STATE OF ILLINOIS

HOUSE JOURNAL

HOUSE OF REPRESENTATIVES

NINETY-THIRD GENERAL ASSEMBLY

68TH LEGISLATIVE DAY

FRIDAY, MAY 30, 2003

11:00 O'CLOCK A.M.

NO. 68

HOUSE OF REPRESENTATIVES
Daily Journal Index
68th Legislative Day

The House met pursuant to adjournment.
Speaker Madigan in the chair.
Prayer by LeeArthur Crawford, Assistant Pastor with the Victory Temple Church in Springfield, IL..
Representative Nekritz 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 Eddy was excused from attendance.

REPORT 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 Floor Amendment be reported "recommends be adopted":
Amendment No. 5 to HOUSE BILL 422.
Amendments numbered 6 and 7 to SENATE BILL 428.
Amendment No. 12 to HOUSE BILL 802.
Amendment No. 1 to SENATE BILL 841.
Amendment No. 6 to SENATE BILL 843.
Amendment No. 2 to SENATE BILL 1000.
Amendment No. 2 to SENATE BILL 1101.
Amendment No. 3 to SENATE BILL 1362.
Amendment No. 2 to SENATE BILL 1883.
Amendment No. 1 to SENATE BILL 1951.

That the Floor Amendment be reported "recommends be adopted":
Motion to Concur in Amendment No. 4 to HOUSE BILL 294.
Motion to Concur in Amendment No. 1 to HOUSE BILL 2902.
Motion to Concur in Amendment No. 1 to HOUSE BILL 2983.

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

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

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 774.
Amendment No. 1 to SENATE BILL 842.
Amendment No. 2 to SENATE BILL 1634.
Amendment No. 2 to SENATE BILL 1733.
Amendment No. 2 to SENATE BILL 1949.

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

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

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 4 to SENATE BILL 719.

The committee roll call vote on the foregoing Legislative Measures is as follows:

3, Yeas; 1, Nays; 0, Answering Present.

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

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 759.
Amendment No. 3 to SENATE BILL 1733.
Amendment No. 1 to SENATE BILL 1923.
Amendment No. 4 to SENATE BILL 2003.
Motion to Concur in Senate Amendments numbered 1 and 2 to HOUSE BILL 2345.
Motion to Concur in Senate Amendment No. 3 to HOUSE BILL 2221.

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

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

That the Floor Amendment be reported "recommends be adopted":
Motion to Concur on Senate Amendment No. 1 to HOUSE BILL 2750.

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 Hannig,Gary(D)
A Turner,Arthur(D)
Y Black,William(R)
A Hassert,Brent(R), Republican Spokesperson

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 1 to SENATE BILL 788.

The committee roll call vote on the foregoing Legislative Measures is as follows:
3, Yeas; 2, Nays; 0, Answering Present.

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

That the Floor Amendment be reported "recommends be adopted":
Amendment No. 2 to SENATE BILL 1725.
Amendment No. 4 to SENATE BILL 1733.

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

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

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:

Agriculture & Conservation: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 666.

Environment & Energy: HOUSE AMENDMENT No. 1 to SENATE BILL 1909; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 910.

Executive: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 841; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 1043; Motion to Concur in SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 1023.

Human Services: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 687; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 1038.

Judiciary I - Civil Law: HOUSE AMENDMENT No. 4 to SENATE BILL 1127; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 2504.

Labor: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 2362.

Registration & Regulation: Motion to Concur in SENATE AMENDMENTS Numbered 2, 3 and 4 to HOUSE BILL 1482.

Revenue: HOUSE AMENDMENT No. 1 to SENATE BILL 785; Motion to Concur in SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 860; Motion to Concur in SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 276; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 858.

State Government Administration: HOUSE AMENDMENT No. 2 to SENATE BILL 1075; HOUSE AMENDMENT No. 1 to SENATE BILL 1601; HOUSE AMENDMENT No. 1 to SENATE BILL 1901.

State Government Administration: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 992; Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 3640.

State Government Administration: HOUSE AMENDMENT No. 1 to SENATE BILL 943.

Develop Disabilities Mental Illness: Motion to Concur in SENATE AMENDMENT No. 1 to HOUSE BILL 684.

Higher Education: SENATE AMENDMENT No. 2 to HOUSE BILL 1543.

State Government Administration: SENATE JOINT RESOLUTION 36.

MOTIONS SUBMITTED

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

MOTION

I move to concur with Senate Amendment No. 3 to HOUSE BILL 2550.

Representative Pihos 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 2902.

Representative Bost 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 2983.

Representative Holbrook 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 841.

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

MOTION

I move to concur with Senate Amendments numbered 2, 3 and 4 to HOUSE BILL 1482.

Representative McGuire 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 741.

Representative McKeon 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 2362.

Representative Phelps 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 666.

Representative Steve 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 910.

Representative Stephens 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 3640.

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

MOTION

I move to concur with Senate Amendment No. 3 to HOUSE BILL 2550.

Representative Miller 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 430.

Representative Lang 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 1023.

Representative Molaro 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 859.

Representative Currie 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 860.

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

MOTION

I move to concur with Senate Amendment No. 3 to HOUSE BILL 2221.

Representative Madigan 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 2750.

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 3553.

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 1458.

Representative Mautino 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 707.

STATE DEBT IMPACT NOTE SUPPLIED

A State Debt Impact Note has been supplied for HOUSE BILL 422, as amended.

JUDICIAL NOTE SUPPLIED

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

PENSION NOTE SUPPLIED

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

BALANCED BUDGET NOTE SUPPLIED

Balanced Budget Notes have been supplied for HOUSE BILL 422, as amended, and SENATE BILL 600, as amended.

FISCAL NOTE SUPPLIED

Fiscal Notes have been supplied for HOUSE BILL 144, as amended, 148, as amended, 422, as amended, SENATE BILL 461, as amended, 600, as amended, 1000, as amended, and 1909, as amended.

LAND CONVEYANCE APPRAISAL NOTE SUPPLIED

Land Conveyance Appraisal Notes have been supplied for HOUSE BILL 143, as amended, and 422, as amended.

HOUSING AFFORDABILITY IMPACT NOTE SUPPLIED

A Housing Affordability Impact Note has been supplied for HOUSE BILL 422, as amended.

HOME RULE NOTES SUPPLIED

Home Rule Notes have been supplied for HOUSE BILLS 143, as amended, 422, as amended, and SENATE BILL 600, as amended.

STATE MANDATES FISCAL NOTE SUPPLIED

State Mandates Fiscal Notes have been supplied for HOUSE BILL 142, as amended, 144, as amended, 145, as amended, 146, as amended, 147, as amended, 148, as amended, 422, as amended, and SENATE BILL 600, as amended.

CORRECTIONAL NOTE SUPPLIED

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

REQUEST FOR HOME RULE NOTE

Representative Tenhouse requested that a Home Rule Note be supplied for HOUSE BILL 143, as amended.

REQUEST FOR STATE MANDATES FISCAL NOTE

Representative Tenhouse requested that a State Mandates Fiscal Note be supplied for HOUSE BILLS 142, as amended, 144, as amended, 145, as amended, 146, as amended, 147, as amended, and 148, as amended.

REQUEST FOR LAND CONVEYANCE APPRAISAL NOTE

Representative Tenhouse requested that a Land Conveyance Appraisal Note be supplied for HOUSE BILL 143, as amended.

REQUEST FOR JUDICIAL NOTE

Representative Parke requested that a Judicial Note be supplied for SENATE BILL 461.

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 in the passage of a bill of the following title to-wit:

HOUSE BILL NO. 46

A bill for AN ACT concerning renewable fuels.
Passed by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 568

A bill for AN ACT concerning 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. 568
Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 568 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 31-1 as follows:

(720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

Sec. 31-1. Resisting or obstructing a peace officer, ~~or~~ correctional institution employee, probation officer, or parole officer.

(a) A person who knowingly resists or obstructs the performance by one known to the person to be a peace officer, ~~or~~ correctional institution employee, probation officer, or parole officer of any authorized act within his official capacity commits a Class A misdemeanor.

