, municipality, or other agency responsible for it. If in the discretion of the district it is decided that the structure, fill, or deposit may remain, the district may fix any rule, regulation, requirement, restrictions, or rentals or require and compel any changes, modifications, and repairs that shall be necessary to protect the interest of the district.

Section 100. Heart of Illinois Regional Port District Board; compensation. The governing and administrative body of the district shall be a board consisting of 9 members, to be known as the Heart of Illinois Regional Port District Board. Members of the Board shall be residents of a county whose territory, in whole or in part, is embraced by the district and persons of recognized business ability. The members of the Board shall not receive compensation for their services. Each member shall be reimbursed for actual expenses incurred in the performance of his or her duties. Any person who is appointed to the office of secretary or treasurer of the Board may receive compensation for services as an officer, as determined by the Board. No member of the Board or employee of the district shall have any private financial interest, profit, or benefit in any contract, work, or business of the district or in the sale or lease of any property to or from the district.

Section 105. Board; appointments; terms of office; certification and oath. The Governor, by and with the advice and consent of the Senate, shall appoint 2 members of the Board. Of the 2 members appointed by the Governor, at least one must be a member of a labor organization, as defined in Section 3 of the Workplace Literacy Act. If the Senate is in recess when the appointment is made, the Governor shall make a temporary appointment until the next meeting of the Senate. The county board chairmen of Tazewell, Woodford, Peoria, Marshall, Mason, Putnam, and Fulton Counties shall each appoint one member of the Board with the advice and consent of their respective county boards. Of the members initially appointed, the 2 appointed by the Governor shall be appointed for initial terms expiring June 1, 2009, and the 7 appointed by their county board chairmen shall be appointed for initial terms expiring June 1, 2010. All vacancies shall be filled in a like manner and with like regard to the place of residence of the appointee. After the expiration of initial terms, a successor shall hold office for the term of 6 years beginning the first day of June of the year in which the term of office commences. The Governor and the respective county board chairmen shall certify their appointments to the Secretary of State. Within 30 days after certification of appointment, and before entering upon the duties of his office, each member of the Board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of State.

Section 110. Resignation and removal of Board members; vacancies. Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from his or her office, to take effect when his or her successor has been appointed and has qualified. The Governor and the county boards may remove any member of the Board appointed by them in case of incompetency, neglect of duty, or malfeasance in office. They shall give the member a copy of the charges against him or her and an opportunity to be publicly heard in person or by counsel in his or her own defense upon not less than 10 days' notice. In case of failure to qualify within the time required, of abandonment of office, or of death, conviction of a crime, or removal from office, the office shall become vacant. Each vacancy shall be filled for the unexpired term by appointment in like manner, and with like regard as to the place of residence of the appointee, as in case of expiration of the term of a member of the Board.

Section 115. Organization of the Board. As soon as possible after the appointment of the initial members, the Board shall organize for the transaction of business, select a chairperson and a temporary secretary from its own number, and adopt by-laws and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the Board from time to time for the term of his or her office as a member of the Board or for the term of 3 years, whichever is shorter.

Section 120. Meetings; ordinances and resolutions; public records. Regular meetings of the Board shall be held at least once in each calendar month, the time and place of the meeting to be fixed by the Board. Five members of the Board shall constitute a quorum for the transaction of business. All action of the Board shall be by ordinance or resolution and the affirmative vote of at least 5 members shall be necessary for the adoption of any ordinance or resolution. All ordinances and resolutions before taking effect shall be approved by the chairperson of the Board. If the chairperson shall approve the ordinance or resolution, he or she shall sign it. Those ordinances or resolutions the chairperson shall not approve the chairperson shall return to the Board with his or her objections in writing at the next regular meeting of the Board occurring after the passage of the ordinances or resolutions. If the chairperson shall fail to return any ordinance or resolution with his or her objections by the time required in this Section, he or she shall be deemed to have approved it and it shall take effect accordingly. Upon the return of any ordinance or resolution by the chairperson with his or her objections, the vote by which the ordinance or resolution was passed shall be reconsidered by the Board. If upon reconsideration the ordinance or resolution is passed by the affirmative vote of at least 6 members, it shall go into effect notwithstanding the veto of the chairperson. All ordinances, resolutions, all proceedings of the district, and all documents and records in its possession shall be public records, and open to public inspection, except any documents and records that shall be kept or prepared by the Board for use in negotiations, actions, or proceedings to which the district is a party.

Section 125. Secretary and treasurer; oath and bond. The Board shall appoint a secretary and a treasurer who need not be members of the Board to hold office during the pleasure of the Board. The Board shall fix their duties and compensation. Before entering upon the duties of their respective offices, they shall take and subscribe the constitutional oath of office and the treasurer shall execute a bond with corporate sureties to be approved by the Board. The bond shall be payable to the district in whatever penal sum may be directed by the Board conditioned upon the faithful performance of the duties to the office and the payment of all money received by him or her according to law and the orders of the Board. The Board may, at any time, require a new bond from the treasurer in any penal sum that may be determined by the Board. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any savings and loan association or national or State bank wherein the treasurer has deposited funds if the bank or savings and loan association has been approved by the Board as a depository for those funds. The oaths of office and the treasurer's bond shall be filed in the principal office of the district.

Section 130. Deposits; checks or drafts.

(a) All funds deposited by the treasurer in any bank or savings and loan association shall be placed in the name of the district and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by the chairperson of the Board. The Board may designate any of its members or any officer or employee of the district to affix the signature of the chairperson and another to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for payment of any other obligation of not more than \$10,000.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

(b) In case any officer whose signature appears upon any check or draft issued under this Act ceases to hold his or her office before the delivery of the check or draft to the payee, his or her signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he or she had remained in office until delivery of the check or draft.

Section 135. Prompt payment. Purchases made under this Act shall be made in compliance with the Local Government Prompt Payment Act.

Section 140. Executive director, officers, and employees. The Board may appoint an executive director, who shall be a person of recognized ability and business experience, to hold office during the pleasure of the Board. The executive director shall have management of the properties, business, and the employees of the district subject to the general control of the Board; shall direct the enforcement of all ordinances, resolutions, rules, and regulations of the Board; and shall perform any other duties that may be prescribed from time to time by the Board. The Board may appoint a general attorney and a chief engineer and shall provide for the appointment of any other officers, attorneys, engineers, consultants, agents, and employees that may be necessary. The Board shall define their duties and require bonds of those that it may designate.

The executive director, general attorney, chief engineer, and all other officers provided for under this Section shall be exempt from taking and subscribing any oath of office and shall not be members of the Board. The compensation of the executive director, general attorney, chief engineer, and all other officers, attorneys, consultants, agents, and employees shall be fixed by the Board, subject to the provisions of Section 125 of this Act.

Section 145. Fines and penalties. The Board shall have power to pass all ordinances and to make all rules and regulations proper or necessary to carry into effect the powers granted to the district, with any fines or penalties that may be deemed proper. All fines and penalties shall be imposed by ordinances that shall be published in a newspaper of general circulation published in the area embraced by the district. No ordinance shall take effect until 10 days after its publication.

Section 150. Report and financial statement. As soon after the end of each fiscal year as may be expedient, the Board shall prepare and print a complete and detailed report and financial statement of its operations and of its assets and liabilities. A reasonably sufficient number of copies of the report shall be printed for distribution to persons interested, upon request, and a copy of the report shall be filed with the Governor and the county clerk of each county that is within the area of the district. A copy of the report shall be addressed to and mailed to the mayor and city council or president and board of trustees of each municipality within the area of the district.

Section 155. Investigations by the Board. The Board may investigate conditions in which it has an interest within the area of the district; the enforcement of its ordinances, rules, and regulations; and the action, conduct, and efficiency of all officers, agents, and employees of the district. In the conduct of investigations the Board may hold public hearings on its own motion and shall do so on complaint of any municipality within the district. Each member of the Board shall have power to administer oaths and the secretary, by order of the Board, shall issue subpoenas to secure the attendance and testimony of witnesses and the production of books and papers relevant to investigations and to any hearing before the Board or any member of the Board.

Any circuit court of this State, upon application of the Board or any member of the Board, may in its discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Board, before any member of the Board, or before any officers' committee appointed by the Board by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before the court.

Section 160. Annexation. Territory that is contiguous to the district and that is not included within any other port district may be annexed to and become a part of the district in the manner provided in Section 165 or 170, whichever is applicable.

Section 165. Petition for annexation. At least 5% of the legal voters resident within the limits of the proposed addition to the district shall petition the circuit court for a county in which a major part of the district is situated, to cause the question of whether the proposed additional territory shall become a part of the district to be submitted to the legal voters of the proposed additional territory. The petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed addition.

Upon the filing of any petition with the clerk of the court, the court shall fix a time and place for a hearing upon the subject of the petition.

Notice shall be given by the court to whom the petition is addressed or by the circuit clerk or sheriff of the county in which the petition is made at the order and direction of the court of the time and place of the hearing upon the subject of the petition at least 20 days before the hearing by at least one publication of the notice in any newspaper having general circulation within the area proposed to be annexed, and by mailing a copy of the notice to the mayor or president of the board of trustees of all cities, villages, and incorporated towns within the district.

At the hearing the district, all persons residing or owning property within the district, and all persons residing in or owning property situated in the area proposed to be annexed to the district may appear and be heard touching upon the sufficiency of the petition. If the court finds that the petition does not comply with the requirements of the law, the court shall dismiss the petition. If the court finds that the petition is sufficient, the court shall certify the petition and the proposition to the proper election officials who shall submit the proposition to the voters at an election under the general election law. In addition to the requirements of the general election law, the notice of the referendum shall include a description of the area proposed to be annexed to the district.

The proposition shall be in substantially the following form:

Shall (description of the territory proposed to be annexed) join the Heart of Illinois Regional Port

District?

The votes shall be recorded as "Yes" or "No".

The court shall cause a statement of the result of the referendum to be filed in the records of the court.

If a majority of the votes cast upon the question of annexation to the district are in favor of becoming a part of the district, the court shall then enter an order stating that the additional territory shall thenceforth be an integral part of the Heart of Illinois Regional Port District and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order to the circuit clerk of any other county in which any of the territory affected is situated.

Section 170. Annexation of territory having no legal voters. If there is territory contiguous to the district that has no legal voters residing within it, a petition to annex the territory signed by all the owners of record of the territory may be filed with the circuit court for the county in which a major part of the district is situated. A time and place for a hearing on the subject of the petition shall be fixed and notice of the hearing shall be given in the manner provided in Section 165. At the hearing any owner of land in the territory proposed to be annexed, the district, and any resident of the district may appear and be heard touching on the sufficiency of the petition. If the court finds that the petition satisfies the requirements of this Section, it shall enter an order stating that thenceforth the territory shall be an integral part of the Heart of Illinois Regional Port District and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order of the court to the circuit clerk of any other county in which the annexed territory is situated.

Section 172. Disconnection. The registered voters of a county included in the district may petition the State Board of Elections requesting the submission of the question of whether the county should be disconnected from the district to the electors of the county. The petition shall be circulated in the manner required by Section 28-3 of the Election Code and objections thereto and the manner of their disposition shall be in accordance with Section 28-4 of the Election Code. If a petition is filed with the State Board of Elections, signed by not less than 5% of the registered voters of the county or that portion of the county that is within the district, requesting that the question of disconnection be submitted to the electors of the county, the State Board of Elections must certify the question to the proper election authority, which must submit the question at a regular election held at least 78 days after the petition is filed in accordance with the Election Code.

The question must be submitted in substantially the following form:

Shall (name of county) be disconnected from the Heart of Illinois Regional Port District?

The votes must be recorded as "Yes" or "No". If a majority of the electors voting on the question vote in the affirmative, the county or portion of the county that is within the district shall be disconnected from the district.

Section 175. Administrative Review Law. All final administrative decisions of the Board, shall be subject to judicial review under the provisions of the Administrative Review Law and the rules adopted under that Act. The term "administrative decision" means the same as in Section 3-101 of the Code of Civil Procedure.

Section 180. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 185. Interference with private facilities. The provisions of this Act shall not be considered as impairing, altering, modifying, repealing, or superseding any of the jurisdiction or powers of the Illinois Commerce Commission or of the Department of Natural Resources under the Rivers, Lakes, and Streams Act. Nothing in this Act or done under its authority shall apply to, restrict, limit, or interfere with the use of any terminal, terminal facility, intermodal facility, or port facility owned or operated by any private person for the storage or handling or transfer of any commodity moving in interstate commerce or the use of the land and facilities of a common carrier or other public utility and the space above that land and those facilities or the right to use that land and those facilities in the business of any common carrier or other public utility, without approval of the Illinois Commerce Commission and without the payment of just compensation to any common carrier or other public utility for damages resulting from any restriction, limitation, or interference.

Section 190. Non-applicability of conflicting provisions of the Illinois Municipal Code. The provisions of the Illinois Municipal Code shall not be effective within the area of the district insofar as the provisions of that Act conflict with the provisions of this Act or grant substantially the same powers to any municipal corporation that are granted to the district by this Act.

Section. 999. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1475 AS AMENDED with reference to page and line numbers of Senate Amendment No. 1, on page 3, in line 5, by deleting ", and Putnam"; and on page 16, in line 32, by changing "2" to "3"; and on page 17, in line 1, by changing "2" to "3"; and on page 17, in line 7, by deleting "Putnam"; and on page 17, in 10, by changing "2" to "3"; and on page 17, in line 11, by changing "7" to "6".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1475 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1382

A bill for AN ACT concerning families.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 1382

Senate Amendment No. 4 to HOUSE BILL NO. 1382

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1382 on page 1, after line 18, by inserting the following:

"(c) Notwithstanding the provisions of subsection (a), the court may decline to enjoin a domestic violence victim having physical possession or custody of a child from temporarily or permanently removing the child from Illinois pending the adjudication of the issues of custody and visitation. In determining whether a person is a domestic violence victim, the court shall consider the following factors:

(1) a sworn statement by the person that the person has good reason to believe that he or she is the victim of domestic violence or stalking;

(2) a sworn statement that the person fears for his or her safety or the safety of his or her children;

(3) evidence from police, court or other government agency records or files;

(4) documentation from a domestic violence program if the person is alleged to be a victim of domestic violence;

(5) documentation from a legal, clerical, medical, or other professional from whom the person has sought assistance in dealing with the alleged domestic violence; and

(6) any other evidence that supports the sworn statements, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence."

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 1382 on page 1, line 16, after "visitation", by inserting "When deciding whether to enjoin removal of a child, the Court shall consider the following factors including, but not limited to:

(1) the extent of previous involvement with the child by the party seeking to enjoin removal;

(2) the likelihood that parentage will be established; and

(3) the impact on the financial, physical, and emotional health of the party being enjoined from

removing the child."

The foregoing message from the Senate reporting Senate Amendments numbered 2 and 4 to HOUSE BILL 1382 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2685

A bill for AN ACT making appropriations.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 2685

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2685 by replacing everything after the enacting clause with the following: "ARTICLE 1

Section 1. The amount of \$253,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority. ARTICLE 2

Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

| | |
|---------------------------------------|--------------|
| For Personal Services..... | \$ 6,120,000 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 244,800 |
| For State Contributions to the State | |
| Employees' Retirement System | 822,500 |
| For State Contributions to | |
| Social Security..... | 468,200 |
| For Contractual Services..... | 260,600 |
| For Travel..... | 169,200 |
| For Commodities..... | 15,700 |
| For Printing..... | 13,600 |

| | |
|--------------------------------------|--------------|
| For Equipment..... | 8,200 |
| For Electronic Data Processing..... | 22,300 |
| For Telecommunications Services..... | 253,000 |
| For Operation of Auto Equipment..... | <u>8,200</u> |
| Total | \$8,406,300 |

Section 2. The sum of \$193,200, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 3

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE

Payable from Transportation Regulatory Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services..... | \$ 78,900 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 3,200 |
| For State Contributions to State | |
| Employees' Retirement System..... | 10,600 |
| For State Contributions to | |
| Social Security..... | 6,000 |
| For Group Insurance..... | 10,800 |
| For Contractual Services..... | 400 |
| For Travel..... | 2,100 |
| For Equipment..... | 5,800 |
| For Telecommunications | 7,200 |
| For Operation of Auto Equipment | <u>1,000</u> |
| Total | \$126,000 |

Payable from Public Utility Fund:

| | |
|---------------------------------------|-------------|
| For Personal Services..... | \$ 821,100 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 32,800 |
| For State Contributions to State | |
| Employees' Retirement System..... | 110,300 |
| For State Contributions to | |
| Social Security..... | 62,800 |
| For Group Insurance..... | 147,000 |
| For Contractual Services..... | 22,700 |
| For Travel..... | 64,900 |
| For Commodities..... | 2,100 |
| For Equipment..... | 2,300 |
| For Telecommunications | 20,000 |
| For Operation of Auto Equipment | <u>700</u> |
| Total | \$1,286,700 |

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

PUBLIC UTILITIES

Payable from Public Utility Fund:

| | |
|---------------------------------------|---------------|
| For Personal Services..... | \$ 12,764,800 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 516,100 |
| For State Contributions to State | |
| Employees' Retirement System..... | 1,715,500 |
| For State Contributions to | |

| | |
|---|----------------|
| Social Security..... | 956,600 |
| For Group Insurance..... | 2,189,700 |
| For Contractual Services..... | 1,531,100 |
| For Travel..... | 210,300 |
| For Commodities..... | 46,700 |
| For Printing | 50,500 |
| For Equipment..... | 56,800 |
| For Electronic Data Processing | 666,000 |
| For Telecommunications | 534,200 |
| For Operation of Auto Equipment | 20,400 |
| For Refunds | 17,000 |
| Payable from General Revenue Fund: For legal costs associated with the passage of "An Act to abolish incinerator subsidies under the retail rate law" | <u>408,200</u> |
| Total | \$21,683,900 |

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Commerce Commission:

TRANSPORTATION

Payable from Transportation Regulatory Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services..... | \$ 4,773,800 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 191,000 |
| For State Contributions to State | |
| Employees' Retirement System..... | 641,600 |
| For State Contributions to | |
| | 296,900 |

| | |
|---------------------------------------|---------------|
| Social Security..... | |
| For Group Insurance..... | 804,000 |
| For Contractual Services..... | 521,500 |
| For Travel..... | 177,100 |
| For Commodities..... | 35,500 |
| For Printing | 27,800 |
| For Equipment..... | 106,900 |
| For Electronic Data Processing | 613,800 |
| For Telecommunications..... | 265,300 |
| For Operation of Auto Equipment | 89,200 |
| For Refunds..... | <u>25,000</u> |
| Total | \$8,569,400 |

Section 4. The sum of \$8,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; and (2) for refunds for overpayments.

Section 5. The sum of \$250,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in monitoring railroad crossing safety.

Section 6. The sum of \$1,975,000, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997, including costs in the prior year.

Section 7. The sum of \$4,350,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 8. The sum of \$3,800,000, or so much thereof as may be necessary, is appropriated from the Restricted Call Registry Fund to the Illinois Commerce Commission for the purpose of implementing the Restricted Call Registry Act, including costs in prior years.