(a-5) In addition to any other sentence that may be imposed, a court shall order any person convicted of resisting or obstructing a peace officer, correctional institution employee, probation officer, or parole officer to be sentenced to a minimum of 48 consecutive hours of imprisonment or ordered to perform community service for not less than 100 hours as may be determined by the court. The person shall not be eligible for probation in order to reduce the sentence of imprisonment or community service.

(a-7) A person convicted for a violation of this Section whose violation was the proximate cause of an injury to a peace officer, correctional institution employee, probation officer, or parole officer is guilty of a Class 3 ~~4~~ felony.

(a-8) A person who, having been given a signal by a peace officer, correctional institution employee, probation officer, or parole officer that he or she is under arrest, willfully flees or attempts to elude the officer or employee is guilty of a Class 4 felony.

(b) For purposes of this Section:~~,~~

"Correctional institution employee" means any person employed to supervise and control inmates incarcerated in a penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house, or other institution or place for the incarceration or custody of persons under sentence for offenses or awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing, or who are sexually dangerous persons or who are sexually violent persons.

"Probation officer" has the meaning ascribed to it in Section 9b of the Probation and Probation Officers Act. (Source: P.A. 92-841, eff. 8-22-02.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 568 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 765

A bill for AN ACT in relation to education.

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. 765

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 765 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 17-2A as follows:

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants may, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing), transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district, provided that, except during the period from July 1, 2003 through June 30, 2005, such transfer is made solely for the purpose of meeting one-time, non-recurring expenses. Except during the period from July 1, 2003 through June 30, 2005, any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board. (Source: P.A. 92-127, eff. 1-1-02; 92-722, eff. 7-25-02.)

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 765 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 1027

A bill for AN ACT in relation to real property.

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. 1027

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1027 by replacing everything after the enacting clause with the following:

"Section 5. The Park District Code is amended by adding Section 5-2e as follows:

(70 ILCS 1205/5-2e new)

Sec. 5-2e. Park district property within municipality with recreation board; disconnection. Whenever any property within a park district created under this Code also lies within the boundaries of a municipality that has established a recreation board under Section 11-95-3 of the Illinois Municipal Code and the property is being taxed by both the park district and the municipality for recreation services, 10% or more of the legal voters residing within the territory may propose to be disconnected and may file a petition with the circuit court for the county that contains the largest portion of the territory to cause the question to be submitted to the legal voters of the territory proposed to be disconnected. This Section applies only to park districts located within 2 counties, one with a population of 3,000,000 or more and the other with a population between 500,000 and 550,000, and a municipality with a population between 55,000 and 60,000.

The court shall order the question of disconnection submitted to the electors residing in the territory.

The Clerk of the Circuit Court shall certify the question to the proper election authorities at an election in accordance with the general election law for submission.

The question cast at this election shall be in substantially the following form:

Shall the (describe territory) be disconnected from (name of park district)?

The votes shall be recorded as "Yes" or "No".

If a majority of the electors voting upon the disconnection question vote for disconnection; the disconnection shall be effective.

This Section is repealed on January 1, 2005.

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 1027 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 3653

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. 3653

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 3653 by replacing everything after the enacting clause with the following:

"Section 5. The School Visitation Rights Act is amended by changing Section 15 as follows:

(820 ILCS 147/15)

Sec. 15. School conference and activity leave. (a) An employer must grant an employee leave of up to a total of 24 ~~8~~ hours during any school year, and no more than 4 hours of which may be taken on any given day, to attend school conferences or classroom activities related to the employee's child if the conference or classroom activities cannot be scheduled during nonwork hours; however, no leave may be taken by an employee of an employer that is subject to this Act unless the employee has exhausted all accrued ~~vacation leave,~~ personal leave, compensatory leave, and any other leave that may be granted to the employee except sick leave, vacation leave, and disability leave. Before arranging attendance at the conference or activity, the employee shall provide the employer with a written request for leave at least 7 days in advance of the time the employee is required to utilize the visitation right. In emergency situations, no more than 24 hours notice shall be required. The employee must consult with the employer to schedule the leave so as not to disrupt unduly the operations of the employer.

(b) Nothing in this Act requires that the leave be paid.

(c) For regularly scheduled, nonemergency visitations, schools shall make time available for visitation during both regular school hours and evening hours. (Source: P.A. 87-1240.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 3653 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 580

A bill for AN ACT in relation to pensions.

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. 580

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 580 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 2-119.1, 5-167.2, 5-167.4, 5-167.5, 6-128.2, 6-128.4, 6-164.2, 8-137, 8-138, 8-150.1, 8-164.1, 8-167, 8-174.1, 9-185, 11-134, 11-134.1, 11-145.1, 11-160.1, 11-163, 11-167, 11-170.1, 13-301, 13-302, 13-306, 13-314, 13-402, 13-502, 13-601, 13-603, 14-104, 15-159, and 16-128 and adding Sections 8-150.2, 8-164.2, 8-230.8, 11-145.2, 11-160.2, 11-221.4, and 15-159.1 as follows:

(40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

Sec. 2-119.1. Automatic increase in retirement annuity. (a) A participant who retires after June 30, 1967, and who has not received an initial increase under this Section before the effective date of this amendatory Act of 1991, shall, in January or July next following the first anniversary of retirement, whichever occurs first, and in the same month of each year thereafter, but in no event prior to age 60, have the amount of the originally granted retirement annuity increased as follows: for each year through 1971, 1 1/2%; for each year from 1972 through 1979, 2%; and for 1980 and each year thereafter, 3%. Annuitants who have received an initial increase under this subsection prior to the effective date of this amendatory Act of 1991 shall continue to receive their annual increases in the same month as the initial increase.

(b) Beginning January 1, 1990, for eligible participants who remain in service after attaining 20 years of creditable service, the 3% increases provided under subsection (a) shall begin to accrue on the January 1 next following the date upon which the participant (1) attains age 55, or (2) attains 20 years of creditable service, whichever occurs later, and shall continue to accrue while the participant remains in service; such increases shall become payable on January 1 or July 1, whichever occurs first, next following the first anniversary of retirement. For any person who has service credit in the System for the entire period from January 15, 1969 through December 31, 1992, regardless of the date of termination of service, the reference to age 55 in clause (1) of this subsection (b) shall be deemed to mean age 50.

This subsection (b) does not apply to any person who first becomes a member of the System after the effective date of this amendatory Act of the 93rd General Assembly.

(c) The foregoing provisions relating to automatic increases are not applicable to a participant who retires before having made contributions (at the rate prescribed in Section 2-126) for automatic increases for less than the equivalent of one full year. However, in order to be eligible for the automatic increases, such a participant may make arrangements to pay to the system the amount required to bring the total contributions for the automatic increase to the equivalent of one year's contributions based upon his or her last salary.

(d) A participant who terminated service prior to July 1, 1967, with at least 14 years of service is entitled to an increase in retirement annuity beginning January, 1976, and to additional increases in January of each year thereafter.

The initial increase shall be 1 1/2% of the originally granted retirement annuity multiplied by the number of full years that the annuitant was in receipt of such annuity prior to January 1, 1972, plus 2% of the originally granted retirement annuity for each year after that date. The subsequent annual increases shall be at the rate of 2% of the originally granted retirement annuity for each year through 1979 and at the rate of 3% for 1980 and thereafter.

(e) Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including previous increases granted under this Article. (Source: P.A. 86-273; 87-794; 87-1265.)

(40 ILCS 5/5-167.2) (from Ch. 108 1/2, par. 5-167.2)

Sec. 5-167.2. Retirement before September 1, 1967. A retired policeman, qualifying for minimum annuity or who retired from service with 20 or more years of service, before September 1, 1967, shall, in January of the year following the year he attains the age of 65, or in January of the year 1970, if then more than 65 years of age, have his then fixed and payable monthly annuity increased by an amount equal to 2% of the original grant of annuity, for each year the policeman was in receipt of annuity payments after the year in which he attains, or did attain the age of 63. An additional 2% increase in such then fixed and payable original granted annuity shall accrue in each January thereafter. Beginning January 1, 1986, the rate of such increase shall be 3% instead of 2%.