Section 9. The sum of \$75,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

ARTICLE 4

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

Payable from the Traffic and Criminal Conviction Surcharge Fund:

| | |
|--|--------------|
| For Personal Services | \$ 1,159,800 |
| For Employee Retirement Contributions | |
| Paid by Employer | 46,400 |
| For State Contributions to State | |
| Employees' Retirement System | 155,900 |
| For State Contributions to | |
| Social Security | 92,600 |
| For Group Insurance | 275,000 |
| For Contractual Services | 330,900 |
| For Travel | 42,200 |
| For Commodities | 13,000 |
| For Printing | 5,000 |
| For Equipment | 39,000 |
| For Electronic Data Processing | 69,000 |
| For Telecommunications Services | 36,600 |
| For Operation of Auto Equipment | 18,200 |
| For Expenses Related to the Audit of Assessment Collection and Remittance To and Expenditures From the Traffic and | |

0

Criminal Conviction Surcharge Fund

Total

\$2,283,600

Payable from the Police Training Board Services Fund:

For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act \$ 500,000

Payable from the Death Certificate Surcharge Fund:

For payment of and/or services related to death investigation in accordance with statutory provisions of the Vital Records Act \$ 400,000

Section 1a. The following named amount, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Law Enforcement Training Standards Board as follows:

GRANTS-IN-AID

Payable from the Traffic and Criminal Conviction Surcharge Fund:

For payment of and/or reimbursement of training and training services in accordance with statutory provisions\$ 11,784,500

ARTICLE 5

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

GENERAL PROFESSIONS

For Personal Services \$ 2,248,000

For Personal Services -

Per Diem Personnel 0

For Employee Retirement Contributions

Paid by Employer 91,000

For State Contributions to State

Employees' Retirement System 302,100

For State Contributions to

| | |
|--------------------------------|---------------|
| Social Security | 172,000 |
| For Group Insurance | 539,000 |
| For Contractual Services | 45,000 |
| For Travel | 85,000 |
| For Refunds | <u>22,500</u> |
| Total | \$3,504,600 |

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Dental Examining Committee in the Department of Professional Regulation:

| | |
|--|--------------|
| For Personal Services | \$ 516,700 |
| For Personal Services - Per Diem | 0 |
| For Employee Retirement Contributions | |
| Paid by Employer | 24,400 |
| For State Contributions to State | |
| Employees' Retirement System | 69,400 |
| For State Contributions to | |
| Social Security | 31,000 |
| For Group Insurance | 110,000 |
| For Contractual Services | 10,500 |
| For Travel | 20,000 |
| For Refunds | <u>5,000</u> |
| Total | \$787,000 |

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Medical Disciplinary Board in the Department of Professional Regulation:

| | |
|-----------------------------|--------------|
| For Personal Services | \$ 2,521,500 |
|-----------------------------|--------------|

| | |
|---------------------------------------|---------------|
| For Personal Services: | |
| Per Diem | 0 |
| For Employee Retirement Contributions | |
| Paid by Employer | 113,400 |
| For State Contributions to State | |
| Employees' Retirement System | 338,900 |
| For State Contributions to | |
| Social Security | 151,300 |
| For Group Insurance | 528,000 |
| For Contractual Services | 125,000 |
| For Travel | 50,000 |
| For Refunds | <u>15,000</u> |
| Total | \$3,843,100 |

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to meet the ordinary and contingent expenses of the Optometric Licensing and Disciplinary Committee and Technical Review Board in the Department of Professional Regulation:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 248,700 |
| For Personal Services: | |
| Per Diem | 0 |
| For Employee Retirement Contributions | |
| Paid by Employer | 12,200 |
| For State Contributions to State | |
| Employees' Retirement System | 33,400 |
| For State Contributions to | |
| Social Security | 19,000 |

| | |
|--------------------------------|--------------|
| For Group Insurance | 55,000 |
| For Contractual Services | 75,000 |
| For Travel | 12,000 |
| For Refunds | <u>2,500</u> |
| Total | \$457,800 |

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to meet the ordinary and contingent expenses of the Design Professionals Examining Committee in the Department of Professional Regulation:

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 495,900 |
| For Personal Services: | |
| Per Diem | 0 |
| For Employee Retirement Contributions | |
| Paid by Employer | 19,800 |
| For State Contributions to State | |
| Employees' Retirement System | 66,600 |
| For State Contributions to | |
| Social Security | 38,000 |
| For Group Insurance | 132,000 |
| For Contractual Services | 40,000 |
| For Travel | 60,000 |
| For Refunds | <u>2,500</u> |
| Total | \$854,800 |

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to meet the ordinary and contingent expenses of the State Board of Pharmacy in the Department of Professional Regulation:

\$ 862,300

| | |
|---------------------------------------|--------------|
| For Personal Services | |
| For Personal Services | |
| Per Diem Personnel | 0 |
| For Employee Retirement Contributions | |
| Paid by Employer | 38,600 |
| For State Contributions to State | |
| Employees' Retirement System | 115,900 |
| For State Contributions to | |
| Social Security | 52,600 |
| For Group Insurance | 143,000 |
| For Contractual Services | 120,000 |
| For Travel | 30,000 |
| For Refunds | <u>7,500</u> |
| Total | \$1,369,900 |

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to meet the ordinary and contingent expenses of the Podiatric Medical Licensing Board in the Department of Professional Regulation:

| | |
|--------------------------------|--------------|
| For Personal Services: | |
| Per Diem | \$ 0 |
| For Contractual Services | 5,000 |
| For Travel | 5,000 |
| Refunds..... | <u>1,000</u> |
| Total | \$11,000 |

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Registered CPA Administration and Disciplinary Fund to meet the ordinary and contingent expenses of the Public Accountant Board in the Department of Professional Regulation:

For Personal Services:

| | |
|--------------------------------|--------------|
| Per Diem | 0 |
| For Contractual Services | 65,000 |
| For Travel | 7,500 |
| For Refunds | <u>2,000</u> |
| Total | \$74,500 |

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to meet the ordinary and contingent expenses of the Committee on Nursing in the Department of Professional Regulation:

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 1,002,300 |
| For Personal Services: Per Diem | 0 |
| For Employee Retirement Contributions | |
| Paid by Employer | 43,100 |
| For State Contributions to State | |
| Employees' Retirement System | 134,700 |
| For State Contribution to | |
| Social Security | 65,100 |
| For Group Insurance | 242,000 |
| For Contractual Services | 185,000 |
| For Travel | 25,000 |
| For Refunds | <u>6,000</u> |
| Total | \$1,703,200 |

Section 10. The sum of \$100,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Professional Regulation for the purchase of evidence and equipment to conduct covert activities.

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are

appropriated from the Professions Indirect Cost Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

| | |
|---------------------------------------|----------------|
| For Personal Services | \$ 6,420,700 |
| For Employee Retirement Contributions | |
| Paid by Employer | 256,800 |
| For State Contributions to State | |
| Employees' Retirement System | 862,900 |
| For State Contributions to | |
| Social Security | 491,200 |
| For Group Insurance | 1,397,000 |
| For Contractual Services | 1,939,000 |
| For Travel | 65,000 |
| For Commodities | 60,000 |
| For Printing | 120,000 |
| For Equipment | 150,000 |
| For Electronic Data Processing | 1,000,000 |
| For Telecommunications Services | 420,000 |
| For Operation of Auto Equipment | <u>169,000</u> |
| Total | \$13,351,600 |

ARTICLE 6

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE

Payable from the Fire Prevention Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services..... | \$ 6,240,900 |
| For Employee Retirement Contributions | |

| | |
|---|--------------|
| Paid by Employer | 265,300 |
| For State Contributions to the State | |
| Employees' Retirement System..... | 838,700 |
| For State Contributions to Social Security..... | 415,100 |
| For Group Insurance..... | 1,232,000 |
| For Contractual Services..... | 701,400 |
| For Travel..... | 120,000 |
| For Commodities..... | 64,000 |
| For Printing..... | 40,900 |
| For Equipment..... | 140,000 |
| For Electronic Data Processing..... | 205,000 |
| For Telecommunications..... | 170,500 |
| For Operation of Auto Equipment..... | 195,000 |
| For Refunds..... | <u>4,000</u> |
| Total | \$10,632,800 |
| Payable from the Underground Storage Tank Fund: | |
| For Personal Services..... | \$ 1,299,200 |
| For Employee Retirement Contributions | |
| Paid by Employer | 52,000 |
| For State Contributions to the State | |
| Employees' Retirement System | 174,600 |
| For State Contributions to Social Security..... | 99,400 |
| For Group Insurance..... | 297,000 |
| For Contractual Services..... | 235,300 |
| For Travel..... | 24,500 |

| | |
|--------------------------------------|-----------------|
| For Commodities..... | 8,000 |
| For Printing..... | 2,600 |
| For Equipment..... | 71,500 |
| For Electronic Data Processing..... | 90,000 |
| For Telecommunications..... | 34,200 |
| For Operation of Auto Equipment..... | 40,000 |
| For Refunds..... | <u>50,000</u> |
| Total | \$2,478,300 |

Section 2. The sum of \$450,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for administrative expenses of the Elevator Safety and Regulation Act.

Section 3. The sum of \$185,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter and Firefighter Medal of Honor Ceremonies, and other expenses as allowed under Public Act 91-0832.

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:

Payable from the Fire Prevention Fund:

| | |
|---|------------|
| For Fire Prevention Training..... | \$ 50,000 |
| For Expenses of Fire Prevention Awareness Program..... | 80,000 |
| For Expenses of Arson Education and Seminars | 25,000 |

Payable from the Fire Prevention
Division Fund:

| | |
|--|--------------------|
| For Expenses of the U.S. Resource Conservation and Recovery Act | <u>186,000</u> |
|--|--------------------|

| | |
|----------------------------------|-----------|
| Underground Storage Program..... | |
| Total | \$341,000 |

| | |
|--|----------|
| Payable from the Emergency Response Reimbursement Fund: For Hazardous Material Emergency Response Reimbursement | \$ 5,000 |
|--|----------|

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GRANTS

Payable from the Fire Prevention Fund:

| | |
|--|----------------|
| For Chicago Fire Department Training Program | \$ 1,397,100 |
| For payment to local governmental agencies which participate in the State Training Programs..... | 350,000 |
| For Regional Training Grants | <u>150,000</u> |
| Total | \$1,897,100 |

Section 6. The sum of \$550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for Administrative Costs incurred as a result of the State's Underground Storage Program.

Section 7. The sum of \$2,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

ARTICLE 7

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 344,900 |
| For Employee Retirement Contributions | |
| Paid by Employer | 13,800 |

| | |
|---|--------------|
| For State Contributions to State | |
| Employees' Retirement System | 46,400 |
| For State Contribution to | |
| Social Security | 27,700 |
| For Contractual Services | 322,800 |
| For Travel | 5,000 |
| For Commodities | 8,000 |
| For Printing | 6,000 |
| For Equipment | 8,100 |
| For Electronic Data Processing | 8,000 |
| For Telecommunications Services | 12,000 |
| For Operation of Automotive Equipment | <u>2,700</u> |
| Total | \$805,400 |

ARTICLE 99

Section 99. Effective date. This Act takes effect on July 1, 2003."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 2685 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2730

A bill for AN ACT making appropriations.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 2730

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2730 by replacing everything after the enacting clause with the following: "ARTICLE 1

Section 1. The following named amounts, or so much thereof as may be necessary, respectively,

for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 283,800 |
| For Employee Retirement Contributions | |
| Paid by Employer | 11,500 |
| For State Contributions to State | |
| Employees' Retirement System | 38,100 |
| For State Contributions to | |
| Social Security | 17,600 |
| For Contractual Services | 43,100 |
| For Travel | 15,400 |
| For Commodities | 3,000 |
| For Printing | 1,000 |
| For Equipment | 0 |
| For Telecommunications Services | <u>4,500</u> |
| Total | \$418,000 |

ARTICLE 2

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:

Payable from Council on Developmental Disabilities Federal Fund:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 701,200 |
| For Employee Retirement Contributions | |
| Paid By Employer..... | 28,100 |
| For State Contributions to the State | |
| Employees' Retirement System | 94,200 |

| | |
|---------------------------------------|---------------|
| For State Contributions to | |
| Social Security | 53,700 |
| For Group Insurance | 154,000 |
| For Contractual Services | 469,700 |
| For Travel | 43,000 |
| For Commodities | 30,000 |
| For Printing | 37,500 |
| For Equipment | 15,000 |
| For Electronic Data Processing | 25,000 |
| For Telecommunications Services | <u>45,000</u> |
| Total | \$1,696,400 |

Section 2. The amount of \$2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 3

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 357,000 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 14,300 |
| For State Contributions to State | |
| Employees' Retirement System..... | 48,000 |
| For State Contributions to | |
| Social Security | 26,500 |
| For Contractual Services | 100,800 |
| For Travel | 20,000 |
| For Commodities | 12,000 |

| | |
|--|---------------|
| For Printing | 6,000 |
| For Equipment | 1,500 |
| For Telecommunications Services | 19,000 |
| For Operation of Automotive Equipment..... | 2,500 |
| For Expenses relative to the operation of the Commission..... | <u>29,600</u> |
| Total | \$637,200 |

ARTICLE 4

Section 1. The sum of \$3,000,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

Section 2. The sum of \$2,980,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 62, Section 2 of Public Act 92-538, is reappropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 5

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

ADMINISTRATION

Payable from Financial Institution Fund:

| | |
|--|--------------|
| For Personal Services | \$ 1,111,300 |
| For Employee Retirement Contributions Paid by Employer | 44,400 |
| For State Contributions to the State Employees' Retirement System | 149,300 |
| For State Contributions to Social Security | 85,000 |
| For Group Insurance | 231,000 |
| For Contractual Services | 392,100 |
| | 42,600 |

| | |
|---------------------------------------|--------------|
| For Travel | |
| For Commodities | 29,600 |
| For Printing | 9,500 |
| For Equipment | 3,500 |
| For Electronic Data Processing | 167,400 |
| For Telecommunications Services | 103,400 |
| For Operation of Auto Equipment | <u>7,100</u> |
| Total | \$2,376,200 |

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

CONSUMER CREDIT

Payable from Financial Institution Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 1,244,800 |
| For Employee Retirement Contributions | |
| Paid by Employer | 49,800 |
| For State Contributions to the State | |
| Employees' Retirement System | 167,200 |
| For State Contributions to | |
| Social Security | 94,800 |
| For Group Insurance | 271,300 |
| For Contractual Services | 103,400 |
| For Travel | 116,500 |
| For Commodities | 5,400 |
| For Printing | 6,100 |
| For Equipment | 2,000 |
| For Refunds | <u>2,500</u> |

| | | |
|---------------------------------------|--------------|--------------|
| Total | | \$2,063,800 |
| | CREDIT UNION | |
| Payable from Credit Union Fund: | | |
| For Personal Services | | \$ 2,081,800 |
| For Employee Retirement Contributions | | |
| Paid by Employer | | 83,200 |
| For State Contributions to State | | |
| Employees' Retirement System | | 279,400 |
| For State Contributions to | | |
| Social Security | | 157,500 |
| For Group Insurance | | 370,300 |
| For Contractual Services | | 131,800 |
| For Travel | | 276,300 |
| For Commodities | | 8,700 |
| For Printing | | 1,900 |
| For Equipment | | 5,000 |
| For Electronic Data Processing..... | | 82,600 |
| For Telecommunications Services..... | | 33,000 |
| For Refunds | | <u>1,000</u> |
| Total | | \$3,512,500 |

CURRENCY EXCHANGE

| | | |
|--|--|------------|
| Payable from Financial Institution Fund: | | |
| For Personal Services | | \$ 887,200 |
| For Employee Retirement Contributions | | |
| Paid by Employer | | 35,500 |
| For State Contributions to the State | | |

| | |
|------------------------------------|--------------|
| Employees' Retirement System | 119,200 |
| For State Contributions to | |
| Social Security | 67,900 |
| For Group Insurance | 154,000 |
| For Contractual Services | 20,100 |
| For Travel | 31,000 |
| For Commodities | 4,000 |
| For Printing | 2,400 |
| For Equipment | 2,500 |
| For Refunds | <u>1,000</u> |
| Total | \$1,324,800 |

ARTICLE 6

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

ADMINISTRATION

Payable from General Revenue Fund:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 511,500 |
| For Employee Retirement Contributions | |
| Paid by Employer | 20,500 |
| For State Contributions to State | |
| Employees' Retirement System | 68,700 |
| For State Contributions to | |
| Social Security | 39,200 |
| For Contractual Services | 63,000 |
| For Travel | 16,500 |
| For Commodities | 15,800 |

| | |
|---------------------------------------|---------------|
| For Printing | 4,700 |
| For Equipment..... | 24,800 |
| For Telecommunications Services | 27,100 |
| For Operation of Auto Equipment | <u>11,600</u> |
| Total | \$803,400 |

The sum of \$137,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 3,423,200 |
| For Employee Retirement Contributions | |
| Paid by Employer | 136,800 |
| For State Contributions to State | |
| Employees' Retirement System | 460,000 |
| For State Contributions to | |
| Social Security | 261,800 |
| For Contractual Services | 33,400 |
| For Travel | 22,800 |
| For Commodities | 6,800 |
| For Printing | 1,300 |
| For Equipment | 11,900 |
| For Telecommunications Services | <u>67,700</u> |
| Total | \$4,425,700 |

Payable from Special Projects Division Fund:

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 1,439,200 |
| For Employee Retirement Contributions | |
| Paid by Employer | 57,600 |
| For State Contributions to State | |
| Employees' Retirement System | 193,500 |
| For State Contributions to | |
| Social Security | 110,200 |
| For Group Insurance | 396,000 |
| For Contractual Services | 106,700 |
| For Travel | 41,500 |
| For Commodities | 13,300 |
| For Printing | 9,300 |
| For Equipment | 9,600 |
| For Telecommunications Services | <u>88,000</u> |
| Total | \$2,464,900 |

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

COMPLIANCE

Payable from General Revenue Fund:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 674,600 |
| For Employee Retirement Contributions | |
| Paid by Employer | 27,000 |
| For State Contributions to State | |
| Employees' Retirement System | 90,700 |

| | |
|---------------------------------------|---------------|
| For State Contributions to | |
| Social Security | 51,600 |
| For Contractual Services | 3,600 |
| For Travel | 12,900 |
| For Commodities | 2,100 |
| For Printing | 1,000 |
| For Telecommunications Services | <u>14,000</u> |
| Total | \$877,500 |

ARTICLE 7

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

GENERAL OFFICE

Payable from General Revenue Fund:

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 931,000 |
| For Employee Retirement Contributions | |
| Paid by Employer | 37,200 |
| For State Contributions to State | |
| Employees' Retirement System | 124,900 |
| For State Contributions to | |
| Social Security | 71,100 |
| For Contractual Services | 135,400 |
| For Travel | 30,000 |
| For Commodities | 13,000 |
| For Printing | 4,500 |
| For Equipment..... | 13,900 |
| For Electronic Data Processing | 3,000 |
| For Telecommunications Services..... | <u>26,900</u> |
| | \$1,390,900 |

Total

ARTICLE 8

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

ADMINISTRATIVE AND SUPPORT DIVISION

Payable from Insurance Producer Administration Fund:

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 831,300 |
| For Employee Retirement Contributions | |
| Paid by Employer | 33,300 |
| For State Contributions to the State | |
| Employees' Retirement System | 111,700 |
| For State Contributions to | |
| Social Security | 63,600 |
| For Group Insurance | 209,000 |
| For Contractual Services | 1,555,800 |
| For Travel | 2,100 |
| For Commodities | 51,000 |
| For Printing | 88,100 |
| For Equipment | 67,700 |
| For Telecommunications Services | 15,900 |
| For Operation of Auto Equipment | <u>10,900</u> |
| Total | \$3,040,400 |

Payable from Insurance Financial Regulation Fund:

| | |
|---------------------------------------|------------|
| For Personal Services..... | \$ 831,300 |
| For Employee Retirement Contributions | |
| Paid by Employer | 33,300 |

| | |
|--------------------------------------|--------------|
| For State Contributions to the State | |
| Employees' Retirement System..... | 111,700 |
| For State Contributions to | |
| Social Security..... | 63,600 |
| For Group Insurance..... | 220,000 |
| For Contractual Services..... | 1,724,200 |
| For Travel..... | 2,100 |
| For Commodities | 61,300 |
| For Printing..... | 32,900 |
| For Equipment | 12,400 |
| For Telecommunications Services..... | 12,800 |
| For Operation of Auto Equipment..... | <u>7,300</u> |
| Total | \$3,112,900 |

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

CONSUMER DIVISION

Payable from Insurance Producer
Administration Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 5,443,500 |
| For Employee Retirement Contributions | |
| Paid by Employer | 217,700 |
| For State Contributions to the State | |
| Employees' Retirement System | 731,600 |
| For State Contributions to | |
| Social Security | 416,500 |
| | 1,353,000 |

| | |
|---|---------------|
| For Group Insurance | |
| For Travel | 340,900 |
| For Telecommunications Services | 122,800 |
| For Refunds | <u>77,300</u> |
| Total | \$8,703,300 |
| Payable from Insurance Financial Regulation Fund: | |
| For Personal Services | \$ 428,300 |
| For Employee Retirement Contributions | |
| Paid by Employer | 17,100 |
| For Retirement | 57,600 |
| For State Contributions to | |
| Social Security | 32,800 |
| For Group Insurance | 88,000 |
| For Travel | 32,000 |
| For Telecommunications Services | <u>9,300</u> |
| Total | \$665,100 |

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

FINANCIAL CORPORATE REGULATION

Payable from Insurance Financial Regulation Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 7,665,600 |
| For Employee Retirement Contributions | |
| Paid by Employer | 306,600 |
| For State Contributions to the State | |
| Employees' Retirement System | 1,030,200 |

| | |
|--------------------------------------|----------------|
| For State Contributions to | |
| Social Security | 586,500 |
| For Group Insurance | 1,617,000 |
| For Travel..... | 666,600 |
| For Telecommunications Services..... | 67,700 |
| For Refunds..... | <u>100,000</u> |
| Total | \$12,040,200 |

Section 4. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

PENSION DIVISION

Payable from Public Pension Regulation Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 572,700 |
| For Employee Retirement Contributions | |
| Paid by Employer | 22,900 |
| For State Contributions to the State | |
| Employees' Retirement System | 77,000 |
| For State Contributions to | |
| Social Security | 43,800 |
| For Group Insurance | 132,000 |
| For Contractual Services | 20,600 |
| For Travel | 48,500 |
| Printing..... | 10,500 |
| For Equipment | 15,300 |
| For Telecommunications Services | <u>9,100</u> |
| Total | \$952,400 |

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

STAFF SERVICES DIVISION

Payable from Insurance Producer
Administration Fund:

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 661,900 |
| For Employee Retirement Contributions | |
| Paid by Employer | 26,500 |
| For State Contributions to the State | |
| Employees' Retirement System | 89,000 |
| For State Contributions to | |
| Social Security | 50,600 |
| For Group Insurance | 121,000 |
| For Travel | 25,500 |
| For Telecommunications Services | <u>25,800</u> |
| Total | \$1,000,300 |