The provisions of the preceding paragraph of this Section apply only to a retired policeman eligible for such increases in his annuity who contributes to the Fund a sum equal to $5 for each full year of credited service upon which his annuity was computed. All such sums contributed shall be placed in a Supplementary Payment Reserve and shall be used for the purposes of such Fund account.

Beginning with the monthly annuity payment due in July, 1982, the fixed and granted monthly annuity payment for any policeman who retired from the service, before September 1, 1976, at age 50 or over with 20 or more years of service and entitled to an annuity on January 1, 1974, shall be not less than $400. It is the intent of the General Assembly that the change made in this Section by this amendatory Act of 1982 shall apply retroactively to July 1, 1982.

Beginning with the monthly annuity payment due on January 1, 1986, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1986, at age 50 or over with 20 or more years of service, or any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1986, shall be not less than $475.

Beginning with the monthly annuity payment due on January 1, 1992, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1992, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1992, shall be not less than $650.

Beginning with the monthly annuity payment due on January 1, 1993, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1993, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1993, shall be not less than $750.

Beginning with the monthly annuity payment due on January 1, 1994, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 1994, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 1994, shall be not less than $850.

Beginning with the monthly annuity payment due on January 1, 2004, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2004, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2004, shall be not less than $950.

Beginning with the monthly annuity payment due on January 1, 2005, the fixed and granted monthly annuity payment for any policeman who retired from the service before January 1, 2005, at age 50 or over with 20 or more years of service, and for any policeman who retired from service due to termination of disability and who is entitled to an annuity on January 1, 2005, shall be not less than $1,050.

The difference in amount between the original fixed and granted monthly annuity of any such policeman on the date of his retirement from the service and the monthly annuity provided for in the immediately preceding paragraph shall be paid as a supplement in the manner set forth in the immediately following paragraph.

To defray the annual cost of the increases indicated in the preceding part of this Section, the annual interest income accruing from investments held by this Fund, exclusive of gains or losses on sales or exchanges of assets during the year, over and above 4% a year shall be used to the extent necessary and available to finance the cost of such increases for the following year and such amount shall be transferred as of the end of each year beginning with the year 1969 to a Fund account designated as the Supplementary Payment Reserve from the Interest and Investment Reserve set forth in Section 5-207.

In the event the funds in the Supplementary Payment Reserve in any year arising from: (1) the interest income accruing in the preceding year above 4% a year and (2) the contributions by retired persons are

insufficient to make the total payments to all persons entitled to the annuity specified in this Section and (3) any interest earnings over 4% a year beginning with the year 1969 which were not previously used to finance such increases and which were transferred to the Prior Service Annuity Reserve, may be used to the extent necessary and available to provide sufficient funds to finance such increases for the current year and such sums shall be transferred from the Prior Service Annuity Reserve. In the event the total money available in the Supplementary Payment Reserve from such sources are insufficient to make the total payments to all persons entitled to such increases for the year, a proportionate amount computed as the ratio of the money available to the total of the total payments specified for that year shall be paid to each person for that year.

The Fund shall be obligated for the payment of the increases in annuity as provided for in this Section only to the extent that the assets for such purpose are available. (Source: P.A. 91-357, eff. 7-29-99.)

(40 ILCS 5/5-167.4) (from Ch. 108 1/2, par. 5-167.4)

Sec. 5-167.4. Widow annuitant minimum annuity. (a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $700 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1995.

Notwithstanding any other provision of this Article, beginning January 1, 1999, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $800 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1998.

Notwithstanding any other provision of this Article, beginning January 1, 2004, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $900 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

Notwithstanding any other provision of this Article, beginning January 1, 2005, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $1,000 per month, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(b) Effective January 1, 1994, the minimum amount of widow's annuity shall be $700 per month for the following classes of widows, without regard to whether the deceased policeman is in service on or after the effective date of this amendatory Act of 1993: (1) the widow of a policeman who dies in service with at least 10 years of service credit, or who dies in service after June 30, 1981; and (2) the widow of a policeman who withdraws from service with 20 or more years of service credit and does not withdraw a refund, provided that the widow is married to the policeman before he withdraws from service.

(c) The city, in addition to the contributions otherwise made by it under the other provisions of this Article, shall make such contributions as are necessary for the minimum widow's annuities provided under this Section in the manner prescribed in Section 5-175. (Source: P.A. 89-12, eff. 4-20-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/5-167.5) (from Ch. 108 1/2, par. 5-167.5)

Sec. 5-167.5. Payments to city ~~Group health benefit~~. (a) For the purposes of this Section, "city annuitant" means a person receiving an age and service annuity, a widow's annuity, a child's annuity, or a minimum annuity under this Article as a direct result of previous employment by the City of Chicago ("the city").

(b) The board shall pay to the city, on behalf of the board's city annuitants who participate in any of the city's health care plans, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 5-168; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(c) The city health care plans referred to in this Section and the board's payments to the city under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

~~(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.~~

~~(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, 1997 through June 30, 2003, monthly premium rates may be increased for annuitants during the time of their participation in non-Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.~~

~~(1) For non-Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non-Medicare Plan annuitant coverage as of December 1, 1996.~~

~~(2) For non-Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non-Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.~~

~~(3) In no event shall any non-Medicare Plan annuitant's share of monthly premium for non-Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.~~

~~(4) Non-Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (e) and (g).~~

~~(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (e) and (g).~~

~~(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.~~

~~(d) From January 1, 1993 until June 30, 2003, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.~~

~~The payments described in this subsection shall be paid from the tax levy authorized under Section 5-168; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.~~

~~(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.~~

~~(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.~~

~~(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a~~

~~qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.~~

~~If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).~~

~~(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).~~

~~(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.~~ (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/6-128.2) (from Ch. 108 1/2, par. 6-128.2)

Sec. 6-128.2. Minimum retirement annuities. (a) Beginning with the monthly payment due in January, 1988, the monthly annuity payment for any person who is entitled to receive a retirement annuity under this Article in January, 1990 and has retired from service at age 50 or over with 20 or more years of service, and for any person who retires from service on or after January 24, 1990 at age 50 or over with 20 or more years of service, shall not be less than $475 per month. The $475 minimum annuity is exclusive of any automatic annual increases provided by Sections 6-164 and 6-164.1, but not exclusive of previous raises in the minimum annuity as provided by any Section of this Article.

Beginning January 1, 1992, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $650 per month.

Beginning January 1, 1993, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $750 per month.

Beginning January 1, 1994, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $850 per month.

Beginning January 1, 2004, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $950 per month.

Beginning January 1, 2005, the minimum retirement annuity payable to any person who has retired from service at age 50 or over with 20 or more years of service and is entitled to receive a retirement annuity under this Article on that date, or who retires from service at age 50 or over with 20 or more years of service after that date, shall be $1,050 per month.

The minimum annuities established by this subsection (a) do include previous raises in the minimum annuity as provided by any Section of this Article, but do not include any sums which have been added or will be added to annuity payments by the automatic annual increases provided by Sections 6-164 and 6-164.1. Such annual increases shall be paid in addition to the minimum amounts specified in this subsection.

(b) Notwithstanding any other provision of this Article, beginning January 1, 1990, the minimum retirement annuity payable to any person who is entitled to receive a retirement annuity under this Article on that date shall be $475 per month.

(c) This Section shall apply to all persons receiving a retirement annuity under this Article, without regard to whether the retirement of the fireman occurred prior to the effective date of this amendatory Act of 1993. (Source: P.A. 86-273; 86-1027; 86-1028; 86-1475; 87-849; 87-1265.)

(40 ILCS 5/6-128.4) (from Ch. 108 1/2, par. 6-128.4)

Sec. 6-128.4. Minimum widow's annuities. (a) Notwithstanding any other provision of this Article, beginning January 1, 1996, the minimum amount of widow's annuity payable to any person who is entitled to receive a widow's annuity under this Article is $700 per month, without regard to whether the deceased fireman is in service on or after the effective date of this amendatory Act of 1995.

(b) Notwithstanding Section 6-128.3, beginning January 1, 1994, the minimum widow's annuity under this Article shall be $700 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(c) Notwithstanding Section 6-128.3, beginning January 1, 1999, the minimum widow's annuity under this Article shall be $800 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(d) Notwithstanding Section 6-128.3, beginning January 1, 2004, the minimum widow's annuity under this Article shall be $900 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service.

(e) Notwithstanding Section 6-128.3, beginning January 1, 2005, the minimum widow's annuity under this Article shall be $1,000 per month for (1) all persons receiving widow's annuities on that date who are survivors of employees who retired at age 50 or over with at least 20 years of service, and (2) persons who become eligible for widow's annuities and are survivors of employees who retired at age 50 or over with at least 20 years of service. (Source: P.A. 89-136, eff. 7-14-95; 90-766, eff. 8-14-98.)

(40 ILCS 5/6-164.2) (from Ch. 108 1/2, par. 6-164.2)

Sec. 6-164.2. Payments to city ~~Group health benefit~~. (a) For the purposes of this Section, "city annuitant" means a person receiving an age and service annuity, a widow's annuity, a child's annuity, or a minimum annuity under this Article as a direct result of previous employment by the City of Chicago ("the city").

(b) The board shall pay to the city, on behalf of the board's city annuitants who participate in any of the city's health care plans, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 6-165; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(c) The city health care plans referred to in this Section and the board's payments to the city under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

~~(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.~~

~~(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more~~

~~than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, 1997 through June 30, 2003, monthly premium rates may be increased for annuitants during the time of their participation in non Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.~~

~~(1) For non Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non Medicare Plan annuitant coverage as of December 1, 1996.~~

~~(2) For non Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.~~

~~(3) In no event shall any non Medicare Plan annuitant's share of monthly premium for non Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.~~

~~(4) Non Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).~~

~~(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).~~

~~(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.~~

~~(d) From January 1, 1993 until June 30, 2003, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.~~

~~The payments described in this subsection shall be paid from the tax levy authorized under Section 6-165; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.~~

~~(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.~~

~~(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.~~

~~(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.~~

~~If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in~~

~~subsection (b).~~

~~(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).~~

~~(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.~~ (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/8-137) (from Ch. 108 1/2, par. 8-137)

Sec. 8-137. Automatic increase in annuity. (a) An employee who retired or retires from service after December 31, 1959 and before January 1, 1987, having attained age 60 or more, shall, in January of the year after the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%, and beginning with January of the year 1984 such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1959 and before January 1, 1987, but before age 60, shall receive such increases beginning in January of the year after the year in which he attains age 60.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased by an additional 3% of the current payable monthly annuity, including any ~~such~~ increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and~~ (a-5), and (a-6) are not applicable to an employee retiring and receiving a term annuity, as herein defined, nor to any otherwise qualified employee who retires before he makes employee contributions (at the 1/2 of 1% rate as provided in this Act) for this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with January, 1960, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee contributions otherwise made for annuity purposes.

Each such additional contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance in such account at the beginning of each calendar year shall be credited with interest at the rate of 3% per annum.

Such additional employee contributions are not refundable, except to an employee who withdraws and applies for refund under this Article, and in cases where a term annuity becomes payable. In such cases his contributions shall be refunded, without interest, and charged to such account in the prior service annuity reserve. (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

Sec. 8-138. Minimum annuities - Additional provisions. (a) An employee who withdraws after age 65 or more with at least 20 years of service, for whom the amount of age and service and prior service annuity combined is less than the amount stated in this Section, shall from the date of withdrawal, instead

of all annuities otherwise provided, be entitled to receive an annuity for life of $150 a year, plus 1 1/2% for each year of service, to and including 20 years, and 1 2/3% for each year of service over 20 years, of his highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after 20 or more years of service, before age 65, shall be entitled to such annuity, to begin not earlier than upon attained age of 55 years if under such age at withdrawal, reduced by 2% for each full year or fractional part thereof that his attained age is less than 65, plus an additional 2% reduction for each full year or fractional part thereof that his attained age when annuity is to begin is less than 60 so that the total reduction at age 55 shall be 30%.

(b) An employee who withdraws after July 1, 1957, at age 60 or over, with 20 or more years of service, for whom the age and service and prior service annuity combined, is less than the amount stated in this paragraph, shall, from the date of withdrawal, instead of such annuities, be entitled to receive an annuity for life equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided, that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, shall receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20 or more years of service, before age 60 years is entitled to annuity, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, as computed in the last preceding paragraph, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60 if the employee was born before January 1, 1936, or 0.5% for each such month if the employee was born on or after January 1, 1936.

Any employee born before January 1, 1936, who withdraws with 20 or more years of service, and any employee with 20 or more years of service who withdraws on or after January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 1.80% for each of the first 10 years of service, 2.00% for each of the next 10 years of service, 2.20% for each year of service in excess of 20 but not exceeding 30, and 2.40% for each year of service in excess of 30, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring on or after January 1, 1988, at age 55 or over but less than age 60, having at least 35 years of service, or an employee retiring on or after July 1, 1990, at age 55 or over but less than age 60, having at least 30 years of service, or an employee retiring on or after the effective date of this amendatory Act of 1997, at age 55 or over but less than age 60, having at least 25 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

However, in the case of an employee who retired on or after January 1, 1985 but before January 1, 1988, at age 55 or older and with at least 35 years of service, and who was subject under this subsection (b) to the reduction in retirement annuity because of retirement below age 60, that reduction shall cease to be effective January 1, 1991, and the retirement annuity shall be recalculated accordingly.

Any employee who withdraws on or after July 1, 1990, with 20 or more years of service, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service if withdrawal is before January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ or 2.40% for each year of service if withdrawal is on or after January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly or later,~~ of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

Any employee who withdraws on or after the effective date of this amendatory Act of 1997 with 20 or more years of service may elect to receive, in lieu of any other employee annuity provided in this Section,

an annuity for life equal to 2.20% for each year of service, if withdrawal is before January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ or 2.40% for each year of service if withdrawal is on or after January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly or later,~~ of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under part (a) and (b) of this Section shall not exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, 75% if withdrawal takes place on or after July 1, 1971 and prior to January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ or 80% if withdrawal takes place on or after January 1, 2002 ~~is 60 days after the effective date of this amendatory Act of the 92nd General Assembly or later~~. For the purpose of the minimum annuity provided in this Section $1,500 is considered the minimum annual salary for any year; and the maximum annual salary for the computation of such annuity is $4,800 for any year before 1953, $6000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

To preserve rights existing on December 31, 1959, for participants and contributors on that date to the fund created by the Court and Law Department Employees' Annuity Act, who became participants in the fund provided for on January 1, 1960, the maximum annual salary to be considered for such persons for the years 1955 and 1956 is $7,500.

(c) For an employee receiving disability benefit, his salary for annuity purposes under paragraphs (a) and (b) of this Section, for all periods of disability benefit subsequent to the year 1956, is the amount on which his disability benefit was based.

(d) An employee with 20 or more years of service, whose entire disability benefit credit period expires before attainment of age 55 while still disabled for service, is entitled upon withdrawal to the larger of (1) the minimum annuity provided above, assuming he is then age 55, and reducing such annuity to its actuarial equivalent as of his attained age on such date or (2) the annuity provided from his age and service and prior service annuity credits.

(e) The minimum annuity provisions do not apply to any former municipal employee receiving an annuity from the fund who re-enters service as a municipal employee, unless he renders at least 3 years of additional service after the date of re-entry.

(f) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and before attainment of age 70, who withdraws after age 65, with less than 20 years of service for whom the annuity has been fixed under this Article shall, instead of the annuity so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that it would have contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for annuity thereunder.

(g) Instead of the annuity provided in this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph, is entitled to a minimum annuity for life equal to 1% of the highest average annual salary, as salary is defined and limited in this Section for any 4 consecutive years within the last 10 years of service for each year of service, plus the sum of $25 for each year of service. The annuity shall not exceed 60% of such highest average annual salary.