Payable from Insurance Financial Regulation Fund:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 993,500 |
| For Employee Retirement Contributions | |
| Paid by Employer | 39,700 |
| For State Contributions to the State | |
| Employees' Retirement System | 133,500 |
| For State Contributions to | |
| Social Security | 76,000 |
| For Group Insurance | 187,000 |
| For Travel | 22,300 |

| | |
|---------------------------------------|---------------|
| For Telecommunications Services | <u>18,400</u> |
| Total | \$1,470,400 |

Section 6. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

ELECTRONIC DATA PROCESSING DIVISION

Payable from Insurance Producer
Administration Fund:

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 563,800 |
| For Employee Retirement Contributions | |
| Paid by Employer | 22,600 |
| For State Contributions to the State | |
| Employees' Retirement System | 75,800 |
| For State Contributions to | |
| Social Security | 43,100 |
| For Group Insurance | 99,000 |
| For Contractual Services | 254,100 |
| For Travel | 8,800 |
| For Commodities | 6,700 |
| For Printing | 6,700 |
| For Equipment | 70,000 |
| For Telecommunications Services | <u>54,900</u> |
| Total | \$1,205,500 |

Payable From Insurance Financial Regulation Fund:

| | |
|---------------------------------------|------------|
| For Personal Services | \$ 773,900 |
| For Employee Retirement Contributions | 31,000 |

| | |
|---------------------------------------|---------------|
| Paid by Employer | |
| For State Contributions to the State | |
| Employees' Retirement System..... | 104,000 |
| For State Contributions to | |
| Social Security | 59,200 |
| For Group Insurance | 154,000 |
| For Contractual Services | 232,500 |
| For Travel | 8,800 |
| For Commodities | 8,800 |
| For Printing | 3,600 |
| For Equipment | 110,600 |
| For Telecommunications Services | <u>43,300</u> |
| Total | \$1,529,700 |

Section 7. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Insurance for the administration of the Senior Health Insurance Program:

Payable from the Senior Health

| | |
|------------------------------|-------------------|
| Insurance Program Fund | \$ <u>700,000</u> |
| Total | \$700,000 |

ARTICLE 9

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FOR OPERATIONS - GENERAL OFFICE

Payable from General Revenue Fund:

| | |
|---------------------------------------|------------|
| For Personal Services..... | \$ 616,800 |
| For Employee Retirement Contributions | |
| Paid by Employer | 24,700 |
| For State Contributions to State | |

| | |
|---|-------------|
| Employees' Retirement System..... | 82,900 |
| For State Contributions to | |
| Social Security..... | 47,200 |
| For Contractual Services..... | 208,600 |
| For Travel..... | 32,000 |
| For Commodities..... | 11,900 |
| For Printing..... | 18,200 |
| For Equipment..... | 100 |
| For Electronic Data Processing..... | 90,700 |
| For Telecommunications Services..... | 25,700 |
| For Operation of Auto Equipment..... | 100 |
| For Administration and operations of | |
| Displaced Homemaker Grant Program | 50,000 |
| For Refunds | <u>100</u> |
| Total | \$1,209,000 |

Section 2. The following named amount of \$647,200, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

PUBLIC SAFETY

Payable from General Revenue Fund:

| | |
|---------------------------------------|------------|
| For Personal Services..... | \$ 818,800 |
| For Employee Retirement Contributions | |
| Paid by Employer | 32,800 |
| For State Contributions to State | |

| | |
|--------------------------------------|---------------|
| Employees' Retirement System..... | 108,100 |
| For State Contributions to | |
| Social Security..... | 62,700 |
| For Contractual Services..... | 36,900 |
| For Travel..... | 111,800 |
| For Commodities..... | 5,200 |
| For Printing..... | 7,300 |
| For Equipment..... | 100 |
| For Telecommunications Services..... | <u>18,100</u> |
| Total | \$1,201,800 |

Section 4. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FAIR LABOR STANDARDS

Payable from General Revenue Fund:

| | |
|---------------------------------------|--------------|
| For Personal Services..... | \$ 2,013,400 |
| For Employee Retirement Contributions | |
| Paid by Employer | 80,500 |
| For State Contributions to State | |
| Employees' Retirement System..... | 270,600 |
| For State Contributions to | |
| Social Security | 154,000 |
| For Contractual Services..... | 75,200 |
| For Travel..... | 122,900 |
| For Commodities..... | 6,400 |
| For Printing..... | 21,700 |

| | |
|--|---------------|
| For Equipment..... | 100 |
| For Telecommunications Services | <u>41,500</u> |
| Total | \$2,786,300 |
| Payable From the Child Labor and Day and Temporary Labor Services Enforcement Fund: For Administration of the Child Labor Law and Day and Temporary Labor Services Act\$ | |
| | 146,000 |

Section 5. In addition to any other funds appropriated for that purpose, the sum of \$191,700 is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with conducting the study mandated by P.A. 87-405, regarding the employment progress of women and minorities.

ARTICLE 10

Section 1. The sum of \$31,605,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 2. The sum of \$93,000,000, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended. ARTICLE 11

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Office of Banks and Real Estate:

DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 10,902,500 |
| For Employee Retirement Contributions | |
| Paid by Employer | 436,100 |
| For State Contribution to State | |
| Employees' Retirement System | 1,465,200 |
| For State Contributions to | |
| Social Security | 828,400 |
| For Group Insurance | 1,859,000 |
| For Contractual Services | 1,292,100 |
| For Travel | 842,700 |

| | |
|--|----------------|
| For Commodities | 50,400 |
| For Printing | 42,200 |
| For Equipment | 73,700 |
| For Electronic Data Processing | 848,900 |
| For Telecommunications Services | 230,700 |
| For Operation of Auto Equipment | 5,000 |
| For Refunds | 1,000 |
| For Corporate Fiduciary Receivership | <u>540,000</u> |
| Total | \$19,417,900 |

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Office of Banks and Real Estate:

PAWNBROKER REGULATION

| | |
|---------------------------------------|-----------|
| For Personal Services | \$ 70,800 |
| For Employee Retirement Contributions | |
| Paid by Employer | 2,900 |
| For State Contributions to State | |
| Employees' Retirement System | 9,500 |
| For State Contributions to | |
| Social Security | 5,400 |
| For Group Insurance | 11,000 |
| For Contractual Services | 11,900 |
| For Travel | 7,100 |
| For Commodities | 1,000 |
| For Printing | 3,000 |
| For Electronic Data Processing | 3,100 |

| | |
|---------------------------------------|---------------|
| For Telecommunications Services | <u>1,800</u> |
| Total | \$127,500 |

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Illinois Residential Mortgage Board and the Illinois Board of Savings Institutions in the Office of Banks and Real Estate:

MORTGAGE BANKING AND THRIFT REGULATION

| | |
|---|--------------|
| For Personal Services | \$ 2,416,300 |
| For Personal Services: | |
| Per Diem | 1,000 |
| For Employee Retirement Contributions | |
| Paid by Employer | 96,700 |
| For State Contributions to State | |
| Employees' Retirement System | 324,700 |
| For State Contributions to | |
| Social Security | 184,800 |
| For Group Insurance | 451,000 |
| For Contractual Services | 550,300 |
| For Travel | 134,500 |
| For Commodities | 25,400 |
| For Printing | 42,100 |
| For Equipment | 76,300 |
| For Electronic Data Processing | 228,300 |
| For Telecommunications Services | 45,500 |
| For Operation of Automotive Equipment | 3,500 |
| For Refunds | <u>500</u> |

| | |
|-------|-------------|
| Total | \$4,580,900 |
|-------|-------------|

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Real Estate Administration and Disciplinary Board and the Real Estate Education Advisory Council in the Office of Banks and Real Estate:

REAL ESTATE LICENSING AND ENFORCEMENT

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 2,445,700 |
| For Personal Services: | |
| Per Diem | 9,000 |
| For Employee Retirement Contributions | |
| Paid by Employer | 97,800 |
| For State Contributions to State | |
| Employees' Retirement System | 328,700 |
| For State Contributions to | |
| Social Security | 187,100 |
| For Group Insurance | 484,000 |
| For Contractual Services | 620,300 |
| For Travel | 101,600 |
| For Commodities | 26,200 |
| For Printing | 47,400 |
| For Equipment | 67,100 |
| For Electronic Data Processing | 184,400 |
| For Telecommunications Services | 62,100 |
| For Operation of Auto Equipment | 10,000 |
| For Refunds | <u>3,000</u> |
| Total | \$4,674,400 |

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Real Estate Appraisal Board in the Office of Banks and Real Estate:

APPRAISAL LICENSING

| | |
|---|--------------|
| For Personal Services | \$ 527,100 |
| For Personal Services: | |
| Per Diem | 3,000 |
| For Employee Retirement Contributions | |
| Paid by Employer | 21,100 |
| For State Contributions to State | |
| Employees' Retirement System | 70,800 |
| For State Contributions to | |
| Social Security | 40,300 |
| For Group Insurance | 110,000 |
| For Contractual Services | 207,300 |
| For Travel | 25,000 |
| For Commodities | 7,800 |
| For Printing | 8,000 |
| For Equipment | 1,800 |
| For Electronic Data Processing | 46,500 |
| For Telecommunications Services | 10,700 |
| For forwarding real estate appraisal fees | |
| to the federal government | 230,000 |
| For Refunds | <u>3,000</u> |
| Total | \$1,312,400 |

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Auctioneer Advisory Board in the Office of Banks and Real Estate:

AUCTIONEER REGULATION

| | |
|---------------------------------------|--------------|
| For Personal Services | \$ 101,000 |
| For Personal Services: | |
| Per Diem..... | 2,500 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 4,000 |
| For State Contributions to State | |
| Employees' Retirement System..... | 13,600 |
| For State Contributions to | |
| Social Security..... | 7,700 |
| For Group Insurance..... | 22,000 |
| For Contractual Services..... | 81,600 |
| For Travel..... | 10,000 |
| For Commodities..... | 4,600 |
| For Printing..... | 9,300 |
| For Equipment..... | 7,500 |
| For Electronic Data Processing..... | 26,200 |
| For Telecommunications Services..... | 11,400 |
| For Refunds..... | <u>4,900</u> |
| Total | \$306,300 |

Section 7. The sum of \$70,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund to the Office of Banks and Real Estate for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Office of Banks and Real Estate and the Illinois Home Inspector Advisory Board in the Office of Banks and Real Estate:

HOME INSPECTOR REGULATION

| | |
|---------------------------------------|--------------|
| For Personal Services..... | \$ 137,700 |
| For Personal Services: | |
| Per Diem..... | 3,000 |
| For Employee Retirement Contributions | |
| Paid by Employer..... | 5,500 |
| For State Contributions to State | |
| Employees' Retirement System..... | 18,500 |
| For State Contributions to | |
| Social Security..... | 10,500 |
| For Group Insurance..... | 33,000 |
| For Contractual Services..... | 18,000 |
| For Travel..... | 13,500 |
| For Commodities..... | 2,000 |
| For Equipment..... | 18,800 |
| For Electronic Data Processing..... | 18,400 |
| For Telecommunications Services..... | 3,200 |
| For Refunds..... | <u>1,000</u> |
| Total | \$283,100 |

Section 9. The sum of \$100,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Office of Banks and Real Estate for operating expenses for Real Estate audits.

ARTICLE 12

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board:

PAYABLE FROM GENERAL REVENUE FUND

| | |
|---------------------------------------|---------------|
| For Personal Services | \$ 822,000 |
| For Employee Retirement Contributions | |
| Paid by Employer | 40,300 |
| For State Contributions to State | |
| Employees' Retirement System | 110,500 |
| For State Contributions to | |
| Social Security | 62,900 |
| For Contractual Services | 172,200 |
| For Travel | 119,000 |
| For Commodities | 15,000 |
| For Printing | 11,200 |
| For Equipment | 1,000 |
| For Electronic Data Processing | 59,000 |
| For Telecommunications Services | 21,300 |
| For Operation of Auto Equipment | <u>37,000</u> |
| Total | \$1,471,400 |

ARTICLE 13

Section 1.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS FOR THE SOCIAL SECURITY ENABLING ACT

| | |
|---------------------------------------|-----------|
| For Personal Services..... | \$ 44,200 |
| For Employee Retirement Contributions | |
| Paid by Employer | 1,800 |
| For State Contributions to the State | |
| Employees' Retirement System..... | 6,000 |
| For State Contributions to | |
| | 3,400 |

| | |
|--------------------------------------|------------|
| Social Security..... | |
| For Contractual Services..... | 19,050 |
| For Travel..... | 1,100 |
| For Commodities..... | 200 |
| For Printing | 0 |
| For Equipment | 0 |
| For Electronic Data Processing | 0 |
| For Telecommunications Services..... | <u>300</u> |
| Total | \$76,050 |

CENTRAL OFFICE

For Employee Retirement Contributions
 Paid by Employer for Prior Fiscal Year:
 Payable from General Revenue Fund.....\$ 45,000

Section 1.2. The sum of \$15,150,000, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 1.3. The sum of \$1,420,575,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the State Employees Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 2.1. The sum of \$35,032,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 2.2. The sum of \$1,530,000, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 2.3. The sum of \$143,230,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the Judges' Retirement System pursuant to the

provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 3.1. The sum of \$5,490,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 3.2. The sum of \$300,000, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 3.3. The sum of \$28,025,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the General Assembly Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 4.1. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:

For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois

| | |
|--------------------------------|--------------------|
| Pension Code", as amended..... | <u>\$3,400,000</u> |
| Total | \$3,400,000 |

Section 4.1a. The sum of \$47,360,000, minus the amount transferred to the Teachers' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Teachers' Retirement System pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 4.1b. The sum of \$4,439,890,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the Teachers' Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 5.1. The sum of \$50,000, or so much thereof as may be necessary, is appropriated to the Public School Teachers' Pension and Retirement Fund of Chicago, for supplementary payments as set forth in Sections 17-154, 17-155 and 17-156 of the "Illinois Pension Code", approved March 18, 1963, as amended.

Section 6.1. The sum of \$15,660,000, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 6.2. The sum of \$1,468,280,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the State Universities Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

ARTICLE 14

Section 1. The sum of \$34,741,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 99

Section 99. Effective date. This Act takes effect on July 1, 2003."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 2730 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1514

A bill for AN ACT concerning conservation districts.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 1514

Senate Amendment No. 2 to HOUSE BILL NO. 1514

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1514, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 5, line 18, by replacing "If the boundaries" with "(2) If the boundaries"; and

on page 5, by replacing lines 22 through 25 with the following:

"(3) The voters of the district may submit to the board of trustees a written petition signed by a number of voters equal to at least 8% of the votes for candidates for Governor within the district in the preceding gubernatorial election."

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1514, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Conservation District Act is amended by adding Section 18.1 as follows:

(70 ILCS 410/18.1 new)

Sec. 18.1. Organization as a forest preserve district. The voters of a conservation district that is

entirely within one county may, by a single referendum proposition, dissolve the conservation district under Section 18 of this Act and incorporate as a forest preserve district under Section 1 the Downstate Forest Preserve District Act. The referendum may be placed on the ballot upon either of the following:

(1) An ordinance by the county board of the county in which the district lies requiring the referendum.

(2) The filing of a petition with the board of trustees signed by the electors of the district equal in number to 8% or more of the total number of votes cast for Governor district-wide in the most recent gubernatorial election asking that the question of whether the district shall be dissolved and organized as a forest preserve district.

The Secretary of the board of trustees of the county board or the board of trustees, as appropriate, shall certify the proposition to the appropriate election authorities who shall submit the proposition at a consolidated or general election according to the Election Code. The Election code shall apply to and govern the election.

The proposition shall be in substantially the following form:

Shall (insert name) Conservation District be dissolved under the provisions of Section 18 of the Conservation District Act and be organized as a forest preserve district under the provisions of the Downstate Forest Preserve District Act?

The votes shall be recorded as "Yes" or "No".

If a majority of the votes cast on the proposition are in the affirmative, the conservation district shall be deemed to be dissolved under Section 18 of the Conservation District Act and the territory shall be incorporated as a forest preserve district under Section 1 of the Downstate Forest Preserve District Act. The resulting forest preserve district shall not be deemed to be the legal successor or assign of the dissolved conservation district.

Section 10. The Downstate Forest Preserve District Act is amended by changing Section 1 as follows:

(70 ILCS 805/1) (from Ch. 96 1/2, par. 6302)

Sec. 1. Whenever any area of contiguous territory lying wholly within one county contains one or more natural forests or parks thereof and one or more cities, towns or villages, such territory may be incorporated as a forest preserve district by a referendum passed under Section 18.1 of the Conservation District Act or in the following manner, to wit:

Any 500 legal voters residing within the limits of such proposed district may petition the circuit court of the county in which such proposed district lies, to order the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a forest preserve district under this act. Such petition shall be addressed to the circuit court of the county in which such proposed forest preserve district is situated and shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. Upon the filing of such petition in the office of the clerk of the circuit court of the county in which such territory is situated, it shall be the duty of such circuit court to fix a day and hour for the public consideration thereof, which shall not be less than 15 days after the filing of such petition. Such circuit court shall cause a notice of the time and place of such public consideration to be published 3 successive days in some newspaper having a general circulation in the territory proposed to be placed in such district. The date of the last publication of such notice shall not be less than 5 days prior to the time set for such public hearing. At the time and place fixed for such public hearing the circuit court shall hear any person owning property in such proposed district who desires to be heard, and if the circuit judge finds that all of the provisions of this act have been complied with, the court shall enter an order fixing and defining the boundaries and the name of such proposed district in accordance with the prayer of the petition. In the event that any other petition or petitions for the organization of a forest preserve district or districts in the same county is filed under this act before the time fixed for the public hearing of the first petition, the circuit court shall postpone the public consideration of the first petition so that the hearing of all petitions shall be set for the same day and hour. In any county where there are 2 or more judges sitting at the time of filing such first petitions the clerk of the circuit court shall cause all petitions filed subsequent to the first petition to be assigned to the judge to whom the first petition is assigned so that all such petitions may be heard by the same judge.

Should 2 or more petitions be filed under this act and come on for hearing at the same time and it shall be found by the circuit court that any of the territory embraced in any one of the petitions is included in or contiguous with the territory embraced in any other petition or petitions, the circuit court may include all of the territory described in such petitions in one district and shall fix the name proposed in the petition first filed as the name for the district. After the entry of the order fixing and defining the boundaries and the name of such proposed district, it shall be the duty of the circuit court to order to be submitted to the legal

voters of such proposed district at any election, the question of the organization of such proposed district. The clerk of the circuit court shall certify the order and the question to the proper election officials who shall submit the question to the voters of the proposed district in accordance with the general election law. Notice of the referendum shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. (Source: P.A. 83-1362.)".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 1514 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1632

A bill for AN ACT concerning business transactions.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 3 to HOUSE BILL NO. 1632

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1632 by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2P.1 as follows:

(815 ILCS 505/2P.1 new)

Sec. 2P.1. Telemarketing; free trials.

(a) As used in this Section, "telemarketing" means a plan, program, or campaign which is conducted to induce the purchase of goods or services by use of one or more telephones and which involves calls to or from more than one consumer.

(b) A person or entity that, by means of a telemarketing plan, program, or campaign, offers free goods or services to an Illinois consumer on a trial basis and assesses a periodic fee or charge for the goods or services after the end of the free trial period must send to the consumer who accepts the free goods or services an invoice that the consumer may use to pay the periodic fee or charge or indicate that the consumer no longer wishes to receive the goods or services after the end of the free trial period. The invoice must contain an address and telephone number the consumer may use to cancel the goods or services if the consumer no longer wishes to receive the free goods or services after the end of the free trial period.

(c) Violation of this Section constitutes an unlawful practice within the meaning of this Act."

The foregoing message from the Senate reporting Senate Amendment No. 3 to HOUSE BILL 1632 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2188

A bill for AN ACT in relation to criminal law.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 2188

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2188 on page 1, by replacing line 1 with the following:

"AN ACT in relation to identity theft."; and

on page 2, by inserting below line 24 the following:

"Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2MM as follows:

(815 ILCS 505/2MM new)

Sec. 2MM. Verification of accuracy of credit reporting information used to extend consumers credit.

(a) A credit card issuer who mails an offer or solicitation to apply for a credit card and who receives a completed application in response to the offer or solicitation which lists an address that is not substantially the same as the address on the offer or solicitation may not issue a credit card based on that application until reasonable steps have been taken to verify the applicant's change of address.

(b) Any person who uses a consumer credit report in connection with the approval of credit based on the application for an extension of credit, and who has received notification of a police report filed with a consumer reporting agency that the applicant has been a victim of financial identity theft, as defined in Section 16G-15 of the Criminal Code of 1961, may not lend money or extend credit without taking reasonable steps to verify the consumer's identity and confirm that the application for an extension of credit is not the result of financial identity theft.

(c) For purposes of this Section, "extension of credit" does not include an increase in an existing open-end credit plan, as defined in Regulation Z of the Federal Reserve System (12 C.F.R. 226.2), or any change to or review of an existing credit account.