(g-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly~~ or 2.4% if withdrawal is on or after January 1, 2002, ~~60 days after the effective date of this amendatory Act of~~

~~the 92nd General Assembly or later,~~ of final average salary for each year of service, subject to a maximum of 75% of final average salary if withdrawal is before January 1, 2002, or 80% if withdrawal is on or after January 1, 2002. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(h) The minimum annuities provided under this Section shall be paid in equal monthly installments.

(i) The amendatory provisions of part (b) and (g) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(j) The amendatory provisions of this amendatory Act of 1985 (P.A. 84-23) relating to the discount of annuity because of retirement prior to attainment of age 60, and to the retirement formula, for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after July 18, 1985.

(j-1) The changes made to this Section by Public Act 92-609 ~~this amendatory Act of the 92nd General Assembly~~ (increasing the retirement formula to 2.4% per year of service and increasing the maximum to 80%) apply to persons who withdraw from service on or after January 1, 2002, regardless of whether that withdrawal takes place before the effective date of that ~~this amendatory~~ Act. In the case of a person who withdraws from service on or after January 1, 2002 but begins to receive a retirement annuity before July 1, 2002 ~~the effective date of this amendatory Act~~, the annuity shall be recalculated, with the increase resulting from Public ~~this amendatory~~ Act 92-609 accruing from the date the retirement annuity began. The changes made by Public Act 92-609 control over the changes made by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

(k) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (k) shall not be limited by any other Section of this Act.

(l) Beginning on January 1, 2004, the minimum amount of employee's annuity shall be $950 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of the 93rd General Assembly, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of the 93rd General Assembly, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (l) shall not be limited by any other Section of this Act.

(m) Beginning on January 1, 2005, the minimum amount of employee's annuity shall be $1,050 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of the 93rd General Assembly, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of the 93rd General Assembly, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (m) shall not be limited by any

other Section of this Act. (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 9-11-02.)

(40 ILCS 5/8-150.1) (from Ch. 108 1/2, par. 8-150.1)

Sec. 8-150.1. Minimum annuities for widows. The widow (otherwise eligible for widow's annuity under other Sections of this Article 8) of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of this Article is less than the amount provided in this Section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained the age of 60 or more years on such date if the death occurs before July 1, 1990, or age 55 or more if the death occurs on or after July 1, 1990, or age 50 or more if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of $500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936 or dies in service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after July 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained the age of 60 or more years if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained the age of 60 or more years on the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 or more if retirement occurs on or after July 1, 1990, or age 50 or more if the retirement on annuity occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (k), this widow's annuity shall not, however, exceed the sum of $500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger

widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936 or withdraws from service on or after January 1, 1988, or by 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former municipal employee receiving an annuity from the fund on August 9, 1965 or on the effective date of this amendatory provision, who re-enters service as a municipal employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) In computing the amount of annuity which the husband specified in the foregoing paragraphs (a) and (b) of this Section would have been entitled to receive, or received, such amount shall be the annuity to which such husband would have been, or was entitled, before reduction in the amount of his annuity for the purposes of the voluntary optional reversionary annuity provided for in Section 8-139 of this Article, if such option was elected.

(e) (Blank).

(f) (Blank).

(g) The amendatory provisions of this amendatory Act of 1985 relating to annuity discount because of age for widows of employees born before January 1, 1936, shall apply only to qualifying widows of employees withdrawing or dying in service on or after July 18, 1985.

(h) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be $800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (h) shall not be limited by any other Section of this Act.

(h-5) Beginning on January 1, 2004, the minimum amount of widow's annuity shall be $900 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of the 93rd General Assembly, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of the 93rd General Assembly;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of the 93rd General Assembly;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of the 93rd General Assembly.

The increases granted under items (1), (2), (3) and (4) of this subsection (h-5) shall not be limited by any other Section of this Act.

(h-10) Beginning on January 1, 2005, the minimum amount of widow's annuity shall be $1,000 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of the 93rd General Assembly, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of the 93rd General Assembly;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of the 93rd General Assembly;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of the 93rd General Assembly.

The increases granted under items (1), (2), (3) and (4) of this subsection (h-10) shall not be limited by any other Section of this Act.

(i) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (i) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(j) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (j) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (j) is contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(k) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (k) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(l) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service at least 60 days after the effective date of this amendatory Act of the 92nd General Assembly with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more. (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/8-150.2 new)

Sec. 8-150.2. Automatic annual increase in widow's annuity.

(a) Every widow's annuity, other than an annuity excluded under subsection (c), shall be increased by 3% on the latest of (1) January 1, 2004, (2) the January 1 immediately following the deceased employee's date of death, or (3) the January 1 occurring on or next after the date the deceased employee actually received, or the earliest date upon which the deceased employee would have been eligible to receive, his or her first increase in annuity under Section 8-137 or 8-137.1.

On each January 1 after the date of the initial increase under this Section, the widow's annuity shall be increased by an amount equal to 3% of the amount of widow's annuity otherwise payable at the time of the increase, including any increases previously granted under this Article.

(b) Limitations on the maximum amount of widow's annuity imposed under Section 8-154 do not apply to the annual increases under this Section.

(c) The increases under this Section do not apply to reversionary annuities under Section 8-139 or term annuities under Section 8-157. The increases provided under this Section do, however, apply to compensation and supplemental annuities under Section 8-151.

(40 ILCS 5/8-164.1) (from Ch. 108 1/2, par. 8-164.1)

Sec. 8-164.1. Payments to city ~~Group health benefit~~. (a) For the purposes of this Section, "city annuitant" means a person receiving an age and service annuity, a widow's annuity, a child's annuity, or a minimum annuity under this Article as a direct result of previous employment by the City of Chicago ("the city").

(b) The board shall pay to the city, on behalf of the board's city annuitants who participate in any of the city's health care plans, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 8-173; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(c) The city health care plans referred to in this Section and the board's payments to the city under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

~~(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.~~

~~(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non-Medicare Plan annuitant as of June 27, 1997. The city shall offer non-Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more~~

~~than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, 1997 through June 30, 2003, monthly premium rates may be increased for annuitants during the time of their participation in non Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.~~

~~(1) For non Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non Medicare Plan annuitant coverage as of December 1, 1996.~~

~~(2) For non Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.~~

~~(3) In no event shall any non Medicare Plan annuitant's share of monthly premium for non Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.~~

~~(4) Non Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).~~

~~(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).~~

~~(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.~~

~~(d) From January 1, 1993 until June 30, 2003, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.~~

~~Commencing on August 23, 1989, the board is authorized to pay to the board of education on behalf of each person who chooses to participate in the board of education's plan the amounts specified in this subsection (d) during the years indicated. For the period January 1, 1988 through August 23, 1989, the board shall pay to the board of education annuitants who participate in the board of education's health benefits plan for annuitants the following amounts: $10 per month to each annuitant who is not qualified to receive medicare benefits, and $14 per month to each annuitant who is qualified to receive medicare benefits.~~

~~The payments described in this subsection shall be paid from the tax levy authorized under Section 8-189; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.~~

~~(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.~~

~~(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.~~

~~(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by~~

~~the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.~~

~~If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).~~

~~(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).~~

~~(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.~~ (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/8-164.2 new)

Sec. 8-164.2. Payments to board of education for group health benefits.

(a) Should the Board of Education continue to sponsor a retiree health plan, the board is authorized to pay to the Board of Education, on behalf of each eligible annuitant who chooses to participate in the Board of Education's retiree health benefit plan, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 8-173; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the Board of Education under this subsection shall be charged against it.

(b) The Board of Education health benefit plan referred to in this Section and the board's payments to the Board of Education under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(40 ILCS 5/8-167) (from Ch. 108 1/2, par. 8-167)

Sec. 8-167. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days ~~2 years~~ after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by compliance with the following provisions:

(a) After such 90 day or 2 year period, whichever applies, he shall repay in full to the Fund, while in service, ~~in full~~ all refunds received, together with interest at the effective rate from the dates of refund to the date of repayment.~~; or~~

(b) If payment is not made in a single sum, the repayment may be made in installments by deductions from salary or otherwise in such amounts and manner as the board, by rule, may prescribe, with interest at the effective rate accruing on unpaid balances.~~; or~~

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 8-230.3(b). ~~such rights shall not be restored, but the amount, including interest, repaid by him, but without any further interest otherwise normally credited, shall be refunded to him or to his widow, or in the manner provided by the refund provisions of this Article if no widow survives.~~

(d) If the employee repays the refund while participating in a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used, the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest.

This Section applies also to any person who received a refund from any annuity and benefit fund or pension fund which was merged into and superseded by the annuity and benefit fund provided for in this Article on or after December 31, 1959. Upon repayment such person shall receive credit for all annuity purposes in the annuity and benefit fund provided for in this Article for the period of service covered by the

repayment ~~such refund~~.

The amount of refund repayment is considered as salary deductions for age and service annuity and widow's annuity purposes in the case of a male person. In the latter case the amount of refund repayment is allocated in the applicable proportion for age and service and widow's annuity purposes. Such person shall also be credited with city contributions for age and service annuity, and widow's annuity if a male employee, in the amount which would have been credited and accrued if such person had been a participant in and contributor to the annuity and benefit fund provided for in this Article during the period of such service on the basis of his salary during such period. (Source: P.A. 81-1536.)

(40 ILCS 5/8-174.1) (from Ch. 108 1/2, par. 8-174.1)

Sec. 8-174.1. Employer contributions on behalf of employees. (a) The employer may make and may incur an obligation to make contributions on behalf of its employees in an amount not to exceed the employee contributions required by Sections 8-137, 8-161, 8-174, 8-182 and 8-182.1 for all salary earned after December 31, 1981. If such employee contributions are not made or an obligation to make such contributions is not incurred by the employer on behalf of its employees, the amount that could have been contributed shall continue to be deducted from salary. If employee contributions are made by the employer on behalf of its employees, they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, each city shall continue to withhold federal and State income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer may make these contributions on behalf of its employees by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. The employer shall pay these employee contributions from the same source of funds used in paying salary to the employee or, if the employer is a Board of Education, it may also or alternatively pay such contributions in whole or in part from the proceeds of the pension contribution liability tax authorized by Section 34-60.1 of the School Code, as amended. If such a tax is levied with respect to any fiscal year of a Board of Education, that portion of the contributions to be paid by the Board of Education on behalf of its employees for that fiscal year from the proceeds of such a tax shall not be due and payable into the Fund until the collection, in the calendar year following the calendar year in which such levy was made, of the actual tax bills extending the second installment of real estate taxes for the Board of Education for that calendar year, pursuant to Section 21-30 of the Property Tax Code, and such Board of Education shall not be required to pay those contributions to be paid from the proceeds of such a tax into the Fund except as collected from the extension of the actual tax bills. If employee contributions are made by the employer on behalf of its employees, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as employee contributions made by employees and deducted from salary; provided, however, that contributions which are made by a Board of Education on behalf of its employees shall not be treated as a pension or retirement obligation of the Board of Education for purposes of Section 12 of "An Act in relation to State revenue sharing with local governmental entities", approved July 31, 1969, as amended. For purposes of Section 8-173, contributions made by a Board of Education on behalf of its employees shall be treated as contributions made by or on behalf of employees to the Fund for the fiscal year for which the Board of Education incurred the obligation to make such contributions.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer pick up the optional contributions that the employee has elected to pay to the Fund, and the contributions so picked up shall be treated as employer contributions for the purpose of determining federal tax treatment. The employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions picked up is irrevocable and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions picked up under this subsection, and (ii) the picked-up contributions are in fact paid to the Fund as provided in the election.

If employee contributions are picked up under this subsection, they shall be treated for all purposes of this Article 8, including Section 8-173, in the same manner and to the same extent as optional employee contributions made prior to the date picked up. (Source: P.A. 88-670, eff. 12-2-94.)

(40 ILCS 5/8-230.8 new)

Sec. 8-230.8. Credit for certain military service. In addition to any creditable service established under Section 8-230, creditable service for annuity purposes only may be granted for service in the armed forces of the United States that was not immediately preceded by service with the employer. A member shall receive service credit for military service under this Section, provided that all of the following conditions are met:

(1) The employee must be employed by the employer and contributing to the Fund for current service when he makes the payment for military service.

(2) The employee must have entered or re-entered the service of the employer within 2 years after his discharge.

(3) The discharge from military service must have been other than a dishonorable discharge.

(4) The employee must apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board.

(5) The employee must have paid for all unpaid service with the employer (refund repayment, payment for temporary service, or any other service with the employer) before payment may be made under this Section.

(6) The employee must have been in active duty military service; service in the military reserves is not eligible under this Section.

(7) The employee must not receive credit in any other pension plan for this period of military service.

(8) The employee must contribute to the Fund an amount representing employee contributions. The required contribution shall be calculated by the Fund, based on the contribution rates in effect during the period of military service and the employee's salary rate on the first day of service in the Fund following the military service, and shall include interest at the effective rate from the employee's first day of service in the Fund following the military service to the date of payment. The employee must pay the required contribution in full before withdrawal or death in service. If the employee withdraws or dies in service before full payment is made, the amount paid by him shall be refunded.

(9) The amount of military service credit established by an employee under this Section, when added to his credit for military service under Section 8-230, shall not exceed 5 years.

(40 ILCS 5/9-185) (from Ch. 108 1/2, par. 9-185)

Sec. 9-185. Board created. (a) A board of 10 members ~~9 members~~ shall constitute the board of trustees authorized to carry out the provisions of this Article. The board of trustees shall be known as "The Retirement Board of the County Employees' Annuity and Benefit Fund of .... County". The board shall consist of 3 ~~of 2~~ members appointed and 7 members elected as hereinafter prescribed.

(b) The appointed members shall be appointed as follows: One member shall be appointed by the comptroller of such county, who may be the comptroller or some person chosen by him from among employees of the county, who are versed in the affairs of the comptroller's office; and one member shall be appointed by the treasurer of such county, who may be the treasurer or some person chosen by him from among employees of the County who are versed in the affairs of the treasurer's office.

The member appointed by the comptroller shall hold office for a term ending on December 1st of the first year following the year of appointment. The member appointed by the county treasurer shall hold office for a term ending on December 1st of the second year following the year of appointment.

Thereafter, each appointed member shall be appointed by the officer that appointed his predecessor for a term of 2 years.

(b-5) One member shall be appointed by the chief financial officer of the forest preserve district of the county, who may be the chief financial officer or some person chosen by the chief financial officer from among the employees of the forest preserve district who are versed in the affairs of the finance office. The initial member appointed by the chief financial officer of the forest preserve district shall hold office for a term ending on December 1st of the first year following the year of appointment. Thereafter, the member appointed by the chief financial officer of the forest preserve district shall hold office for a term of 2 years.

(c) Three county employee members of the board shall be elected as follows: within 30 days from and after the date upon which this Article comes into effect in the county, the clerk of the county shall arrange for and hold an election. One employee shall be elected for a term ending on the first day in the month of December of the first year next following the effective date; one for a term ending on December 1st of the following year; and one for a term ending December 1st of the second following year.

(d) Beginning December 1, 1988, and every 3 years thereafter, an annuitant member of the board shall be elected as follows: the board shall arrange for and hold an election in which only those participants who are currently receiving retirement benefits under this Article shall be eligible to vote and be elected. Each

such member shall be elected to a term ending on the first day in the month of December of the third following year.

(d-1) Beginning December 1, 2001, and every 3 years thereafter, an annuitant member of the board shall be elected as follows: the board shall arrange for and hold an election in which only those participants who are currently receiving retirement benefits under this Article shall be eligible to vote and be elected. Each such member shall be elected to a term ending on the first day in the month of December of the third following year. Until December 1, 2001, the position created under this subsection (d-1) may be filled by the board as in the case of a vacancy.