(d) Any person who violates subsection (a) or subsection (b) commits an unlawful practice within the meaning of this Act."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 2188 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2352

A bill for AN ACT to implement the federal No Child Left Behind Act of 2001.

Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 2352

Senate Amendment No. 2 to HOUSE BILL NO. 2352

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2352 on page 1, immediately below line 11, by inserting the following:

"WHEREAS, A credible, reliable, and valid assessment system should allow school districts to reduce local assessments; once the State assessment system is fully implemented in the 2005-2006 school year, school districts are encouraged and expected to reduce the local assessments of students in the grades and subjects assessed by the State; and"; and on page 2, line 30, by replacing "40" with "38".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2352 on page 11, by replacing lines 9 through 12 with the following:

"Code, or a public school administered by a local public agency or the Department of Human Services."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 2352 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 1543

A bill for AN ACT concerning higher education appropriations.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 2 to HOUSE BILL NO. 1543

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1543 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 13.5 as follows:

Sec. 13.5. Appropriations for higher education. State appropriations to the Board of Trustees of Southern Illinois University, the Board of Trustees of the University of Illinois, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Illinois State University, the Board of Trustees of Governors State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Western Illinois University for operations shall identify the amounts appropriated for personal services, State contributions to social security for Medicare, contractual services, travel, commodities, equipment, operation of automotive equipment, telecommunications, awards and grants, and permanent improvements.

Within 120 days after the conclusion of each fiscal year, each State-supported institution of higher learning must provide, through the Illinois Board of Higher Education, a financial report to the Governor and General Assembly documenting the institution's revenues and expenditures of funds for that fiscal year ending June 30 for all funds.

Section 99. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 1543 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
 Ms. Hawker, Secretary:
 Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 2136

A bill for AN ACT concerning adoption.
 Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

- Senate Amendment No. 2 to HOUSE BILL NO. 2136
- Senate Amendment No. 3 to HOUSE BILL NO. 2136
- Senate Amendment No. 4 to HOUSE BILL NO. 2136
- Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2136 by replacing everything after the enacting clause with the following:

"Section 5. The Adoption Act is amended by changing Sections 18.2, 18.3a, and 18.4 as follows:
 (750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

Sec. 18.2. Forms. (a) The form of the Birth Parent Registration Identification Form shall be substantially as follows:

BIRTH PARENT REGISTRATION IDENTIFICATION

(Insert all known information)

I,, state that I am the (mother or father) of the following child:
 Child's original name: (first) (middle) (last), (hour of birth), (date of birth), (city and state of birth), (name of hospital).
 Father's full name: (first) (middle) (last), (date of birth), (city and state of birth).
 Name of mother inserted on birth certificate: (first) (middle) (last), (race), (date of birth), (city and state of birth).
 That I surrendered my child to: (name of agency), (city and state of agency), (approximate date child surrendered).
 That I placed my child by private adoption: (date), (city and state).
 Name of adoptive parents, if known:
 Other identifying information:

.....
 (Signature of parent)

 (date) (printed name of parent)

(b) The form of the Adopted Person Registration Identification shall be substantially as follows:

ADOPTED PERSON
 REGISTRATION IDENTIFICATION
 (Insert all known information)

I,, state the following:
 Adopted Person's present name: (first) (middle) (last).
 Adopted Person's name at birth (if known): (first) (middle) (last), (birth date), (city and state of birth), (sex), (race).
 Name of adoptive father: (first) (middle) (last), (race).
 Maiden name of adoptive mother: (first) (middle) (last), (race).
 Name of birth mother (if known): (first) (middle) (last), (race).
 Name of birth father (if known): (first) (middle) (last), (race).

Name(s) at birth of sibling(s) having a common birth parent with adoptee (if known): (first) (middle) (last), (race), and name of common birth parent: (first) (middle) (last), (race).

I was adopted through: (name of agency).
I was adopted privately: (state "yes" if known).
I was adopted in (city and state), (approximate date).
Other identifying information:

.....
(signature of adoptee)

.....
(date) (printed name of adoptee)

(c) The form of the Surrendered Person Registration Identification shall be substantially as follows:

SURRENDERED PERSON REGISTRATION
IDENTIFICATION

(Insert all known information)

I,, state the following:

Surrendered Person's present name: (first) (middle) (last).
Surrendered Person's name at birth (if known): (first) (middle) (last),(birth date), (city and state of birth), (sex), (race).
Name of guardian father: (first) (middle) (last), (race).
Maiden name of guardian mother: (first) (middle) (last), (race).
Name of birth mother (if known): (first) (middle) (last) (race).
Name of birth father (if known): (first) (middle) (last),(race).
Name(s) at birth of sibling(s) having a common birth parent with surrendered person (if known): (first) (middle) (last), (race), and name of common birth parent: (first) (middle) (last), (race).

I was surrendered for adoption to: (name of agency).
I was surrendered for adoption in (city and state), (approximate date).
Other identifying information:

.....
(signature of surrendered person)

.....
(date) (printed name of person
surrendered for adoption)

(d) The form of the Information Exchange Authorization shall be substantially as follows:

INFORMATION EXCHANGE AUTHORIZATION

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby authorize the Department of Public Health to give to my (birth parent) (birth sibling) (surrendered child) the following (please check the information authorized for exchange):

- 1. Only my name and last known address.
- 2. A copy of my Illinois Adoption Registry Application.
- 3. A copy of the original certificate of live birth.

I am fully aware that I can only be supplied with any information about my (birth parent) (birth sibling) (surrendered child) if such person has duly executed an Information Exchange Authorization for such information which has not been revoked; that I can be contacted by writing to: (own name or name of person to contact) (address) (phone number).

Dated (insert date).

.....
(witness) (signature)

(e) The form of the Denial of Information Exchange shall be substantially as follows:

DENIAL OF INFORMATION EXCHANGE

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby instruct the Department of Public Health not to give any identifying information about me to my (birth parent) (birth sibling) (surrendered child); that I do not wish to be contacted.

Dated (insert date).

.....
(witness)

(signature)

(f) The Information Exchange Authorization and the Denial of Information Exchange shall be acknowledged by the birth parent, birth sibling, adopted or surrendered person, adoptive parent, or legal guardian before a notary public, in form substantially as follows:

State of

County of

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....

(signature)

(g) When the execution of an Information Exchange Authorization or a Denial of Information Exchange is acknowledged before a representative of an agency, such representative shall have his signature on said Certificate acknowledged before a notary public, in form substantially as follows:

State of.....

County of.....

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....

(signature)

(h) When an Illinois Adoption Registry Application, Information Exchange Authorization or a Denial of Information Exchange is executed in a foreign country, the execution of such document shall be acknowledged or affirmed before an officer of the United States consular services.

(i) If the person signing an Information Exchange Authorization or a Denial of Information is in the military service of the United States, the execution of such document may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

(j) The Department shall modify these forms as necessary to implement the provisions of this amendatory Act of 1999 including creating Registration Identification Forms for non-surrendered birth siblings, adoptive parents and legal guardians. (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)

(750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

Sec. 18.3a. Confidential intermediary. (a) General purposes. Notwithstanding any other provision of this Act, any adopted person 21 years of age or over, any adoptive parent or legal guardian of an adopted person under the age of 21, or any birth parent of an adopted person who is 21 years of age or over may petition the court in any county in the State of Illinois for appointment of a confidential intermediary as provided in this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases where an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person may file a petition under this Section and in cases where the birth parent is deceased, an adult birth sibling of the adopted person or of the deceased birth parent may file a petition under this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives.

(b) Petition. Upon petition by an adopted person 21 years of age or over, an adoptive parent or legal guardian of an adopted person under the age of 21, or a birth parent of an adopted person who is 21 years of age or over, the court shall appoint a confidential intermediary without a hearing. Upon petition by an adult child of an adopted person who is deceased or by an adult birth sibling of an adopted person whose birth parent is deceased or by an adult sibling of a birth parent who is deceased, the court may appoint a confidential intermediary if the court finds that the disclosure is of greater benefit than nondisclosure. The petition shall state which biological relative or relatives are being sought and shall indicate if the petitioner

wants to do any one or more of the following: exchange medical information with the biological relative or relatives, obtain identifying information from the biological relative or relatives, or to arrange contact with the biological relative.

(c) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the petitioner's payment of the intermediary's fees and expenses in advance of the commencement of the work of the confidential intermediary.

(d) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, any other person certified by the Department as qualified to serve as a confidential intermediary, or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.

(e) Access. Notwithstanding any other provision of State law, the confidential intermediary shall have access to all records of the court or any agency, school, or hospital, public or private, which relate to the adoption or the identity and location of any adopted person or his or her adoptive parents, legal guardians, adult children of a deceased adopted person, birth parent, birth sibling, or sibling of a deceased birth parent. Confidential intermediaries shall be authorized to inspect confidential relinquishment, adoption, and other records.

(f) Duties of confidential intermediary in conducting a search. In conducting a search under this Section, the confidential intermediary shall first confirm that there is no Denial of Information Exchange on file with the Illinois Adoption Registry. If the petitioner is an adult child of an adopted person who is deceased, the confidential intermediary shall additionally confirm that the adopted person did not file a Denial of Information Exchange with the Illinois Adoption Registry during his or her life. If the petitioner is an adult birth sibling of an adopted person or an adult sibling of a birth parent who is deceased, the confidential intermediary shall additionally confirm that the birth parent did not file a Denial of Information Exchange with the Registry during his or her life.

In conducting a search under this Section, the confidential intermediary shall attempt to locate the relative or relatives with whom the petitioner has requested contact. If the sought-after relative is deceased or cannot be located after a diligent search, the confidential intermediary may contact adult biological relatives of the sought-after relative.

The confidential intermediary shall contact a sought-after relative on behalf of the petitioner in a manner that respects the sought-after relative's privacy and shall inform the sought-after relative of the petitioner's request for medical information, identifying information or contact as stated in the petition. Based upon the terms of the petitioner's request, the confidential intermediary shall contact a sought-after relative on behalf of the petitioner and inform the sought-after relative of the following options:

(1) The sought-after relative may totally reject one or all of the requests for medical information, identifying information or contact. The sought-after relative shall be informed that they can provide a medical questionnaire to be forwarded to the petitioner without releasing any identifying information. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to reject the sharing of information and contact.

(2) The sought-after relative may consent to completing a medical questionnaire only. In this case, the confidential intermediary shall provide the questionnaire and ask the sought-after relative to complete it. The confidential intermediary shall forward the completed questionnaire to the petitioner and inform the petitioner of the sought-after relative's desire to not provide any additional information.

(3) The sought-after relative may communicate with the petitioner without having his or her identity disclosed. In this case, the confidential intermediary shall arrange the desired communication in a manner that protects the identity of the sought-after relative. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to communicate but not disclose his or her identity.

(4) The sought after relative may consent to initiate contact with the petitioner. If both the petitioner and the sought-after relative or relatives are eligible to register with the Illinois Adoption Registry, the confidential intermediary shall provide the necessary application forms and request that the sought-after relative register with the Illinois Adoption Registry. If either the petitioner or the sought-after relative or relatives are ineligible to register with the Illinois Adoption Registry, the confidential intermediary shall obtain written consents from both parties that they wish to disclose their identities to each other and to have contact with each other.

(g) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows: "I,, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any confidential information except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to being found in contempt of court.

SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date)

....."

(h) Sanctions. Any confidential intermediary who improperly discloses confidential information identifying a sought-after relative shall be liable to the sought-after relative for damages and may also be found in contempt of court.

(i) Death of person being sought. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person being sought has died, he or she shall report this fact to the court, along with a copy of the death certificate.

(j) Any confidential information obtained by the confidential intermediary during the course of his or her search shall be kept strictly confidential and shall be used for the purpose of arranging contact between the petitioner and the sought-after birth relative. At the time the case is closed, all identifying information shall be returned to the court for inclusion in the impounded adoption file.

(k) If the petitioner is an adopted person 21 years of age or over or the adoptive parent or legal guardian of an adopted person under the age of 21, any non-identifying information, as defined in Section 18.4, that is ascertained during the course of the search may be given in writing to the petitioner before the case is closed.

(l) Except as provided in subsection (h) of this Section, no liability shall accrue to the State, any State agency, any judge, any officer or employee of the court, any certified confidential intermediary, or any agency designated to oversee confidential intermediary services for acts, omissions, or efforts made in good faith within the scope of this Section.

(a) General purposes. Notwithstanding any other provision of this Act, any adopted person over the age of 21 or any adoptive parent or legal guardian of an adopted person under the age of 21 may petition the court for appointment of a confidential intermediary as provided in this Section for the purpose of obtaining from one or both birth parents or a sibling or siblings of the adopted person information concerning the background of a psychological or genetically based medical problem experienced or which may be expected to be experienced in the future by the adopted person or obtaining assistance in treating such a problem.

(b) Petition. The court shall appoint a confidential intermediary for the purposes described in subsection (f) if the petitioner shows the following:

(1) the adopted person is suffering or may be expected to suffer in the future from a life threatening or substantially incapacitating physical illness of any nature, or a psychological disturbance which is substantially incapacitating but not life threatening, or a mental illness which, in the opinion of a physician licensed to practice medicine in all its branches, is or could be genetically based to a significant degree;

(2) the treatment of the adopted person, in the opinion of a physician licensed to practice medicine in all of its branches, would be materially assisted by information obtainable from the birth parents or might benefit from the provision of organs or other bodily tissues, materials, or fluids by the birth parents or other close biological relatives; and

(3) there is neither an Information Exchange Authorization nor a Denial of Information Exchange filed in the Registry as provided in Section 18.1.

The affidavit or testimony of the treating physician shall be conclusive on the issue of the utility of contact with the birth parents unless the court finds that the relationship between the illness to be treated and the alleged need for contact is totally without foundation.

(c) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the payment of the intermediary's fees and expenses in advance, unless the intermediary waives the right to full advance payment or to any reimbursement at all.

(d) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, any other person certified by the Department as qualified to serve as a confidential intermediary, or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.

(e) Access. Notwithstanding any other provision of law, the confidential intermediary shall have access to all records of the court or any agency, public or private, which relate to the adoption or the identity and

location of any birth parent.

(f) Purposes of contact. The confidential intermediary has only the following powers and duties:

(1) To contact one or both birth parents, inform the parent or parents of the basic medical problem of the adopted person and the nature of the information or assistance sought from the birth parent, and inform the parent or parents of the following options:

(A) The birth parent may totally reject the request for assistance or information, or both, and no disclosure of identity or location shall be made to the petitioner.

(B) The birth parent may file an Information Exchange Authorization as provided in Section 18.1. The confidential intermediary shall explain to the birth parent the consequences of such a filing, including that the birth parent's identity will be available for discovery by the adopted person. If the birth parent agrees to this option, the confidential intermediary shall supply the parent with the appropriate forms, shall be responsible for their immediate filing with the Registry, and shall inform the petitioner of their filing.

(C) If the birth parent wishes to provide the information or assistance sought but does not wish his or her identity disclosed, the confidential intermediary shall arrange for the disclosure of the information or the provision of assistance in as confidential a manner as possible so as to protect the privacy of the birth parent and minimize the likelihood of disclosure of the birth parent's identity.

(2) If a birth parent so desires, to arrange for a confidential communication with the treating physician to discuss the need for the requested information or assistance.

(3) If a birth parent agrees to provide the information or assistance sought but wishes to maintain his or her privacy, to arrange for the provision of the information or assistance to the physician in as confidential a manner as possible so as to protect the privacy of the birth parent and minimize the likelihood of disclosure of the birth parent's identity.

(g) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows:

"I,, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any information about the identity or location of the birth parent whose assistance is being sought for medical reasons except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to being found in contempt of court.

.....

SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date).

....."

(h) Sanctions.

(1) Any confidential intermediary who improperly discloses information identifying a birth parent shall be liable to the birth parent for damages and may also be found in contempt of court.

(2) Any person who learns a birth parent's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the birth parent shall be liable to the birth parent for actual damages plus minimum punitive damages of \$10,000.

(i) Death of birth parent. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person whose assistance is sought has died, he or she shall report this fact to the court, along with a copy of the death certificate. (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)

(750 ILCS 50/18.4) (from Ch. 40, par. 1522.4)

Sec. 18.4. (a) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, or the Probation Officers of the Circuit Court involved in the adoption proceedings shall give in writing the following non-identifying information, if known, to the adoptive parents not later than the date of placement with the petitioning adoptive parents: (i) age of biological parents; (ii) their race, religion and ethnic background; (iii) general physical appearance of biological parents; (iv) their education, occupation, hobbies, interests and talents; (v) existence of any other children born to the biological parents; (vi) information about biological grandparents; reason for emigrating into the United States, if applicable, and country of origin; (vii) relationship between biological parents; and (viii) detailed medical and mental health histories of the child, the biological parents, and their

immediate relatives; and (ix) the actual date and place of birth of the adopted person. However, no information provided under this subsection shall disclose the name or last known address of the biological parents, grandparents, the siblings of the biological parents, the adopted person, or any other relative of the adopted person.

(b) Any adoptee 18 years of age or over shall be given the information in subsection (a) upon request.

(c) The Illinois Adoption Registry shall release any non-identifying information listed in (a) of this Section that appears on the original birth certificate or the Certificate of Adoption to an adopted person, adoptive parent, or legal guardian who is a registrant of the Illinois Adoption Registry.

(d) The Illinois Adoption Registry shall release the actual date and place of birth of an adopted person over the age of 21 to the birth parent if the birth parent is a registrant of the Illinois Adoption Registry and has completed a Medical Information Exchange Authorization.

(e) The Illinois Adoption Registry shall release information regarding the date of the adoption and the county in which the adoption was finalized to a certified confidential intermediary upon submission of a court order.

(f) In cases where the Illinois Adoption Registry possesses information indicating that an adopted person over the age of 21 was adopted in a state other than Illinois or a country other than the United States, the Illinois Adoption Registry shall release the name of the state or country where the adoption was finalized and, if available, the agency involved in the adoption to a registrant of the Illinois Adoption Registry who has completed a Medical Information Exchange Authorization.

(g) (e) Any of the above available information for any adoption proceedings completed before the effective date of this Act shall be supplied to the adoptive parents or an adoptee 18 years of age or over upon request.

(h) (d) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, the Probation Officers of the Circuit Court and any other governmental bodies having any of the above information shall retain the file until the adoptee would have reached the age of 99 years. (Source: P.A. 87-617.)"

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2136, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Adoption Act is amended by changing Sections 18.2, 18.3a, and 18.4 as follows:

(750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

Sec. 18.2. Forms. (a) The form of the Birth Parent Registration Identification Form shall be substantially as follows:

BIRTH PARENT REGISTRATION IDENTIFICATION

(Insert all known information)

I,, state that I am the (mother or father) of the following child:

Child's original name: (first) (middle) (last), (hour of birth), (date of birth), (city and state of birth), (name of hospital).

Father's full name: (first) (middle) (last), (date of birth), (city and state of birth).

Name of mother inserted on birth certificate: (first) (middle) (last), (race), (date of birth), (city and state of birth).

That I surrendered my child to: (name of agency), (city and state of agency), (approximate date child surrendered).

That I placed my child by private adoption: (date), (city and state).

Name of adoptive parents, if known:

Other identifying information:

.....
(Signature of parent)

.....
(date) (printed name of parent)

(b) The form of the Adopted Person Registration Identification shall be substantially as follows:

ADOPTED PERSON
REGISTRATION IDENTIFICATION

(Insert all known information)

I,, state the following:

Adopted Person's present name: (first) (middle) (last).

Adopted Person's name at birth (if known): (first) (middle) (last), (birth date), (city and state of birth), (sex), (race).

Name of adoptive father: (first) (middle) (last), (race).

Maiden name of adoptive mother: (first) (middle) (last), (race).

Name of birth mother (if known): (first) (middle) (last), (race).

Name of birth father (if known): (first) (middle) (last), (race).

Name(s) at birth of sibling(s) having a common birth parent with adoptee (if known): (first) (middle) (last), (race), and name of common birth parent: (first) (middle) (last), (race).

I was adopted through: (name of agency).

I was adopted privately: (state "yes" if known).

I was adopted in (city and state), (approximate date).

Other identifying information:

.....
(signature of adoptee)

.....
(date) (printed name of adoptee)

(c) The form of the Surrendered Person Registration Identification shall be substantially as follows:

SURRENDERED PERSON REGISTRATION
IDENTIFICATION

(Insert all known information)

I,, state the following:

Surrendered Person's present name: (first) (middle) (last).

Surrendered Person's name at birth (if known): (first) (middle) (last),(birth date), (city and state of birth), (sex), (race).

Name of guardian father: (first) (middle) (last), (race).

Maiden name of guardian mother: (first) (middle) (last), (race).

Name of birth mother (if known): (first) (middle) (last) (race).

Name of birth father (if known): (first) (middle) (last),(race).

Name(s) at birth of sibling(s) having a common birth parent with surrendered person (if known): (first) (middle) (last), (race), and name of common birth parent: (first) (middle) (last), (race).

I was surrendered for adoption to: (name of agency).

I was surrendered for adoption in (city and state), (approximate date).

Other identifying information:

.....
(signature of surrendered person)

.....
(date) (printed name of person
surrendered for adoption)

(d) The form of the Information Exchange Authorization shall be substantially as follows:

INFORMATION EXCHANGE AUTHORIZATION

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby authorize the Department of Public Health to give to my (birth parent) (birth sibling) (surrendered child) the following (please check the information authorized for exchange):

- 1. Only my name and last known address.
- 2. A copy of my Illinois Adoption Registry Application.
- 3. A copy of the original certificate of live birth.

I am fully aware that I can only be supplied with any information about my (birth parent) (birth sibling) (surrendered child) if such person has duly executed an Information Exchange Authorization for such information which has not been revoked; that I can be contacted by writing to: (own name or name of person to contact) (address) (phone number).

Dated (insert date).

.....
(witness) (signature)

(e) The form of the Denial of Information Exchange shall be substantially as follows:

DENIAL OF INFORMATION EXCHANGE

I,, state that I am the person who completed the Registration Identification; that I am of the age of years; that I hereby instruct the Department of Public Health not to give any identifying information about me to my (birth parent) (birth sibling) (surrendered child); that I do not wish to be contacted.

Dated (insert date).

.....
(witness)

.....
(signature)

(f) The Information Exchange Authorization and the Denial of Information Exchange shall be acknowledged by the birth parent, birth sibling, adopted or surrendered person, adoptive parent, or legal guardian before a notary public, in form substantially as follows:

State of

County of

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....
(signature)

(g) When the execution of an Information Exchange Authorization or a Denial of Information Exchange is acknowledged before a representative of an agency, such representative shall have his signature on said Certificate acknowledged before a notary public, in form substantially as follows:

State of.....

County of.....

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....
(signature)

(h) When an Illinois Adoption Registry Application, Information Exchange Authorization or a Denial of Information Exchange is executed in a foreign country, the execution of such document shall be acknowledged or affirmed before an officer of the United States consular services.

(i) If the person signing an Information Exchange Authorization or a Denial of Information is in the military service of the United States, the execution of such document may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

(j) The Department shall modify these forms as necessary to implement the provisions of this amendatory Act of 1999 including creating Registration Identification Forms for non-surrendered birth siblings, adoptive parents and legal guardians. (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)

(750 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

Sec. 18.3a. Confidential intermediary. (a) General purposes. Notwithstanding any other provision of this Act, any adopted person 21 years of age or over, any adoptive parent or legal guardian of an adopted person under the age of 21, or any birth parent of an adopted person who is 21 years of age or over may petition the court in any county in the State of Illinois for appointment of a confidential intermediary as provided in this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases where an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person may file a petition under this Section and in cases where the birth parent is deceased, an adult birth sibling of the adopted person or of the deceased birth parent may file a petition under this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives.

(b) Petition. Upon petition by an adopted person 21 years of age or over, an adoptive parent or legal

guardian of an adopted person under the age of 21, or a birth parent of an adopted person who is 21 years of age or over, the court shall appoint a confidential intermediary. Upon petition by an adult child of an adopted person who is deceased or by an adult birth sibling of an adopted person whose birth parent is deceased or by an adult sibling of a birth parent who is deceased, the court may appoint a confidential intermediary if the court finds that the disclosure is of greater benefit than nondisclosure. The petition shall state which biological relative or relatives are being sought and shall indicate if the petitioner wants to do any one or more of the following: exchange medical information with the biological relative or relatives, obtain identifying information from the biological relative or relatives, or to arrange contact with the biological relative.

(c) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the petitioner's payment of the intermediary's fees and expenses in advance of the commencement of the work of the confidential intermediary.

(d) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, any other person certified by the Department as qualified to serve as a confidential intermediary, or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.

(e) Access. Subject to the limitations of subsection (f) of this Section, the confidential intermediary shall have access to vital records maintained by the Department of Public Health and its local designees for the maintenance of vital records and all records of the court or any adoption agency, public or private, which relate to the adoption or the identity and location of an adopted person, of an adult child of a deceased adopted person, or of a birth parent, birth sibling, or the sibling of a deceased birth parent. The confidential intermediary shall not have access to any personal health information protected by the Standards for Privacy of Individually Identifiable Health Information adopted by the U.S. Department of Health and Human Services under the Health Insurance Portability and Accountability Act of 1996 unless the confidential intermediary has obtained written consent from the person whose information is being sought or, if that person is a minor child, that person's parent or guardian. Confidential intermediaries shall be authorized to inspect confidential relinquishment and adoption records. The confidential intermediary shall not be authorized to access medical records, financial records, credit records, banking records, home studies, attorney file records, or other personal records that do not specifically relate to the identity or location of the sought-after relative. Information provided to the confidential intermediary by an adoption agency shall be restricted to the full name, date of birth, place of birth, last known address, and last known telephone number of the sought-after relative or, if applicable, of the children or siblings of the sought-after relative.

(f) If the petitioner is an adult adopted person or the adoptive parent of a minor and if the petitioner has signed a written authorization to disclose personal medical information, an adoption agency disclosing information to a confidential intermediary shall disclose available medical information about the adopted person from birth through adoption.

(g) Duties of confidential intermediary in conducting a search. In conducting a search under this Section, the confidential intermediary shall first confirm that there is no Denial of Information Exchange on file with the Illinois Adoption Registry. If the petitioner is an adult child of an adopted person who is deceased, the confidential intermediary shall additionally confirm that the adopted person did not file a Denial of Information Exchange with the Illinois Adoption Registry during his or her life. If the petitioner is an adult birth sibling of an adopted person or an adult sibling of a birth parent who is deceased, the confidential intermediary shall additionally confirm that the birth parent did not file a Denial of Information Exchange with the Registry during his or her life.

In conducting a search under this Section, the confidential intermediary shall attempt to locate the relative or relatives from whom the petitioner has requested information. If the sought-after relative is deceased or cannot be located after a diligent search, the confidential intermediary may contact adult biological relatives of the sought-after relative.

The confidential intermediary shall contact a sought-after relative on behalf of the petitioner in a manner that respects the sought-after relative's privacy and shall inform the sought-after relative of the petitioner's request for medical information, identifying information or contact as stated in the petition. Based upon the terms of the petitioner's request, the confidential intermediary shall contact a sought-after relative on behalf of the petitioner and inform the sought-after relative of the following options:

(1) The sought-after relative may totally reject one or all of the requests for medical information, identifying information or contact. The sought-after relative shall be informed that they can provide a

medical questionnaire to be forwarded to the petitioner without releasing any identifying information. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to reject the sharing of information or contact.

(2) The sought-after relative may consent to completing a medical questionnaire only. In this case, the confidential intermediary shall provide the questionnaire and ask the sought-after relative to complete it. The confidential intermediary shall forward the completed questionnaire to the petitioner and inform the petitioner of the sought-after relative's desire to not provide any additional information.

(3) The sought-after relative may communicate with the petitioner without having his or her identity disclosed. In this case, the confidential intermediary shall arrange the desired communication in a manner that protects the identity of the sought-after relative. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to communicate but not disclose his or her identity.

(4) The sought after relative may consent to initiate contact with the petitioner. If both the petitioner and the sought-after relative or relatives are eligible to register with the Illinois Adoption Registry, the confidential intermediary shall provide the necessary application forms and request that the sought-after relative register with the Illinois Adoption Registry. If either the petitioner or the sought-after relative or relatives are ineligible to register with the Illinois Adoption Registry, the confidential intermediary shall obtain written consents from both parties that they wish to disclose their identities to each other and to have contact with each other.

(h) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows: "I,, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any confidential information except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to a potential finding of contempt of court.

SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date)

....."

(i) Sanctions.

(1) Any confidential intermediary who improperly discloses confidential information identifying a sought-after relative shall be liable to the sought-after relative for damages and may also be found in contempt of court.

(2) Any person who learns a sought-after relative's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the sought-after relative shall be liable to the sought-after relative for actual damages plus minimum punitive damages of \$10,000.

(3) The Department shall fine any confidential intermediary who improperly discloses confidential information in violation of item (1) or (2) of this subsection (i) an amount up to \$2,000 per improper disclosure. This fine does not affect civil liability under item (2) of this subsection (i). The Department shall deposit all fines and penalties collected under this Section into the Illinois Adoption Registry and Medical Information Fund.

(j) Death of person being sought. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person being sought has died, he or she shall report this fact to the court, along with a copy of the death certificate.

(k) Any confidential information obtained by the confidential intermediary during the course of his or her search shall be kept strictly confidential and shall be used for the purpose of arranging contact between the petitioner and the sought-after birth relative. At the time the case is closed, all identifying information shall be returned to the court for inclusion in the impounded adoption file.

(l) If the petitioner is an adopted person 21 years of age or over or the adoptive parent or legal guardian of an adopted person under the age of 21, any non-identifying information, as defined in Section 18.4, that is ascertained during the course of the search may be given in writing to the petitioner before the case is closed.

(m) Except as provided in subsection (i) of this Section, no liability shall accrue to the State, any State agency, any judge, any officer or employee of the court, any certified confidential intermediary, or any agency designated to oversee confidential intermediary services for acts, omissions, or efforts made in good faith within the scope of this Section.

(a) General purposes. Notwithstanding any other provision of this Act, any adopted person over the age of 21 or any adoptive parent or legal guardian of an adopted person under the age of 21 may petition the

court for appointment of a confidential intermediary as provided in this Section for the purpose of obtaining from one or both birth parents or a sibling or siblings of the adopted person information concerning the background of a psychological or genetically based medical problem experienced or which may be expected to be experienced in the future by the adopted person or obtaining assistance in treating such a problem.

~~(b) Petition. The court shall appoint a confidential intermediary for the purposes described in subsection (f) if the petitioner shows the following:~~

~~(1) the adopted person is suffering or may be expected to suffer in the future from a life-threatening or substantially incapacitating physical illness of any nature, or a psychological disturbance which is substantially incapacitating but not life-threatening, or a mental illness which, in the opinion of a physician licensed to practice medicine in all its branches, is or could be genetically based to a significant degree;~~

~~(2) the treatment of the adopted person, in the opinion of a physician licensed to practice medicine in all of its branches, would be materially assisted by information obtainable from the birth parents or might benefit from the provision of organs or other bodily tissues, materials, or fluids by the birth parents or other close biological relatives; and~~

~~(3) there is neither an Information Exchange Authorization nor a Denial of Information Exchange filed in the Registry as provided in Section 18.1.~~

~~The affidavit or testimony of the treating physician shall be conclusive on the issue of the utility of contact with the birth parents unless the court finds that the relationship between the illness to be treated and the alleged need for contact is totally without foundation.~~

~~(c) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the payment of the intermediary's fees and expenses in advance, unless the intermediary waives the right to full advance payment or to any reimbursement at all.~~

~~(d) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, any other person certified by the Department as qualified to serve as a confidential intermediary, or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.~~

~~(e) Access. Notwithstanding any other provision of law, the confidential intermediary shall have access to all records of the court or any agency, public or private, which relate to the adoption or the identity and location of any birth parent.~~

~~(f) Purposes of contact. The confidential intermediary has only the following powers and duties:~~

~~(1) To contact one or both birth parents, inform the parent or parents of the basic medical problem of the adopted person and the nature of the information or assistance sought from the birth parent, and inform the parent or parents of the following options:~~

~~(A) The birth parent may totally reject the request for assistance or information, or both, and no disclosure of identity or location shall be made to the petitioner.~~

~~(B) The birth parent may file an Information Exchange Authorization as provided in Section 18.1. The confidential intermediary shall explain to the birth parent the consequences of such a filing, including that the birth parent's identity will be available for discovery by the adopted person. If the birth parent agrees to this option, the confidential intermediary shall supply the parent with the appropriate forms, shall be responsible for their immediate filing with the Registry, and shall inform the petitioner of their filing.~~

~~(C) If the birth parent wishes to provide the information or assistance sought but does not wish his or her identity disclosed, the confidential intermediary shall arrange for the disclosure of the information or the provision of assistance in as confidential a manner as possible so as to protect the privacy of the birth parent and minimize the likelihood of disclosure of the birth parent's identity.~~

~~(2) If a birth parent so desires, to arrange for a confidential communication with the treating physician to discuss the need for the requested information or assistance.~~

~~(3) If a birth parent agrees to provide the information or assistance sought but wishes to maintain his or her privacy, to arrange for the provision of the information or assistance to the physician in as confidential a manner as possible so as to protect the privacy of the birth parent and minimize the likelihood of disclosure of the birth parent's identity.~~

~~(g) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows:~~

~~"I,, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:~~

~~(1) I will not disclose to the petitioner, directly or indirectly, any information about the identity or location of the birth parent whose assistance is being sought for medical reasons except in a manner consistent with the law.~~

~~(2) I recognize that violation of this oath subjects me to civil liability and to being found in contempt of court.~~

.....
 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date).

....."
~~(h) Sanctions.~~

~~(1) Any confidential intermediary who improperly discloses information identifying a birth parent shall be liable to the birth parent for damages and may also be found in contempt of court.~~

~~(2) Any person who learns a birth parent's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the birth parent shall be liable to the birth parent for actual damages plus minimum punitive damages of \$10,000.~~

~~(i) Death of birth parent. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person whose assistance is sought has died, he or she shall report this fact to the court, along with a copy of the death certificate. (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)~~

(750 ILCS 50/18.4) (from Ch. 40, par. 1522.4)

Sec. 18.4. (a) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, or the Probation Officers of the Circuit Court involved in the adoption proceedings shall give in writing the following non-identifying information, if known, to the adoptive parents not later than the date of placement with the petitioning adoptive parents: (i) age of biological parents; (ii) their race, religion and ethnic background; (iii) general physical appearance of biological parents; (iv) their education, occupation, hobbies, interests and talents; (v) existence of any other children born to the biological parents; (vi) information about biological grandparents; reason for emigrating into the United States, if applicable, and country of origin; (vii) relationship between biological parents; ~~and~~ (viii) detailed medical and mental health histories of the child, the biological parents, and their immediate relatives; and (ix) the actual date and place of birth of the adopted person. However, no information provided under this subsection shall disclose the name or last known address of the biological parents, grandparents, the siblings of the biological parents, the adopted person, or any other relative of the adopted person.

(b) Any adoptee 18 years of age or over shall be given the information in subsection (a) upon request.

(c) The Illinois Adoption Registry shall release any non-identifying information listed in (a) of this Section that appears on the certified copy of the original birth certificate or the Certificate of Adoption to an adopted person, adoptive parent, or legal guardian who is a registrant of the Illinois Adoption Registry.

(d) The Illinois Adoption Registry shall release the actual date and place of birth of an adopted person who is 21 years of age or over to the birth parent if the birth parent is a registrant of the Illinois Adoption Registry and has completed a Medical Information Exchange Authorization.

(e) The Illinois Adoption Registry shall release information regarding the date the adoption was finalized and the county in which the adoption was finalized to a certified confidential intermediary upon submission of a court order.

(f) In cases where the Illinois Adoption Registry possesses information indicating that an adopted person who is 21 years of age or over was adopted in a state other than Illinois or a country other than the United States, the Illinois Adoption Registry shall release the name of the state or country where the adoption was finalized and, if available, the agency involved in the adoption to a registrant of the Illinois Adoption Registry, provided the registrant is not the subject of a Denial of Information Exchange and the registrant has completed a Medical Information Exchange Authorization.

~~(g) (e)~~ Any of the above available information for any adoption proceedings completed before the effective date of this Act shall be supplied to the adoptive parents or an adoptee 18 years of age or over upon request.

~~(h) (d)~~ The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, the Probation Officers of the Circuit Court and any other governmental bodies having any of the above information shall retain the file until the adoptee would have reached the

age of 99 years. (Source: P.A. 87-617.)".

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 2136, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 8, line 26, after "intermediary.", by inserting "Certification shall be dependent upon the confidential intermediary completing a course of training including, but not limited to, applicable federal and State privacy laws."; and on page 9, by replacing line 15 with "records, or other personal records."; and on page 9, by deleting line 16; and on page 9, line 17, by deleting "relative.".

The foregoing message from the Senate reporting Senate Amendments numbered 2, 3 and 4 to HOUSE BILL 2136 was placed on the Calendar on the order of Concurrence.

A message from the Senate by
Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:

HOUSE BILL 988

A bill for AN ACT in relation to public bodies.

Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:

Senate Amendment No. 1 to HOUSE BILL NO. 988

Passed the Senate, as amended, May 16, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 988 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Fire Department Promotion Act.

Section 5. Definitions. In this Act:

"Affected department" or "department" means a full-time municipal fire department that is subject to a collective bargaining agreement or the fire department operated by a full-time fire protection district. The terms do not include fire departments operated by the State, a university, or a municipality with a population over 1,000,000 or any unit of local government other than a municipality or fire protection district. The terms also do not include a combined department that was providing both police and firefighting services on January 1, 2002.

"Appointing authority" means the Board of Fire and Police Commissioners, Board of Fire Commissioners, Civil Service Commissioners, Superintendent or Department Head, Fire Protection District Board of Trustees, or other entity having the authority to administer and grant promotions in an affected department.

"Promotion" means any appointment or advancement to a rank within the affected department (1) for which an examination was required before January 1, 2002; (2) that is included within a bargaining unit; or (3) that is the next rank immediately above the highest rank included within a bargaining unit, provided such rank is not the only rank between the Fire Chief and the highest rank included within the bargaining unit, or is a rank otherwise excepted under item (i), (ii), (iii), (iv), or (v) of this definition. "Promotion" does not include appointments (i) that are for fewer than 180 days; (ii) to the positions of Superintendent, Chief, or other chief executive officer; (iii) to an exclusively administrative or executive rank for which an examination is not required; (iv) to a rank that was exempted by a home rule municipality prior to January 1, 2002, provided that after the effective date of this Act no home rule municipality may exempt any future or existing ranks from the provisions of this Act; or (v) to an administrative rank immediately below the

Superintendent, Chief, or other chief executive officer of an affected department, provided such rank shall not be held by more than 2 persons and there is a promoted rank immediately below it. Notwithstanding the exceptions to the definition of "promotion" set forth in items (i), (ii), (iii), (iv), and (v) of this definition, promotions shall include any appointments to ranks covered by the terms of a collective bargaining agreement in effect on the effective date of this Act.

"Preliminary promotion list" means the rank order of eligible candidates established in accordance with subsection (b) of Section 20 prior to applicable veteran's preference points. A person on the preliminary promotion list who is eligible for veteran's preference under the laws and agreements applicable to the appointing authority may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated in accordance with Section 55 and applied as an addition to the person's total point score on the examination. The appointing authority shall make adjustments to the preliminary promotion list based on any veteran's preference claimed and the final adjusted promotion list shall then be posted by the appointing authority.

"Rank" means any position within the chain of command of a fire department to which employees are regularly assigned to perform duties related to providing fire suppression, fire prevention, or emergency services.

"Final adjusted promotion list" means the promotion list for the position that is in effect on the date the position is created or the vacancy occurs. If there is no final adjusted promotion list in effect for that position on that date, or if all persons on the current final adjusted promotion list for that position refuse the promotion, the affected department shall not make a permanent promotion until a new final adjusted promotion list has been prepared in accordance with this Act, but may make a temporary appointment to fill the vacancy. Temporary appointments shall not exceed 180 days.

Each component of the promotional test shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factor assigned to the component on the test and the scores of all components shall be added to produce a total score based on a scale of 100 points.

Section 10. Applicability.

(a) This Act shall apply to all positions in an affected department, except those specifically excluded in items (i), (ii), (iii), (iv), and (v) of the definition of "promotion" in Section 5 unless such positions are covered by a collective bargaining agreement in force on the effective date of this Act. Existing promotion lists shall continue to be valid until their expiration dates, or up to a maximum of 3 years after the effective date of this Act.

(b) Notwithstanding any statute, ordinance, rule, or other laws to the contrary, all promotions in an affected department to which this Act applies shall be administered in the manner provided for in this Act. Provisions of the Illinois Municipal Code, the Fire Protection District Act, municipal ordinances, or rules adopted pursuant to such authority and other laws relating to promotions in affected departments shall continue to apply to the extent they are compatible with this Act, but in the event of conflict between this Act and any other law, this Act shall control.

(c) A home rule or non-home rule municipality may not administer its fire department promotion process in a manner that is inconsistent with this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of the powers and functions exercised by the State.

(d) This Act is intended to serve as a minimum standard and shall be construed to authorize and not to limit:

(1) An appointing authority from establishing different or supplemental promotional criteria or components, provided that the criteria are job-related and applied uniformly.

(2) The negotiation by an employer and an exclusive bargaining representative of clauses within a collective bargaining agreement relating to conditions, criteria, or procedures for the promotion of employees who are members of bargaining units.

(3) The negotiation by an employer and an exclusive bargaining representative of provisions within a collective bargaining agreement to achieve affirmative action objectives, provided that such clauses are consistent with applicable law.

(e) Local authorities and exclusive bargaining agents affected by this Act may agree to waive one or more of its provisions and bargain on the contents of those provisions, provided that any such waivers shall be considered permissive subjects of bargaining.

Section 15. Promotion process.

(a) For the purpose of granting promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, administer a promotion process in accordance with this Act.