(e) Beginning December 1, 1988, if a Forest Preserve District Employees' Annuity and Benefit Fund shall be in force in such county and the board of this fund is charged with administering the affairs of such annuity and benefit fund for employees of such forest preserve district, a forest preserve district member of the board shall be elected as of December 1, 1988, and every 3 years thereafter as follows: the board shall arrange for and hold an election in which only those employees of such forest preserve district who are contributors to the annuity and benefit fund for employees of such forest preserve district shall be eligible to vote and be elected. Each such member shall be elected to a term ending on the first day in the month of December of the third following year.

(f) Beginning December 1, 2001, and every 3 years thereafter, if a Forest Preserve District Employees' Annuity and Benefit Fund is in force in the county and the board of this Fund is charged with administering the affairs of that annuity and benefit fund for employees of the forest preserve district, a forest preserve district annuitant member of the board shall be elected as follows: the board shall arrange for and hold an election in which only those participants who are currently receiving retirement benefits under Article 10 shall be eligible to vote and be elected. Each such member shall be elected to a term ending on the first day in the month of December of the third following year. Until December 1, 2001, the position created under this subsection (f) may be filled by the board as in the case of a vacancy. (Source: P.A. 92-66, eff. 7-12-01.)

(40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

Sec. 11-134. Minimum annuities. (a) An employee whose withdrawal occurs after July 1, 1957 at age 60 or over, with 20 or more years of service, (as service is defined or computed in Section 11-216), for whom the age and service and prior service annuity combined is less than the amount stated in this Section, shall, from and after the date of withdrawal, in lieu of all annuities otherwise provided in this Article, be entitled to receive an annuity for life of an amount equal to 1 2/3% for each year of service, of the highest average annual salary for any 5 consecutive years within the last 10 years of service immediately preceding the date of withdrawal; provided, that in the case of any employee who withdraws on or after July 1, 1971, such employee age 60 or over with 20 or more years of service, shall be entitled to instead receive an annuity for life equal to 1.67% for each of the first 10 years of service; 1.90% for each of the next 10 years of service; 2.10% for each year of service in excess of 20 but not exceeding 30; and 2.30% for each year of service in excess of 30, based on the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal.

An employee who withdraws after July 1, 1957 and before January 1, 1988, with 20 or more years of service, before age 60, shall be entitled to an annuity, to begin not earlier than age 55, if under such age at withdrawal, as computed in the last preceding paragraph, reduced 0.25% if the employee was born before January 1, 1936, or 0.5% if the employee was born on or after January 1, 1936, for each full month or fractional part thereof that his attained age when such annuity is to begin is less than 60.

Any employee born before January 1, 1936 who withdraws with 20 or more years of service, and any employee with 20 or more years of service who withdraws on or after January 1, 1988, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 1.80% for each of the first 10 years of service, 2.00% for each of the next 10 years of service, 2.20% for each year of service in excess of 20, but not exceeding 30, and 2.40% for each year of service in excess of 30, of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring on or after January 1, 1988, at age 55 or over but less than age 60, having at least 35 years of service, or an employee retiring on or after July 1, 1990, at age 55 or over but less than age 60, having at least 30 years of service, or an employee retiring on or after the effective date of this amendatory Act of 1997, at age 55 or over but less than age 60, having at least 25 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

However, in the case of an employee who retired on or after January 1, 1985 but before January 1, 1988,

at age 55 or older and with at least 35 years of service, and who was subject under this subsection (a) to the reduction in retirement annuity because of retirement below age 60, that reduction shall cease to be effective January 1, 1991, and the retirement annuity shall be recalculated accordingly.

Any employee who withdraws on or after July 1, 1990, with 20 or more years of service, may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service if withdrawal is before January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ or 2.40% for each year of service if withdrawal is on or after January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly or later,~~ of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attained age of 55 years, if under such age at withdrawal, reduced 0.25% for each full month or fractional part thereof that his attained age when annuity is to begin is less than 60; except that an employee retiring at age 55 or over but less than age 60, having at least 30 years of service, shall not be subject to the reduction in retirement annuity because of retirement below age 60.

Any employee who withdraws on or after the effective date of this amendatory Act of 1997 with 20 or more years of service may elect to receive, in lieu of any other employee annuity provided in this Section, an annuity for life equal to 2.20% for each year of service if withdrawal is before January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ or 2.40% for each year of service if withdrawal is on or after January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly or later,~~ of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of withdrawal, to begin not earlier than upon attainment of age 55 (age 50 if the employee has at least 30 years of service), reduced 0.25% for each full month or remaining fractional part thereof that the employee's attained age when annuity is to begin is less than 60; except that an employee retiring at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service shall not be subject to the reduction in retirement annuity because of retirement below age 60.

The maximum annuity payable under this paragraph (a) of this Section shall not exceed 70% of highest average annual salary in the case of an employee who withdraws prior to July 1, 1971, 75% if withdrawal takes place on or after July 1, 1971 and prior to January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ or 80% if withdrawal is on or after January 1, 2002 ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly or later~~. For the purpose of the minimum annuity provided in said paragraphs $1,500 shall be considered the minimum annual salary for any year; and the maximum annual salary to be considered for the computation of such annuity shall be $4,800 for any year prior to 1953, $6,000 for the years 1953 to 1956, inclusive, and the actual annual salary, as salary is defined in this Article, for any year thereafter.

(b) For an employee receiving disability benefit, his salary for annuity purposes under this Section shall, for all periods of disability benefit subsequent to the year 1956, be the amount on which his disability benefit was based.

(c) An employee with 20 or more years of service, whose entire disability benefit credit period expires prior to attainment of age 55 while still disabled for service, shall be entitled upon withdrawal to the larger of (1) the minimum annuity provided above assuming that he is then age 55, and reducing such annuity to its actuarial equivalent at his attained age on such date, or (2) the annuity provided from his age and service and prior service annuity credits.

(d) The minimum annuity provisions as aforesaid shall not apply to any former employee receiving an annuity from the fund, and who re-enters service as an employee, unless he renders at least 3 years of additional service after the date of re-entry.

(e) An employee in service on July 1, 1947, or who became a contributor after July 1, 1947 and prior to July 1, 1950, or who shall become a contributor to the fund after July 1, 1950 prior to attainment of age 70, who withdraws after age 65 with less than 20 years of service, for whom the annuity has been fixed under the foregoing Sections of this Article shall, in lieu of the annuity so fixed, receive an annuity as follows:

Such amount as he could have received had the accumulated amounts for annuity been improved with interest at the effective rate to the date of his withdrawal, or to attainment of age 70, whichever is earlier, and had the city contributed to such earlier date for age and service annuity the amount that would have been contributed had he been under age 65, after the date his annuity was fixed in accordance with this Article, and assuming his annuity were computed from such accumulations as of his age on such earlier date. The annuity so computed shall not exceed the annuity which would be payable under the other provisions of this Section if the employee was credited with 20 years of service and would qualify for

annuity thereunder.

(f) In lieu of the annuity provided in this or in any other Section of this Article, an employee having attained age 65 with at least 15 years of service who withdraws from service on or after July 1, 1971 and whose annuity computed under other provisions of this Article is less than the amount provided under this paragraph shall be entitled to receive a minimum annual annuity for life equal to 1% of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding retirement for each year of his service plus the sum of $25 for each year of service. Such annual annuity shall not exceed the maximum percentages stated under paragraph (a) of this Section of such highest average annual salary.

(f-1) Instead of any other retirement annuity provided in this Article, an employee who has at least 10 years of service and withdraws from service on or after January 1, 1999 may elect to receive a retirement annuity for life, beginning no earlier than upon attainment of age 60, equal to 2.2% if withdrawal is before January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly~~ or 2.4% for each year of service if withdrawal is on or after January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly or later,~~ of final average salary for each year of service, subject to a maximum of 75% of final average salary if withdrawal is before January 1, 2002, ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ or 80% if withdrawal is on or after January 1, 2002 ~~60 days after the effective date of this amendatory Act of the 92nd General Assembly or later~~. For the purpose of calculating this annuity, "final average salary" means the highest average annual salary for any 4 consecutive years in the last 10 years of service.

(g) Any annuity payable under the preceding subsections of this Section 11-134 shall be paid in equal monthly installments.

(h) The amendatory provisions of part (a) and (f) of this Section shall be effective July 1, 1971 and apply in the case of every qualifying employee withdrawing on or after July 1, 1971.