(b) Eligibility requirements to participate in the promotional process may include a minimum requirement as to the length of employment, education, training, and certification in subjects and skills related to fire fighting. After the effective date of this Act, any such eligibility requirements shall be published at least one year prior to the date of the beginning of the promotional process and all members of the affected department shall be given an equal opportunity to meet those eligibility requirements.

(c) All aspects of the promotion process shall be equally accessible to all eligible employees of the department. Every component of the testing and evaluation procedures shall be published to all eligible candidates when the announcement of promotional testing is made. The scores for each component of the testing and evaluation procedures shall be disclosed to each candidate as soon as practicable after the component is completed.

(d) The appointing authority shall provide a separate promotional examination for each rank that is filled by promotion. All examinations for promotion shall be competitive among the members of the next lower rank who meet the established eligibility requirements and desire to submit themselves to examination. The appointing authority may employ consultants to design and administer promotion examinations or may adopt any job-related examinations or study materials that may become available, so long as they comply with the requirements of this Act.

Section 20. Promotion lists.

(a) For the purpose of granting a promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, prepare a preliminary promotion list in accordance with this Act. The preliminary promotion list shall be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(b) A person's position on the preliminary promotion list shall be determined by a combination of factors which may include any of the following: (i) the person's score on the written examination for that rank, determined in accordance with Section 35; (ii) the person's seniority within the department, determined in accordance with Section 40; (iii) the person's ascertained merit, determined in accordance with Section 45; and (iv) the person's score on the subjective evaluation, determined in accordance with Section 50. Candidates shall be ranked on the list in rank order based on the highest to the lowest total points scored on all of the components of the test. Promotional components, as defined herein, shall be determined and administered in accordance with the referenced Section, unless otherwise modified or agreed to as provided by paragraph (1) or (2) of subsection (e) of Section 10. The use of physical criteria, including but not limited to fitness testing, agility testing, and medical evaluations, is specifically barred from the promotion process.

(c) A person on the preliminary promotion list who is eligible for a veteran's preference under the laws and agreements applicable to the department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated as provided under Section 55 and added to the total score achieved by the candidate on the test. The appointing authority shall then make adjustments to the rank order of the preliminary promotion list based on any veteran's preferences awarded. The final adjusted promotion list shall then be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(d) Whenever a promotional rank is created or becomes vacant due to resignation, discharge, promotion, death, or the granting of a disability or retirement pension, or any other cause, the appointing authority shall appoint to that position the person with the highest ranking on the final promotion list for that rank, except that the appointing authority shall have the right to pass over that person and appoint the next highest ranked person on the list if the appointing authority has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the promotion list. If the highest ranking person is passed over, the appointing authority shall document its reasons for its decision to select the next highest ranking person on the list. Unless the reasons for passing over the highest ranking person are not remedial, no person who is the highest ranking person on the list at the time of the vacancy shall be passed over more than once. Any dispute as to the selection of the first or second highest-ranking person shall be subject to resolution in accordance with any grievance procedure in effect covering the employee.

A vacancy shall be deemed to occur in a position on the date upon which the position is vacated, and on that same date, a vacancy shall occur in all ranks inferior to that rank, provided that the position or positions continue to be funded and authorized by the corporate authorities. If a vacated position is not filled due to a lack of funding or authorization and is subsequently reinstated, the final promotion list shall be continued in effect until all positions vacated have been filled or for a period up to 5 years beginning

from the date on which the position was vacated. In such event, the candidate or candidates who would have otherwise been promoted when the vacancy originally occurred shall be promoted.

Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotion list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotion list, provided that such action shall not prejudice a person's opportunities to participate in future promotion examinations.

(e) A final adjusted promotion list shall remain valid and unaltered for a period of not less than 2 nor more than 3 years after the date of the initial posting. Integrated lists are prohibited and when a list expires it shall be void, except as provided in subsection (d) of this Section. If a promotion list is not in effect, a successor list shall be prepared and distributed within 180 days after a vacancy, as defined in subsection (d) of this Section.

(f) This Section 20 does not apply to the initial hiring list.

Section 25. Monitoring.

(a) All aspects of the promotion process, including without limitation the administration, scoring, and posting of scores for the written examination and subjective evaluation and the determination and posting of seniority and ascertained merit scores, shall be subject to monitoring and review in accordance with this Section and Sections 30 and 50.

(b) Two impartial persons who are not members of the affected department shall be selected to act as observers by the exclusive bargaining agent. The appointing authorities may also select 2 additional impartial observers.

(c) The observers monitoring the promotion process are authorized to be present and observe when any component of the test is administered or scored. Except as otherwise agreed to in a collective bargaining agreement, observers may not interfere with the promotion process, but shall promptly report any observed or suspected violation of the requirements of this Act or an applicable collective bargaining agreement to the appointing authority and all other affected parties.

(d) The provisions of this Section do not apply to the extent that they are inconsistent with provisions otherwise agreed to in a collective bargaining agreement.

Section 30. Promotion examination components. Promotion examinations that include components consisting of written examinations, seniority points, ascertained merit, or subjective evaluations shall be administered as provided in Sections 35, 40, 45 and 50. The weight, if any, that is given to any component included in a test may be set at the discretion of the appointing authority provided that such weight shall be subject to modification by the terms of any collective bargaining agreement in effect on the effective date of this Act or thereafter by negotiations between the employer and an exclusive bargaining representative. If the appointing authority establishes a minimum passing score, such score shall be announced prior to the date of the promotion process and it must be an aggregate of all components of the testing process. All candidates shall be allowed to participate in all components of the testing process irrespective of their score on any one component. The provisions of this Section do not apply to the extent that they are inconsistent with provisions otherwise agreed to in a collective bargaining agreement.

Section 35. Written examinations.

(a) The appointing authority may not condition eligibility to take the written examination on the candidate's score on any of the previous components of the examination. The written examination for a particular rank shall consist of matters relating to the duties regularly performed by persons holding that rank within the department. The examination shall be based only on the contents of written materials that the appointing authority has identified and made readily available to potential examinees at least 90 days before the examination is administered. The test questions and material must be pertinent to the particular rank for which the examination is being given. The written examination shall be administered after the determination and posting of the seniority list, ascertained merit points, and subjective evaluation scores. The written examination shall be administered, the test materials opened, and the results scored and tabulated.

(b) Written examinations shall be graded at the examination site on the day of the examination immediately upon completion of the test in front of the observers if such observers are appointed under Section 25, or if the tests are graded offsite by a bona fide testing agency, the observers shall witness the sealing and the shipping of the tests for grading and the subsequent opening of the scores upon the return from the testing agency. Every examinee shall have the right (i) to obtain his or her score on the examination on the day of the examination or upon the day of its return from the testing agency (or the appointing authority shall require the testing agency to mail the individual scores to any address submitted by the candidates on the day of the examination); and (ii) to review the answers to the examination that the

examiners consider correct. The appointing authority may hold a review session after the examination for the purpose of gathering feedback on the examination from the candidates.

(c) Sample written examinations may be examined by the appointing authority and members of the department, but no person in the department or the appointing authority (including the Chief, Civil Service Commissioners, Board of Fire and Police Commissioners, Board of Fire Commissioners, or Fire Protection District Board of Trustees and other appointed or elected officials) may see or examine the specific questions on the actual written examination before the examination is administered. If a sample examination is used, actual test questions shall not be included. It is a violation of this Act for any member of the department or the appointing authority to obtain or divulge foreknowledge of the contents of the written examination before it is administered.

(d) Each department shall maintain reading and study materials for its current written examination and the reading list for the last 2 written examinations or for a period of 5 years, whichever is less, for each rank and shall make these materials available and accessible at each duty station.

(e) The provisions of this Section do not apply to the extent that they are in conflict with provisions otherwise agreed to in a collective bargaining agreement.

Section 40. Seniority points.

(a) Seniority points shall be based only upon service with the affected department and shall be calculated as of the date of the written examination. The weight of this component and its computation shall be determined by the appointing authority or through a collective bargaining agreement.

(b) A seniority list shall be posted before the written examination is given and before the preliminary promotion list is compiled. The seniority list shall include the seniority date, any breaks in service, the total number of eligible years, and the number of seniority points.

Section 45. Ascertained merit.

(a) The promotion test may include points for ascertained merit. Ascertained merit points may be awarded for education, training, and certification in subjects and skills related to the fire service. The basis for granting ascertained merit points, after the effective date of this Act, shall be published at least one year prior to the date ascertained merit points are awarded and all persons eligible to compete for promotion shall be given an equal opportunity to obtain ascertained merit points unless otherwise agreed to in a collective bargaining agreement.

(b) Total points awarded for ascertained merit shall be posted before the written examination is administered and before the promotion list is compiled.

Section 50. Subjective evaluation.

(a) A promotion test may include subjective evaluation components. Subjective evaluations may include an oral interview, tactical evaluation, performance evaluation, or other component based on subjective evaluation of the examinee. The methods used for subjective evaluations may include using any employee assessment centers, evaluation systems, chief's points, or other methods.

(b) Any subjective component shall be identified to all candidates prior to its application, be job-related, and be applied uniformly to all candidates. Every examinee shall have the right to documentation of his or her score on the subjective component upon the completion of the subjective examination component or its application.

(c) Where chief's points or other subjective methods are employed that are not amenable to monitoring, monitors shall not be required, but any disputes as to the results of such methods shall be subject to resolution in accordance with any collectively bargained grievance procedure in effect at the time of the test.

(d) Where performance evaluations are used as a basis for promotions, they shall be given annually and made readily available to each candidate for review and they shall include any disagreement or documentation the employee provides to refute or contest the evaluation. These annual evaluations are not subject to grievance procedures, unless used for points in the promotion process.

(e) Total points awarded for subjective components shall be posted before the written examination is administered and before the promotion list is compiled.

Section 55. Veterans' preference. A person on a preliminary promotion list who is eligible for veteran's preference under any law or agreement applicable to an affected department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The veteran's preference shall be calculated as provided in the applicable law and added to the applicant's total score on the preliminary promotion list. Any person who has received a promotion from a promotion list on which his or her position was adjusted for veteran's preference, under this Act or any other law, shall not be eligible for any subsequent veteran's preference under this Act.

Section 60. Right to review. Any affected person or party who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotion list, or veteran's preference shall be entitled to a review of the matter by the appointing authority or as otherwise provided by law.

Section 65. Violations.

(a) A person who knowingly divulges or receives test questions or answers before a written examination, or otherwise knowingly violates or subverts any requirement of this Act commits a violation of this Act and may be subject to charges for official misconduct.

(b) A person who is the knowing recipient of test information in advance of the examination shall be disqualified from the promotion examination or demoted from the rank to which he was promoted, as applicable and otherwise subjected to disciplinary actions.

Section 900. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

Sec. 8.27. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 93rd General Assembly.

Section 999. Effective date. This Act takes effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 988 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House in the passage of bills of the following titles to-wit:

HOUSE BILL NO. 6

A bill for AN ACT concerning public health emergencies.

HOUSE BILL NO. 264

A bill for AN ACT concerning agriculture.

HOUSE BILL NO. 469

A bill for AN ACT concerning State lawsuit immunity.

HOUSE BILL NO. 1480

A bill for AN ACT concerning banking.

HOUSE BILL NO. 1489

A bill for AN ACT in relation to taxes.

HOUSE BILL NO. 2332

A bill for AN ACT regarding education.

Passed by the Senate, May 16, 2003.

Linda Hawker, Secretary of the Senate

REPORTS FROM STANDING COMMITTEES

Representative Fritchey, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 947.

The committee roll call vote on Floor Amendment No. 2 to Senate Bill 947 is as follows:
12, Yeas; 5, Nays; 1, Answering Present.

| | |
|--|----------------------|
| Y Fritchey,John(D), Chairperson | Y Bailey,Patricia(D) |
| Y Berrios,Maria(D) | Y Brosnahan,James(D) |
| N Cultra,Shane(R) | P Froehlich,Paul(R) |
| Y Hamos,Julie(D) (Graham) | Y Hoffman,Jay(D) |
| N Hultgren,Randall(R), Republican Spokesperson | Y Lang,Lou(D) (Ryg) |
| Y Mathias,Sidney(R) | Y May,Karen(D) |
| Y Nekritz,Elaine(D) | Y Osmond,JoAnn(R) |
| N Rose,Chapin(R) | N Sacia,Jim(R) |
| Y Scully,George(D), Vice-Chairperson | N Wait,Ronald(R) |

Representative McCarthy, Chairperson, from the Committee on Higher Education to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: SENATE BILL 748.

The committee roll call vote on Senate Bill 748 is as follows:
11, Yeas; 1, Nays; 1, Answering Present.

| | |
|---|---------------------------------------|
| Y McCarthy,Kevin(D), Chairperson | Y Black,William(R) |
| Y Bost,Mike(R) | Y Brady,Dan(R) |
| Y Brosnahan,James(D) (Hoffman) | Y Davis,William(D) |
| Y Giles,Calvin(D) | Y Howard,Constance(D) |
| Y Jakobsson,Naomi(D) | Y Mendoza,Susana(D), Vice-Chairperson |
| N Myers,Richard(R) | Y Rose,Chapin(R) |
| P Wirsing,David(R), Republican Spokesperson | |

Representative Holbrook, Chairperson, from the Committee on Environment & Energy to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the Floor Amendment be reported “recommends be adopted”:
Amendment No. 3 to SENATE BILL 1379.

The committee roll call vote on Senate Bill 1379 is as follows:
15, Yeas; 0, Nays; 0, Answering Present.

| | |
|-----------------------------------|---|
| Y Holbrook,Thomas(D), Chairperson | Y Bradley,Richard(D) |
| Y Churchill,Robert(R) | Y Collins,Annazette(D) |
| Y Davis,Steve(D) | Y Hamos,Julie(D) |
| Y Joyce,Kevin(D) | Y Kosel,Renee(R) |
| Y Leitch,David(R) | Y Meyer,James(R), Republican Spokesperson |
| Y Novak,John(D) | Y Parke,Terry(R) |
| Y Reitz,Dan(D) | Y Slone,Ricca(D), Vice-Chairperson |
| Y Tenhouse,Art(R) | |

Representative Lang, Chairperson, from the Committee on Gaming to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bills be reported “do pass as amended” and be placed on the order of Second Reading-- Short Debate: HOUSE BILLS 142 and 144.

The committee roll call vote on Senate Bill 142 is as follows:
8, Yeas; 4, Nays; 1, Answering Present.

| | |
|--------------------------------------|--|
| Y Lang,Lou(D), Chairperson | N Beaubien,Mark(R) |
| Y Berrios,Maria(D) | Y Boland,Mike(D) |
| Y Capparelli,Ralph(D) | Y Dunkin,Kenneth(D) |
| N Dunn,Joe(R) | P Hassert,Brent(R) |
| Y Molaro,Robert(D), Vice-Chairperson | N Pankau,Carole(R) |
| Y Rita,Robert(D) | N Schmitz,Timothy(R) |
| Y Scully,George(D) | A Stephens,Ron(R), Republican Spokesperson |

The committee roll call vote on Senate Bill 144 is as follows:
8, Yeas; 3, Nays; 2, Answering Present.

| | |
|--------------------------------------|--|
| Y Lang,Lou(D), Chairperson | P Beaubien,Mark(R) |
| Y Berrios,Maria(D) (Bradley) | Y Boland,Mike(D) |
| Y Capparelli,Ralph(D) | Y Dunkin,Kenneth(D) |
| N Dunn,Joe(R) | P Hassert,Brent(R) |
| Y Molaro,Robert(D), Vice-Chairperson | N Pankau,Carole(R) |
| Y Rita,Robert(D) | N Schmitz,Timothy(R) |
| Y Scully,George(D) | A Stephens,Ron(R), Republican Spokesperson |

CHANGE OF SPONSORSHIP

Representative Mautino asked and obtained unanimous consent to be removed as chief sponsor and Representative Morrow asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 2289.

Representative Hannig asked and obtained unanimous consent to be removed as chief sponsor and Representative Daniels asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 3738.

RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 324

Offered by Representative Osmond:

WHEREAS, The National Wildfire Coordinating Group (NWCG) is made up of the USDA Forest Service; four Department of the Interior agencies: the Bureau of Land Management (BLM), the National Park Service (NPS), the Bureau of Indian Affairs (BIA), and the Fish and Wildlife Service (FWS); and state forestry agencies through the National Association of State Foresters; and

WHEREAS, The purpose of NWCG is to coordinate programs of the participating wildfire management agencies in order to avoid wasteful duplication and to provide a means of constructively working together; its goal is to provide more effective execution of each agency's fire management program; the group provides a formalized system to agree upon standards of training, equipment, qualifications, and other operational functions; and

WHEREAS, The NWCG believes the goal of effective wildfire management is best served through coordinating the resources of all fire management agencies, irrespective of land jurisdiction; it supports the

concepts of full partnership, trust, and mutual assistance among the fire management agencies; the group strongly supports professionalism in all facets of fire management; and

WHEREAS, The NWCG strives to bring the best talent to bear on vital issues in a timely manner, irrespective of agency affiliation as well as striving to bring economy, efficiency, and quality to all activities; it practices concepts of total mobility, closest forces, and shared resources without geographic limitations; as a group, the NWCG constantly searches for areas of agreement to further the effectiveness of the wildfire management program; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we strongly encourage the Director of Natural Resources and the Office of the Illinois State Forester to join the National Wildfire Coordinating Group; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Director of Natural Resources and the Office of the Illinois State Forester.

HOUSE RESOLUTION 325

Offered by Representative Leitch:

WHEREAS, Over 2,000,000 unique individuals per year rely on the Illinois Medicaid program for their health insurance needs, including long term care; and

WHEREAS, Due to extended payment cycles and inadequate reimbursement rates, 27 long term care facilities closed in Illinois in 2002 due to financial difficulties and additional facilities have notified the Department of Public Aid that they will be filing for bankruptcy in 2003; and

WHEREAS, In an effort to address funding inequities, members of the Illinois House of Representatives conducted a statewide hearing on Medicaid reimbursements to nursing homes during the summer and fall of 2001; and

WHEREAS, As a result of those hearings, bipartisan legislation to update the reimbursement system to reflect data collected under the Minimum Data Set (MDS) passed the Illinois General Assembly unanimously during the 92nd General assembly and was signed into law as P.A. 92-848; and

WHEREAS, The new reimbursement system based on the MDS assessment will ensure that Medicaid funding is distributed based on the need of long term care residents instead of being distributed under an old, faulted system which resulted in funding inequities; and

WHEREAS, The new reimbursement system is required by law to be implemented by July 1, 2003, including a 2-year hold harmless provision to ensure that no facility receives less funding then that facility would have received under the old system; and

WHEREAS, Recent efforts have attempted to delay the date of the implementation of the new system, endangering the care provided to long term care residents; and

WHEREAS, Other recent efforts have also sought to increase the long term care provider bed tax (granny tax) from the current charge of \$1.50 per bed per day up to as much as the \$6.50 per bed per day allowable under federal law; and

WHEREAS, An increase in the bed tax would be especially difficult for facilities that have already depleted lines of credit to pay payroll and other facility costs; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we oppose any efforts to delay the implementation of the MDS long term care reimbursement system as required under the provisions of P.A. 92-848; and be it further

RESOLVED, That we oppose efforts to increase the nursing home provider bed tax; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Governor of Illinois and the Director of Public Aid.

HOUSE JOINT RESOLUTION 36

Offered by Representative Verschoore:

WHEREAS, There is no known highway in Rock Island County honoring Rock Island County veterans

past, present, and future and, especially, those who made the ultimate sacrifice: 145 in World War I; 472 in World War II; 68 in the Korean War; 75 in the Vietnam War; 1 in the Panama War; 1 in the Persian Gulf War; and those in the Iraqi War; and

WHEREAS, State Route 5 traverses Rock Island County from the junction of Interstates 80 and 88, southwest to U.S. Route 67; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that State Route 5 shall carry the memorial designation Illinois Veterans War Memorial Highway in honor of the military veterans of Rock Island County; and be it further

RESOLVED, That the Illinois Department of Transportation is requested to erect, at suitable locations consistent with State and federal regulations, appropriate plaques or signs giving notice of the memorial designation; and be it further

RESOLVED, That suitable copies of this resolution be presented to the Veterans of Foreign Wars of the United States, Department of Illinois, Rock Island County Council and to the Secretary of Transportation.

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 313

Offered by Representative Joyce:

WHEREAS, The members of the Illinois House of Representatives are honored to recognize milestones in the lives of the citizens of the State of Illinois; and

WHEREAS, Stanley J. Szpytek, Jr. has retired from his position as Deputy Chief with the Palos Fire Protection District; and

WHEREAS, Deputy Chief Szpytek began his service with the Palos Fire Protection District as a Cadet Firefighter in 1977; and

WHEREAS, Deputy Chief Szpytek was among the first group of full-time firefighter-paramedics to be hired by the Palos Fire Protection District in 1983; this group was made up of only six men; and

WHEREAS, In 1984, Deputy Chief Szpytek was promoted to the rank of Lieutenant and was appointed to the office of Fire Marshal for the Palos Fire Protection District in 1987; and

WHEREAS, He was promoted to the rank of Captain in 1988 and in 1991 was promoted to the rank of Deputy Chief, where he served until his retirement in 2003; and

WHEREAS, Deputy Chief Szpytek was instrumental in Palos Fire Protection District's fire prevention and education programs; and

WHEREAS, On Friday, May 23, 2003, the family, friends, and many colleagues of Deputy Chief Szpytek will help him celebrate 20 years of dedicated and committed service to the Palos Fire Protection District at a retirement party in his honor; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Stanley J. Szpytek, Jr. on his retirement as Deputy Chief of the Palos Fire Protection District and we wish him well in all of his future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Deputy Chief Szpytek as an expression of our respect and esteem.

HOUSE RESOLUTION 314

Offered by Representative Stephens:

WHEREAS, The highest award the National Council of the Boy Scouts of America can bestow upon a Scout is that of Eagle Scout; and

WHEREAS, Brett Foudray of Boy Scout Troop 43, in Highland, will receive the Eagle Scout Award at

a Court of Honor to be held on June 13, 2003; and

WHEREAS, In order to qualify as an Eagle Scout, a young man must demonstrate outstanding qualities of leadership, a willingness to be of help to others, and superior skills in camping, lifesaving, and first aid; and

WHEREAS, In earning this high rank, Brett Foudray joins an elite and honorable fraternity of achievers that counts among its members an extraordinary number of this nation's great leaders in business, government, education, and other sectors of society; and

WHEREAS, The achievement of the rank of Eagle Scout reflects favorably upon Brett Foudray, his justly proud family, his Scoutmaster, and his fellow scouts; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we join his family and friends in congratulating Brett Foudray upon attaining the coveted rank of Eagle Scout and commend him upon the unswerving dedication to excellence that is the hallmark of the Eagle Scout; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Eagle Scout Brett Foudray as an expression of our respect and esteem.

HOUSE RESOLUTION 315

Offered by Representative Stephens:

WHEREAS, The highest award the National Council of the Boy Scouts of America can bestow upon a Scout is that of Eagle Scout; and

WHEREAS, Aaron Rogier of Boy Scout Troop 43, in Highland, will receive the Eagle Scout Award at a Court of Honor to be held on July 27, 2003; and

WHEREAS, In order to qualify as an Eagle Scout, a young man must demonstrate outstanding qualities of leadership, a willingness to be of help to others, and superior skills in camping, lifesaving, and first aid; and

WHEREAS, In earning this high rank, Aaron Rogier joins an elite and honorable fraternity of achievers that counts among its members an extraordinary number of this nation's great leaders in business, government, education, and other sectors of society; and

WHEREAS, The achievement of the rank of Eagle Scout reflects favorably upon Aaron Rogier, his justly proud family, his Scoutmaster, and his fellow scouts; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we join his family and friends in congratulating Aaron Rogier upon attaining the coveted rank of Eagle Scout and commend him upon the unswerving dedication to excellence that is the hallmark of the Eagle Scout; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Eagle Scout Aaron Rogier as an expression of our respect and esteem.

HOUSE RESOLUTION 316

Offered by Representative Stephens:

WHEREAS, The members of the Illinois House of Representatives congratulate Christopher Hooks of Effingham on his outstanding achievements in the Assembly of God's Royal Ranger Program; and

WHEREAS, Christopher will be presented with the Gold Medal of Achievement (GMA) on May 18, 2003; and

WHEREAS, Christopher was named the Southeast Section Pioneer Ranger of the Year five years in a row; he has earned many awards and merits on the advancement trail to becoming a Gold Medal recipient including the God and Family Award and the God and Church Award; some of the required merits he has attained are the Bachelor Merit, the Christian Service Merit, the CPR Merit, and the Hobby Merit, and some merits of choice include the Animal Husbandry Merit, the Carpentry Merit, and the Hide Tanning Merit; and

WHEREAS, In 2002, he received the Trailblazer Gold Hawk and Gold Star Award, became a member of the Frontiersmen Camping Fellowship (FCF), and a Southeast Section FCF Scout; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Christopher Hooks on being awarded the Gold Medal of Achievement (GMA) in recognition of his outstanding achievements in the Assembly of God's Royal Ranger program; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Christopher Hooks as an expression of our respect and esteem.

HOUSE RESOLUTION 317

Offered by Representatives Dunkin and Jones:

WHEREAS, The members of the House of Representatives of the State of Illinois learned with deep regret of the death of Gladys Holcomb of Chicago on Wednesday, April 30, 2003; and

WHEREAS, Mrs. Holcomb was born in Brownville, Tennessee in October of 1906; she moved to Chicago in 1935 where she married Kinnard Holcomb in 1945; and

WHEREAS, Mr. and Mrs. Holcomb first established Gladys' Luncheonette on State Street; after ten years, the restaurant moved to a basement location at 4541 S. Indiana; they soon outgrew that space and moved up the street to the present location of the restaurant at 4527 S. Indiana in November of 1963; and

WHEREAS, Gladys' Luncheonette became one of the most popular "soul food" restaurants in the Midwest, known for its delicious fried chicken, smothered chicken, smothered pork chops, peach cobbler, "melt-in-your-mouth" biscuits, and other down home, southern delicacies; many famous people were known to dine at the Luncheonette including Dr. Martin Luther King Jr., Lou Rawls, Redd Foxx, Governor Jim Thompson, Della Reese, Reverend Jesse Jackson, Gladys Knight, and a host of others; and

WHEREAS, Mrs. Holcomb owned Gladys' Luncheonette until 1997 when she was no longer able to operate it on a day-to-day basis and sold it to her daughter and a group of investors; and

WHEREAS, The passing of Gladys Holcomb has been deeply felt by many, but especially her husband, Kinnard; and her daughter, little Gladys; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Mrs. Gladys Holcomb and we express our sincere and deepest sympathy to her husband, daughter, friends, and family; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Mrs. Holcomb as a token of our sincere condolences.

HOUSE RESOLUTION 318

Offered by Representative Novak:

WHEREAS, The members of the House of Representatives of the State of Illinois were saddened to learn of the death of Robert Thomas Buchanan on May 8, 2003; and

WHEREAS, Robert Thomas Buchanan was born on December 29, 1947 in Chicago to Alneta Buchanan; he graduated from Wendell Phillips High School and attended Loop Business College for business management; and

WHEREAS, Mr. Buchanan worked for F.W. Woolworth for a number of years before his 23-year career with the Chicago Transit Authority; he was a Mason; and

WHEREAS, The passing of Robert Thomas Buchanan has been deeply felt by all who knew him, especially his wife, JoAnn Buchanan; his sons, Robert Buchanan, Jr. and Jason Buchanan; his daughter, Alnita Buchanan; his grandchildren, Dante' and Jonathan Buchanan; his sisters, Alice Buchanan, Savannah (Samuel) Jackson, and Alneta Long; his brothers, Theodus Buchanan and James Peck; his stepbrothers, Gregory Peck, Sergio Thomas, and Felton McKenzie; his stepfather, Felton Peck; and a host of relatives and friends; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Robert Thomas Buchanan and express our sincere and deepest sympathy to his family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Robert Thomas Buchanan as an expression of our condolences during their time of bereavement.

HOUSE RESOLUTION 319

Offered by Representative McGuire:

WHEREAS, The members of the Illinois House of Representatives are honored to recognize milestone events in the lives of the citizens of the State of Illinois; and

WHEREAS, The Reverend Issac Singleton will celebrate his 41st year as a pastor on May 16-18th, 2003; and

WHEREAS, Dr. Isaac Singleton is one of the most influential spiritual leaders of our time; he has dedicated his entire life to making a difference for mankind; during the 1950s and 1960s, Dr. Singleton played a major role in the civil rights movement; marching along side Dr. Martin Luther King Jr., Dr. Singleton shared his dream, his vision, and the struggle for equality; as a result of believing right is right and wrong is wrong, Dr. Singleton has gained national notoriety for his efforts in the civil rights movement; lives have been changed as he helped to enforce laws that enabled people to gain jobs, obtain homes, and re-gain their rights in regards to discrimination; and

WHEREAS, Dr. Singleton is recognized throughout the world as a leader for all people; he's also recognized as one of the most prolific speaker/teachers of the gospel; for over four decades, Dr. Singleton has been spreading the good news of Jesus Christ around the world; and

WHEREAS, For over 40 years, he has also been the pastor of the Mt. Zion Baptist Church; prior to pastoring Mt. Zion, Dr. Singleton pastored the Russell Street Church in East St. Louis, and the Colette Street Church in Danville; and

WHEREAS, Under his leadership at the Mt. Zion Baptist Church, membership has grown from 100 to 2,000 members; and

WHEREAS, Dr. Singleton presently serves as president for the Metropolitan Alliance Council (MAC); he's the founder and past president of the Joliet Affiliate Rainbow/P.U.S.H. Coalition and he currently serves as the religious coordinator for the Illinois Rainbow/P.U.S.H. and is an active National Board Member; he is also the founder of the Hill Memorial Center of Joliet; in 1986, Dr. Singleton was one of 150 African-American pastors invited to the White House by President Ronald Reagan to consult on civil rights issues; and

WHEREAS, Dr. Singleton has served the community, State, and nation in many capacities including serving as a former trustee for the Will County Regional Education Board, a member of the Joliet Township High School Foundation, an appointee to the Illinois Department of Children and Family Services Advisory Council, a member of the Board of Directors of the Joliet Region Chamber of Commerce, a board member on the Economic Commission of Will County Downtown Redevelopment, President of the Baptist General State Congress of Christian Education of Illinois, instructor of the National Baptist Congress of Christian Education-USA, vice president of the National Baptist Congress, superintendent of Human Relations of the Baptist General State Convention of Illinois for 25 years, and moderator of Lebanon Baptist District Association; and

WHEREAS, Dr. Singleton has received many honorary distinctions including inductions into Who's Who Among Black Americans and the Joliet/Will County Hall of Pride; and he has also been awarded the Community Relations Award from the city of Joliet (1970); and

WHEREAS, Dr. Isaac Singleton is happily married to the former Pearl B. Dexter for the past 54 years; together they have six children, 17 grandchildren, and 7 great-grandchildren; and

WHEREAS, In honor of his 41st year as a pastor, there will be a celebration on May 16, 2003, where the Rev. Tyrone Crider of Mount Calvary Baptist Church in Chicago will speak; on May 18, 2003, the Rev. William Thompson from First United Baptist Church of Nassau, Bahamas, and the Rev. Charles "Chuck" Singleton of Loveland Church in Fontana, California, will close out the celebration; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the Reverend Isaac Singleton of Mt. Zion Baptist Church on the celebration of his 41st year as a pastor; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Reverend Isaac Singleton as an expression of our esteem.

Offered by Representative Yarbrough:

WHEREAS, Edwin H. Walker IV served as president of the Maywood Chamber of Commerce from 1989 to 1993 and from 1997 to 2003; and

WHEREAS, Edwin H. Walker IV was instrumental in obtaining a grant in 1997 for the work of the Drug-Free Workplace Committee; and

WHEREAS, Edwin H. Walker IV assisted the Gold Card Committee in obtaining the Governor's Hometown Award in 1998; and

WHEREAS, Edwin H. Walker IV was instrumental in major Bylaw Revisions for the Chamber in 2000; and

WHEREAS, Edwin H. Walker IV was instrumental in having the Chamber obtain a grant from the Illinois Department of Commerce and Community Affairs in 2001 for the development of a web site and obtaining office equipment; and

WHEREAS, Edwin H. Walker IV initiated the Strategic Planning Retreat for the Board of Directors in 2002; and

WHEREAS, Edwin H. Walker IV assisted in writing a Memorandum of Understanding with the Maywood Public Library in 2002 regarding the establishment of an office for the Chamber and the formation of a web site; and

WHEREAS, Edwin H. Walker IV has developed a spirit of "family" among members of the Chamber of Commerce; and

WHEREAS, Edwin H. Walker IV has shown untiring dedication by participating in committees of the Chamber and attending meetings of outside groups related to Chamber concerns; and

WHEREAS, Edwin H. Walker IV has served as vice president of the Maywood Bataan Day Organization and has helped in planning the Memorial Service each year; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Edwin H. Walker IV on the occasion of his retirement after serving as president of the Maywood Chamber of Commerce from 1989 to 1993 and since 1997; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Edwin H. Walker IV as an expression of our respect and esteem and with our thanks for his faithful service to his community.

HOUSE RESOLUTION 321

Offered by Representative Eddy:

WHEREAS, The members of the Illinois House of Representatives wish to commemorate the owners and publishers of The Argus Newspaper as it closes its doors after nearly 140 years of continuing publication in service to the people of Robinson; and

WHEREAS, On December 10, 1863, G. W. Harper issued the first publication of the Argus; before the election in November of that year, The Argus had become a strong advocate of the re-election of President Lincoln, having the largest circulation of any country paper in this section of the State and being quoted for its pronounced fearless character; and

WHEREAS, At one time, The Argus reached readers in 47 states and Canada along with Robinson and Crawford County; and

WHEREAS, G. W. Harper laid a solid foundation which was continued by three more generations of his family, his son Paul B. Harper, Victor and Agnes Manning Smith (Paul's foster daughter), and then Carol and Sam Scarpone (Agnes's daughter); and

WHEREAS, Some time before 1902, The Argus was equipped with a Campbell cylinder press, two job presses, and a Fairbanks-Morse gasoline engine which furnished the motor power for their operation; the office was supplied with cutting machines and all the latest styles of type and conveniences for first-class printing; and

WHEREAS, When The Argus first went into publication it was only half the size as it is now, with a hand press and barely enough type to get out the paper, and its job department was only equal to the demands for ordinary poster printing; but the paper and the job department have kept pace with the growth of the town and county, as well as the demands of the time; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we commemorate the owners and publishers of The Argus newspaper for over 140 years of publication and dedicated service to the people of Robinson; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Carol and Sam Scarpone.

HOUSE RESOLUTION 322

Offered by Representative Colvin:

WHEREAS, The members of the House of Representatives of the State of Illinois were saddened to learn of the death of Carol L. Fitzgerald on Sunday, April 10, 2003; and

WHEREAS, Carol L. Fitzgerald was born in New Orleans, Louisiana on January 1, 1956, the third child of Dr. Robert and Mercedes Johnson; at an early age, her family moved to Chicago, Illinois where she attended Higgins and Shoop Elementary Schools and graduated from Fenger High School;

WHEREAS, After moving to Chicago, Mrs. Fitzgerald accepted Christ at Mt. Calvary Baptist Church where she married Larry Fitzgerald on September 29, 1979; and

WHEREAS, She received an Associate of Arts Degree in Pre-Law from Olive-Harvey Junior College and attended DePaul University in Chicago; in 1979, Carol and her husband, Larry, moved to Minneapolis, Minnesota; where they welcomed the birth of their sons, Larry Jr., born on August 31, 1983 and Marcus, born on July 1, 1985; they are members of New Beginnings Baptist Tabernacle; and

WHEREAS, Mrs. Fitzgerald began her career in Minnesota at Blue Cross Blue Shield; she began her career in the health field as an outreach worker for Turning Point Chemical Dependency Treatment Program educating people at risk for acquiring HIV and STDs due to drug use behavior; in 1992, she began working for the Minnesota Department of Health reaching out to communities of color to educate women about early detection of breast and cervical cancer; that same year she became a Disease Intervention Specialist working with people newly diagnosed with HIV or STDs providing counseling to reduce reinfection, referral to treatment, and identifying and notifying partners; and

WHEREAS, She became dedicated to eliminating the spread of HIV/AIDS in the African-American community; in 1989, she began befriending African Americans with HIV/AIDS and acting as a "soul mate" or buddy by helping them with physical needs and providing emotional and spiritual support; and

WHEREAS, Mrs. Fitzgerald was co-founder and served as a volunteer caregiver with the Circle of Love support group through the Minneapolis Urban League; she was involved in the AIDS ministry at her church and was a board member of the AIDS Interfaith Council; she served as a volunteer at Agape House and as a board member of the Minnesota AIDS Project; in 1994, she was the founding member of the African-American AIDS Task Force and facilitated Sistas Healing Sistas HIV/AIDS support group; as a certified Red Cross HIV/AIDS Instructor, she volunteered to present HIV prevention workshops; she was a member of the community advisory board of the AIDS Clinical Trial Unit at the University of Minnesota and served as a member of the Minnesota Department of Health's HIV Planning Council; and

WHEREAS, She was instrumental in raising the issue of HIV/AIDS within the Twin Cities African-American community and contributed to strengthening the network of prevention and service organizations and their staffs through mentoring and providing support; when Carol was diagnosed with breast cancer in 1997, she became active in the African-American Breast Cancer Alliance; this past year, she recorded a breast cancer awareness video with her friend Melanie Williams which aired on a local television station; and

WHEREAS, Mrs. Fitzgerald received the following awards and honors: the Minnesota Communities of Color Health Leadership Award(2000), a Certificate of Achievement from the City Inc. HIV/STD Prevention & Awareness Program, a Certificate of Appreciation from the Minneapolis Urban League's Circle of Love Program, and the Leadership Award from the Twin Cities United Negro College Fund 2000 9th Annual Walk-A-Thon; and

WHEREAS, The passing of Carol Fitzgerald will be deeply felt by all who knew her, especially by her husband, Larry Sr.; her sons, Larry Jr. and Marcus; her parents, Dr. Robert and Mercedes Johnson; her sister and brother-in-law, Valerie and Norman Thomas Sr. and their children, Norman Jr. and Gabrielle; her sister and brother-in-law, Dr. Stephanie and Perry Brown and their children, Crystal and Robert; her brother, Robert Johnson Jr.; her sister and brother-in-law, Kimberly and Byron Henry; her sister and brother-in-law, Paula and Samuel Jones II and their children, Samuel III, Candice, Jasmine, and Kyle; her

father-in-law and mother-in-law, Robert and Sally Fitzgerald Sr., her brother-in-law, Robert Fitzgerald Jr.; her sister-in-law, Marilyn Fitzgerald; her brother-in-law, Michael Fitzgerald; her brother and sister-in-law, Ephriam and Cren Fitzgerald and their daughter, Erin; her cousin, Tony Pinder and his wife, Vickie; her nephew, Jason Jenkins; and a host of additional relatives and friends; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Carol L. Fitzgerald and express our sincere and deepest sympathy to her family and friends; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Carol L. Fitzgerald as an expression of our condolences during their time of bereavement.

HOUSE RESOLUTION 323

Offered by Representative Parke:

WHEREAS, The members of the Illinois House of Representatives congratulate Craig S. Burkhardt, who is leaving the Springfield law firm of Sorling, Northrup, Hanna, Cullen, and Cochran, Ltd. to accept the position of Chief Counsel, United States Technology Administration, U.S. Department of Commerce; he will be relocating to Washington, D.C.; and

WHEREAS, Mr. Burkhardt is currently serving his 19th year as an attorney with the firm, having joined in 1984 immediately after graduating from law school; it is a 33-attorney law firm and provides a broad array of legal and lobbying services to individuals, businesses, and not-for-profit organizations and government entities; he has concentrated his legal practice in public utilities, election law, and government relations; and

WHEREAS, While serving as an attorney at Sorling, his positions have included General Counsel of the Illinois Republican Party; from 1988 to 1992, he served as counsel to the Republican Leader of the Illinois House of Representatives; and he served as General Counsel of the Illinois Republican County Chairmen's Association, and President of the Republican National Lawyers Association; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Craig S. Burkhardt on his new position as Chief Counsel, United States Technology Administration for the U.S. Department of Commerce and thank him for all his distinguished and dedicated service to the Illinois Republican Party; we wish him good health and happiness in all of his future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Craig S. Burkhardt as an expression of our respect and esteem.

HOUSE RESOLUTION 326

Offered by Representative McGuire:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Patricia O'Hara on her retirement after 27 years of service; and

WHEREAS, Ms. O'Hara worked for Representative Leroy VanDuyne from 1975 until 1990 and then for Representative Jack McGuire from 1990 until her retirement on December 31, 2002; and

WHEREAS, Ms. O'Hara was born in California and moved to Joliet when she was 18 months old; she was the first State Central Committee Woman elected in her district after the regulations were changed to require one man and one woman in each district; and

WHEREAS, Ms. O'Hara is currently a member of the Illinois Democratic Women; she served on the Planning Commission for the City of Joliet and attended accounting classes at Joliet Junior College; and

WHEREAS, Ms. O'Hara was married for 49 years to her late husband, William; she is the mother of five children, the grandmother of nine, and is soon to be a great-grandmother; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Ms. Patricia O'Hara on her retirement after 27 years of service, and we commend her for her dedication to the service of the people of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Ms. Patricia O'Hara as an

expression of our respect and esteem and with our sincere wishes for a peaceful and relaxing retirement.

HOUSE RESOLUTION 328

Offered by Representative Myers:

WHEREAS, The members of the Illinois House of Representatives wish to recognize notable events in the history of organizations of the State of Illinois; and

WHEREAS, The LaMoine Valley Board of REALTORS is celebrating its 35th anniversary of distinguished service to REALTORS, the business community and residents of Hancock, McDonough, and Schuyler counties in west central Illinois; and

WHEREAS, Members of the LaMoine Valley Board of REALTORS faithfully serve homebuyers and sellers in the communities of Adair, Adrian, Augusta, Bader, Bardolph, Basco, Beardstown, Birmingham, Bentley, Blandinsville, Bowen, Brooklyn, Browning, Burnside, Bushnell, Camden, Carthage, Colchester, Colmar, Colusa, Dallas City, Denver, Disco, Doddsville, Durham, Elvaston, Fandon, Ferris, Fredrick, Fountain Green, Good Hope, Hamilton, Huntsville, Industry, LaCrosse, LaHarpe, Littleton, Macomb, Nauvoo, New Philadelphia, Pleasant View, Pontoosie, Powellton, Prairie City, Rey, Rushville, Sciota, Sheldon Grove, Stillwell, St. Mary Plymouth, Sutter, Tennessee, Tioga, Warsaw, Walnut Grove, Webster, and West Point; and

WHEREAS, Since its organization in 1968 and in partnership with the Illinois Association of REALTORS and the National Association of REALTORS, the Lamoine Valley Board of REALTORS has provided outstanding resources and leadership for its member REALTORS, enhancing their professionalism, ethical standards and knowledge of the real estate industry; and

WHEREAS, The LaMoine Valley Board of REALTORS has served as the voice of real estate for local communities in its river valley area, promoting the value of homeownership, protecting the rights of property owners and supporting the American Dream for all residents; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the LaMoine Valley Board of REALTORS on the celebration of its 35th anniversary, and we further extend to them our wishes for continued success in their endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the LaMoine Valley Board of REALTORS as an expression of our respect and esteem.

RECESS

At the hour of 10:15 o'clock a.m., Representative Schmitz moved that the House do now take a recess until the call of the Chair.

The motion prevailed.

At the hour of 11:00 o'clock a.m., the House resumed its session.

Speaker Madigan in the Chair.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Hannig, HOUSE BILL 3741 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 75, Yeas; 42, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3749 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 64, Yeas; 52, Nays; 1, Answering Present.

(ROLL CALL 3)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3750 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 105, Yeas; 11, Nays; 1, Answering Present.

(ROLL CALL 4)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3752 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 103, Yeas; 14, Nays; 0, Answering Present.

(ROLL CALL 5)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3755 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 74, Yeas; 43, Nays; 0, Answering Present.

(ROLL CALL 6)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3756 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 80, Yeas; 37, Nays; 0, Answering Present.

(ROLL CALL 7)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3758 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 78, Yeas; 37, Nays; 2, Answering Present.

(ROLL CALL 8)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3760 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 74, Yeas; 43, Nays; 0, Answering Present.

(ROLL CALL 9)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3761 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 99, Yeas; 18, Nays; 0, Answering Present.

(ROLL CALL 10)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3762 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 88, Yeas; 29, Nays; 0, Answering Present.

(ROLL CALL 11)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3763 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 94, Yeas; 23, Nays; 0, Answering Present.

(ROLL CALL 12)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3765 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 67, Yeas; 49, Nays; 1, Answering Present.

(ROLL CALL 13)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3769 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 99, Yeas; 18, Nays; 0, Answering Present.

(ROLL CALL 14)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3773 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 77, Yeas; 40, Nays; 0, Answering Present.

(ROLL CALL 15)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3778 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 75, Yeas; 41, Nays; 1, Answering Present.

(ROLL CALL 16)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3779 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 85, Yeas; 32, Nays; 0, Answering Present.

(ROLL CALL 17)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3790 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 108, Yeas; 9, Nays; 0, Answering Present.

(ROLL CALL 18)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3794 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 75, Yeas; 42, Nays; 0, Answering Present.

(ROLL CALL 19)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Mautino, HOUSE BILL 2289 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 78, Yeas; 39, Nays; 0, Answering Present.

(ROLL CALL 20)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3726 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 88, Yeas; 28, Nays; 0, Answering Present.

(ROLL CALL 21)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3727 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 83, Yeas; 34, Nays; 0, Answering Present.

(ROLL CALL 22)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3728 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 82, Yeas; 34, Nays; 0, Answering Present.

(ROLL CALL 23)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3729 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 85, Yeas; 32, Nays; 0, Answering Present.

(ROLL CALL 24)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3730 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 89, Yeas; 28, Nays; 0, Answering Present.

(ROLL CALL 25)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

RECALL

By unanimous consent, on motion of Representative Hannig, HOUSE BILL 3738 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

HOUSE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. These bills have been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Hannig, HOUSE BILL 3731 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 88, Yeas; 29, Nays; 0, Answering Present.

(ROLL CALL 26)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3732 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 88, Yeas; 27, Nays; 0, Answering Present.

(ROLL CALL 27)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3733 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 87, Yeas; 30, Nays; 0, Answering Present.

(ROLL CALL 28)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3734 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 91, Yeas; 25, Nays; 1, Answering Present.

(ROLL CALL 29)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3735 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 78, Yeas; 39, Nays; 0, Answering Present.

(ROLL CALL 30)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3736 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 85, Yeas; 26, Nays; 6, Answering Present.

(ROLL CALL 31)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3737 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 91, Yeas; 26, Nays; 0, Answering Present.

(ROLL CALL 32)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

On motion of Representative Hannig, HOUSE BILL 3739 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 87, Yeas; 29, Nays; 0, Answering Present.

(ROLL CALL 33)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

HOUSE BILL ON SECOND READING

HOUSE BILL 3738. Having been recalled on May 16, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Daniels offered the following amendment and moved its adoption.

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3738 by replacing everything after the enacting clause with the following:

"Section 5. The sum of \$19,500,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for a 2% cost of living adjustment retroactive to April 1, 2003 for providers serving individuals with developmental disabilities.

Section 10. The sum of \$8,500,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for a 2% cost of living adjustment retroactive to April 1, 2003 for providers serving individuals with mental illness.

Section 15. The sum of \$35,000,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for a \$1 per hour wage increase for personal assistants providing services under the Department's Home Services Program.

Section 20. The sum of \$17,000,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for vacant slots in community integrated living arrangements for individuals with developmental disabilities.

Section 25. The sum of \$2,000,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for supported employment for individuals with developmental disabilities.

Section 30. The sum of \$2,000,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for grants to Special Recreation Associations.

Section 35. The sum of \$5,000,000, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for the Home Based Support Services Program.

Section 40. The sum of \$34,648,700, or so much thereof as may be necessary, in addition to any other amounts appropriated for this purpose, is appropriated from the General Revenue Fund to the Department of Human Services for Intermediate Care Facilities for the Mentally Retarded and Alternative Community Programs.

Section 99. This Act takes effect on July 1, 2003."

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was again advanced to the order of Third Reading.

HOUSE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Hannig, HOUSE BILL 3738 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 117, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 34)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

**HOUSE BILL ON THIRD READING
CONSIDERATION POSTPONED**

The following bill and any amendments adopted thereto were printed and laid upon the Member's desks. This bill has been examined, any amendments thereto engrossed and any errors corrected. Any amendments pending were tabled pursuant to Rule 65(a).

HOUSE BILL 3788. Having been read by title a third time on May 15, 2003, and further consideration postponed, the same was again taken up.

Representative Hannig moved the passage of HOUSE BILL 3788.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 113, Yeas; 4, Nays; 0, Answering Present.
(ROLL CALL 35)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate and ask their concurrence.

SENATE BILLS ON THIRD READING

The following bill and any amendments adopted thereto was printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 1757 was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 111, Yeas; 6, Nays; 0, Answering Present.
(ROLL CALL 36)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Hannig, SENATE BILL 1759 was taken up and read by title a third time. And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote: 117, Yeas; 0, Nays; 0, Answering Present.
(ROLL CALL 37)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

RECALLS

By unanimous consent, on motion of Representative Soto, SENATE BILL 24 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

By unanimous consent, on motion of Representative Phelps, SENATE BILL 1527 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

By unanimous consent, on motion of Representative Currie, SENATE BILL 1869 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

By unanimous consent, on motion of Representative Lang, SENATE BILL 1493 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 299, 300, 301, 302, 303, 308, 310, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 326 and 328 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the Agreed Resolutions were adopted.

ADJOURNMENT RESOLUTION HOUSE JOINT RESOLUTION 37

Representative Currie offered the following resolution:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the House of Representatives adjourns on Friday, May 16, 2003, it stands adjourned until Tuesday, May 20, 2003 at 1:00 o'clock p.m.; and when the Senate adjourns on Friday, May 16, 2003, it stands adjourned until Monday, May 19, 2003 at 4:00 o'clock p.m.

The motion prevailed and the resolution was placed in the Committee on Rules.

Having been reported out of the Committee on Rules on May 16, 2003, HOUSE JOINT RESOLUTION 37 was taken up for consideration.

Representative Currie moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

At the hour of 2:45 o'clock p.m., Representative Currie moved that the House do now adjourn.

The motion prevailed.

And in accordance therewith and pursuant to HOUSE JOINT RESOLUTION 37, the House stood adjourned until Tuesday, May 20, 2003, at 1:00 o'clock p.m.

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

May 16, 2003

0 YEAS

0 NAYS

117 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| P Acevedo | P Dunkin | P Leitch | P Phelps |
| P Aguilar | P Dunn | P Lindner | P Pihos |
| P Bailey | P Eddy | P Lyons, Eileen | P Poe |
| P Bassi | P Feigenholtz | P Lyons, Joseph | P Reitz |
| P Beaubien | P Flider | P Mathias | P Rita |
| P Bellock | P Flowers | P Mautino | P Rose |
| P Berrios | P Forby | P May | P Ryg |
| P Biggins | P Franks | P McAuliffe | P Sacia |
| P Black | P Fritchey | P McCarthy | P Saviano |
| P Boland | P Froehlich | P McGuire | P Schmitz |
| P Bost | P Giles | P McKeon | P Scully |
| P Bradley | P Graham | P Mendoza | P Slone |
| P Brady | P Granberg | P Meyer | P Smith |
| P Brauer | P Grunloh | P Miller | P Sommer |
| P Brosnahan | P Hamos | P Millner | P Soto |
| P Burke | P Hannig | P Mitchell, Bill | E Stephens |
| P Capparelli | P Hassert | P Mitchell, Jerry | P Sullivan |
| P Chapa LaVia | P Hoffman | P Moffitt | P Tenhouse |
| P Churchill | P Holbrook | P Molaro | P Turner |
| P Collins | P Howard | P Morrow | P Verschoore |
| P Colvin | P Hultgren | P Mulligan | P Wait |
| P Coulson | P Jakobsson | P Munson | P Washington |
| P Cross | P Jefferson | P Myers | P Watson |
| P Cultra | P Jones | P Nekritz | P Winters |
| P Currie | P Joyce | P Novak | P Wirsing |
| P Daniels | P Kelly | P O'Brien | P Yarbrough |
| P Davis, Monique | P Kosel | P Osmond | P Younge |
| P Davis, Steve | P Krause | P Osterman | P Mr. Speaker |
| P Davis, Will | P Kurtz | P Pankau | |
| P Delgado | P Lang | P Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3741
 \$ESLFAA OCE FY04
 THIRD READING
 PASSED

May 16, 2003

75 YEAS

42 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | N Lyons, Eileen | N Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | Y Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | N Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | N Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3749
 \$INDUSTRIAL COMM OCE FY04
 THIRD READING
 PASSED

May 16, 2003

64 YEAS

52 NAYS

1 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| N Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | N Lyons, Eileen | N Poe |
| N Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| N Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | N McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | N Hassert | N Mitchell, Jerry | N Sullivan |
| N Chapa LaVia | Y Hoffman | N Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | P Washington |
| N Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | N Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | N Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3750
 SIEMA OCE FY04
 THIRD READING
 PASSED

May 16, 2003

105 YEAS

11 NAYS

1 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| Y Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | Y Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| Y Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | P Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3752
 \$LAW ENFORCEMENT TSB OCE FY04
 THIRD READING
 PASSED

May 16, 2003

103 YEAS

14 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | Y Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | Y Watson |
| Y Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3755
SOCE METRO PIER-FY04
THIRD READING
PASSED

May 16, 2003

74 YEAS

43 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | N Lyons, Eileen | N Poe |
| N Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | Y Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| N Chapa LaVia | Y Hoffman | N Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3756
 \$PRB OCE FY04
 THIRD READING
 PASSED

May 16, 2003

80 YEAS

37 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | N Poe |
| N Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | N Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3758
 \$\$WIDA OCE FY04
 THIRD READING
 PASSED

May 16, 2003

78 YEAS

37 NAYS

2 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | N Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | Y Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | P Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | N Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | Y Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | P Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3760
 \$SPORTS FACILITIES OCE FY04
 THIRD READING
 PASSED

May 16, 2003

74 YEAS

43 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | N Poe |
| N Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | Y Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | N Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | N Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | N Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3761
SSFm OCE FY04
THIRD READING
PASSED

May 16, 2003

99 YEAS

18 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | Y Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3762
 SST POLICE MERIT BD OCE FY04
 THIRD READING
 PASSED

May 16, 2003

88 YEAS

29 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | Y Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| N Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | N Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| Y Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3763
SVIOLENCE PREVENT AUT OCE FY04
THIRD READING
PASSED

May 16, 2003

94 YEAS

23 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | Y Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| N Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | N Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | N Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | N Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3765
 \$DOT OCE FY04
 THIRD READING
 PASSED

May 16, 2003

67 YEAS

49 NAYS

1 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | N Pihos |
| Y Bailey | N Eddy | N Lyons, Eileen | N Poe |
| N Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | N Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | N Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | N Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | N Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | N Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | N Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| N Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | P Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3769
 \$DSP OCE FY04
 THIRD READING
 PASSED

May 16, 2003

99 YEAS

18 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | Y Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | Y Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | N Wait |
| N Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | Y Watson |
| N Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3773
SDEPT CORRECTIONS OCE FY04
THIRD READING
PASSED

May 16, 2003

77 YEAS

40 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | N Pihos |
| Y Bailey | N Eddy | N Lyons, Eileen | Y Poe |
| N Bassi | Y Feigenholtz | Y Lyons, Joseph | N Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| N Boland | N Froehlich | Y McGuire | N Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | N Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | Y Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | N Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | N Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3778
 \$CDBOPS OCE FY04
 THIRD READING
 PASSED

May 16, 2003

75 YEAS

41 NAYS

1 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | N Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| P Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | N Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | N Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3779
 \$CJIA OCE FY04
 THIRD READING
 PASSED

May 16, 2003

85 YEAS

32 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | N Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | N Wait |
| N Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | Y Kurtz | N Pankau | |
| Y Delgado | Y Lang | N Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3790
SDEPT MILITARY AFF OCE FY04
THIRD READING
PASSED

May 16, 2003

108 YEAS

9 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | Y Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | Y Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | Y Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| N Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | Y Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3794
 SDEPT LABOR OCE FY04
 THIRD READING
 PASSED

May 16, 2003

75 YEAS

42 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | N Poe |
| N Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | N Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 2289
\$APPELLATE PROSECUTOR
THIRD READING
PASSED

May 16, 2003

78 YEAS

39 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | N Lyons, Eileen | N Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| N Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | N Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | N Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3726
\$BD HIGH ED-IDPH-IMSA OCE FY04
THIRD READING
PASSED

May 16, 2003

88 YEAS

28 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | A Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3727
\$CHGO ST UNIVERSITY OCE FY04
THIRD READING
PASSED

May 16, 2003

83 YEAS

34 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3728
 \$GSU OCE FY04
 THIRD READING
 PASSED

May 16, 2003

82 YEAS

34 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | N Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | A Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3729
 \$OCE NEIU FY04
 THIRD READING
 PASSED

May 16, 2003

85 YEAS

32 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| N Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| Y Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3730
\$WIU OCE FY04
THIRD READING
PASSED

May 16, 2003

89 YEAS

28 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | Y Lindner | N Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3731
\$ISU OCE FY04
THIRD READING
PASSED

May 16, 2003

88 YEAS

29 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3732
 SOCE NIU FY04
 THIRD READING
 PASSED

May 16, 2003

88 YEAS

27 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | A Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | A Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | Y Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3733
\$SIU OCE FY04
THIRD READING
PASSED

May 16, 2003

87 YEAS

30 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3734
\$U OF I OCE FY04
THIRD READING
PASSED

May 16, 2003

91 YEAS

25 NAYS

1 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | Y Dunn | N Lindner | Y Pihos |
| N Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | Y Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | N Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | Y Wait |
| N Coulson | Y Jakobsson | N Munson | P Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| Y Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| N Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3735
\$ICCB OCE FY04
THIRD READING
PASSED

May 16, 2003

78 YEAS

39 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | N Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | N Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | N Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| N Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | N McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | N Hassert | N Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| N Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | N Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| N Davis, Monique | Y Kosel | Y Osmond | N Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3736
\$ISAC OCE FY04
THIRD READING
PASSED

May 16, 2003

85 YEAS

26 NAYS

6 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | Y Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | N Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | Y Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | P Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | P Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | P Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | N Wait |
| Y Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| N Cultra | N Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | P Kelly | Y O'Brien | Y Yarbrough |
| P Davis, Monique | N Kosel | Y Osmond | N Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| P Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3737
\$SUCSS OCE FY04
THIRD READING
PASSED

May 16, 2003

91 YEAS

26 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | N Wait |
| Y Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | N Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 HOUSE BILL 3739
 \$EIU OCE FY04
 THIRD READING
 PASSED

May 16, 2003

87 YEAS

29 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | N Dunn | N Lindner | N Pihos |
| Y Bailey | Y Eddy | N Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | Y Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| N Biggins | N Franks | Y McAuliffe | A Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | N Froehlich | Y McGuire | N Schmitz |
| N Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | N Meyer | Y Smith |
| N Brauer | Y Grunloh | Y Miller | N Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | N Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | N Mulligan | N Wait |
| N Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | N Watson |
| N Cultra | Y Jones | Y Nekritz | N Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | N Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | N Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3738
\$SURS OCE FY04
THIRD READING
PASSED

May 16, 2003

117 YEAS

0 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | Y Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | Y Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| Y Biggins | Y Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | Y Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | Y Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | Y Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| Y Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | Y Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| Y Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| Y Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | Y Kurtz | Y Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3788
\$DHS OCE FY04
THIRD READING
PASSED

May 16, 2003

113 YEAS

4 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | Y Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | N Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| Y Biggins | Y Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | Y Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | Y Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | N Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | Y Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | N Tenhouse |
| Y Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | Y Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| Y Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| Y Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | Y Kurtz | N Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1757
 BUDGET STABILIZATION-DEBT FUND
 THIRD READING
 PASSED

May 16, 2003

111 YEAS

6 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | Y Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| N Bellock | Y Flowers | Y Mautino | Y Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| Y Biggins | Y Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | N Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | Y Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | Y Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| N Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | N Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | N Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| Y Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| N Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | Y Kurtz | Y Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence

STATE OF ILLINOIS
 NINETY-THIRD
 GENERAL ASSEMBLY
 HOUSE ROLL CALL
 SENATE BILL 1759
 ST BUDGET-APPROPRIATIONS
 THIRD READING
 PASSED

May 16, 2003

117 YEAS

0 NAYS

0 PRESENT

| | | | |
|------------------|---------------|-------------------|---------------|
| Y Acevedo | Y Dunkin | Y Leitch | Y Phelps |
| Y Aguilar | Y Dunn | Y Lindner | Y Pihos |
| Y Bailey | Y Eddy | Y Lyons, Eileen | Y Poe |
| Y Bassi | Y Feigenholtz | Y Lyons, Joseph | Y Reitz |
| Y Beaubien | Y Flider | Y Mathias | Y Rita |
| Y Bellock | Y Flowers | Y Mautino | Y Rose |
| Y Berrios | Y Forby | Y May | Y Ryg |
| Y Biggins | Y Franks | Y McAuliffe | Y Sacia |
| Y Black | Y Fritchey | Y McCarthy | Y Saviano |
| Y Boland | Y Froehlich | Y McGuire | Y Schmitz |
| Y Bost | Y Giles | Y McKeon | Y Scully |
| Y Bradley | Y Graham | Y Mendoza | Y Slone |
| Y Brady | Y Granberg | Y Meyer | Y Smith |
| Y Brauer | Y Grunloh | Y Miller | Y Sommer |
| Y Brosnahan | Y Hamos | Y Millner | Y Soto |
| Y Burke | Y Hannig | Y Mitchell, Bill | E Stephens |
| Y Capparelli | Y Hassert | Y Mitchell, Jerry | Y Sullivan |
| Y Chapa LaVia | Y Hoffman | Y Moffitt | Y Tenhouse |
| Y Churchill | Y Holbrook | Y Molaro | Y Turner |
| Y Collins | Y Howard | Y Morrow | Y Verschoore |
| Y Colvin | Y Hultgren | Y Mulligan | Y Wait |
| Y Coulson | Y Jakobsson | Y Munson | Y Washington |
| Y Cross | Y Jefferson | Y Myers | Y Watson |
| Y Cultra | Y Jones | Y Nekritz | Y Winters |
| Y Currie | Y Joyce | Y Novak | Y Wirsing |
| Y Daniels | Y Kelly | Y O'Brien | Y Yarbrough |
| Y Davis, Monique | Y Kosel | Y Osmond | Y Younge |
| Y Davis, Steve | Y Krause | Y Osterman | Y Mr. Speaker |
| Y Davis, Will | Y Kurtz | Y Pankau | |
| Y Delgado | Y Lang | Y Parke | |

E - Denotes Excused Absence