(h-1) The changes made to this Section by Public Act 92-609 ~~this amendatory Act of the 92nd General Assembly~~ (increasing the retirement formula to 2.4% per year of service and increasing the maximum to 80%) apply to persons who withdraw from service on or after January 1, 2002, regardless of whether that withdrawal takes place before the effective date of that ~~this amendatory~~ Act. In the case of a person who withdraws from service on or after January 1, 2002 but begins to receive a retirement annuity before July 1, 2002 ~~the effective date of this amendatory Act~~, the annuity shall be recalculated, with the increase resulting from Public ~~this amendatory~~ Act 92-609 accruing from the date the retirement annuity began. The changes made by Public Act 92-609 control over the changes made by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

(i) The amendatory provisions of this amendatory Act of 1985 relating to the discount of annuity because of retirement prior to attainment of age 60 and increasing the retirement formula for those born before January 1, 1936, shall apply only to qualifying employees withdrawing on or after August 16, 1985.

(j) Beginning on January 1, 1999, the minimum amount of employee's annuity shall be $850 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of 1998:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of 1998, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (j) shall not be limited by any other Section of this Act.

(k) Beginning on January 1, 2004, the minimum amount of employee's annuity shall be $950 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 93rd General Assembly except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this

amendatory Act of the 93rd General Assembly, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of the 93rd General Assembly, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (k) shall not be limited by any other Section of this Act.

(l) Beginning on January 1, 2005, the minimum amount of employee's annuity shall be $1,050 per month for life for the following classes of employees, without regard to the fact that withdrawal occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any employee annuitant alive and receiving a life annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any employee annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 93rd General Assembly except a reciprocal annuity;

(3) any employee annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of the 93rd General Assembly, whose service in this fund is at least 5 years;

(4) any employee annuitant withdrawing after age 60 on or after the effective date of this amendatory Act of the 93rd General Assembly, with at least 10 years of service in this fund.

The increases granted under items (1), (2) and (3) of this subsection (l) shall not be limited by any other Section of this Act. (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 9-11-02.)

(40 ILCS 5/11-134.1) (from Ch. 108 1/2, par. 11-134.1)

Sec. 11-134.1. Automatic increase in annuity. (a) An employee who retired or retires from service after December 31, 1963, and before January 1, 1987, having attained age 60 or more, shall, in the month of January of the year following the year in which the first anniversary of retirement occurs, have the amount of his then fixed and payable monthly annuity increased by 1 1/2%, and such first fixed annuity as granted at retirement increased by a further 1 1/2% in January of each year thereafter. Beginning with January of the year 1972, such increases shall be at the rate of 2% in lieu of the aforesaid specified 1 1/2%. Beginning January, 1984, such increases shall be at the rate of 3%. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article. An employee who retires on annuity after December 31, 1963 and before January 1, 1987, but prior to age 60, shall receive such increases beginning with January of the year immediately following the year in which he attains the age of 60 years.

An employee who retires from service on or after January 1, 1987 shall, upon the first annuity payment date following the first anniversary of the date of retirement, or upon the first annuity payment date following attainment of age 60, whichever occurs later, have his then fixed and payable monthly annuity increased by 3%, and such annuity shall be increased by an additional 3% of the original fixed annuity on the same date each year thereafter. Beginning in January of 1999, such increases shall be at the rate of 3% of the currently payable monthly annuity, including any increases previously granted under this Article.

(a-5) Notwithstanding the provisions of subsection (a), upon the first annuity payment date following (1) the third anniversary of retirement, (2) the attainment of age 53, or (3) January 1, 2002, ~~the date 60 days after the effective date of this amendatory Act of the 92nd General Assembly,~~ whichever occurs latest, the monthly annuity of an employee who retires on annuity prior to the attainment of age 60 and ~~who~~ has not received an increase under subsection (a) shall be increased by 3%, and the ~~such~~ annuity shall be increased by an additional 3% of the current payable monthly annuity, including any ~~such~~ increases previously granted under this Article, on the same date each year thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a).

(a-6) Notwithstanding the provisions of subsections (a) and (a-5), for all calendar years following the year in which this amendatory Act of the 93rd General Assembly takes effect, an increase in annuity under this Section that would otherwise take effect at any time during the year shall instead take effect in January of that year.

(b) Subsections (a), ~~and~~ (a-5), and (a-6) are not applicable to an employee retiring and receiving a term annuity, as defined in this Article, nor to any otherwise qualified employee who retires before he shall have made employee contributions (at the 1/2 of 1% rate as hereinafter provided) for the purposes of this additional annuity for not less than the equivalent of one full year. Such employee, however, shall make arrangement to pay to the fund a balance of such 1/2 of 1% contributions, based on his final salary, as will bring such 1/2 of 1% contributions, computed without interest, to the equivalent of or completion of one year's contributions.

Beginning with the month of January, 1964, each employee shall contribute by means of salary deductions 1/2 of 1% of each salary payment, concurrently with and in addition to the employee

contributions otherwise made for annuity purposes.

Each such additional employee contribution shall be credited to an account in the prior service annuity reserve, to be used, together with city contributions, to defray the cost of the specified annuity increments. Any balance as of the beginning of each calendar year existing in such account shall be credited with interest at the rate of 3% per annum.

Such employee contributions shall not be subject to refund, except to an employee who resigns or is discharged and applies for refund under this Article, and also in cases where a term annuity becomes payable.

In such cases the employee contributions shall be refunded him, without interest, and charged to the aforementioned account in the prior service annuity reserve. (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02; revised 8-26-02.)

(40 ILCS 5/11-145.1) (from Ch. 108 1/2, par. 11-145.1)

Sec. 11-145.1. Minimum annuities for widows. The widow otherwise eligible for widow's annuity under other Sections of this Article 11, of an employee hereinafter described, who retires from service or dies while in the service subsequent to the effective date of this amendatory provision, and for which widow the amount of widow's annuity and widow's prior service annuity combined, fixed or provided for such widow under other provisions of said Article 11 is less than the amount hereinafter provided in this section, shall, from and after the date her otherwise provided annuity would begin, in lieu of such otherwise provided widow's and widow's prior service annuity, be entitled to the following indicated amount of annuity:

(a) The widow of any employee who dies while in service on or after the date on which he attains age 60 if the death occurs before July 1, 1990, or on or after the date on which he attains age 55 if the death occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attains age 50 if the death occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband would have been entitled to receive had he withdrawn from the service on the day immediately preceding the date of his death, conditional upon such widow having attained age 60 on or before such date if the death occurs before July 1, 1990, or age 55 if the death occurs on or after July 1, 1990, or age 50 if the death occurs on or after January 1, 1998 and the employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), the widow's annuity shall not, however, exceed the sum of $500 a month if the employee's death in service occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death in service occurs on or after January 23, 1987.

If the employee dies in service before July 1, 1990, and if such widow of such described employee shall not be 60 or more years of age on such date of death, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age, shall, in the case of such younger widow, be reduced by 0.25% for each month that her then attained age is less than 60 years if the employee was born before January 1, 1936, or dies in service on or after January 1, 1988, or 0.5% for each month that her then attained age is less than 60 years if the employee was born on or after January 1, 1936 and dies in service before January 1, 1988.

If the employee dies in service on or after July 1, 1990, and if the widow of the employee has not attained age 55 on or before the employee's date of death, the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee dies in service on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (a) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(b) The widow of any employee who dies subsequent to the date of his retirement on annuity, and who so retired on or after the date on which he attained age 60 if retirement occurs before July 1, 1990, or on or after the date on which he attained age 55 if retirement occurs on or after July 1, 1990, with at least 20 years of service, or on or after the date on which he attained age 50 if the retirement occurs on or after the effective date of this amendatory Act of 1997 with at least 30 years of service, shall be entitled to an annuity equal to one-half of the amount of annuity which her deceased husband received as of the date of his retirement on annuity, conditional upon such widow having attained age 60 on or before the date of her husband's retirement on annuity if retirement occurs before July 1, 1990, or age 55 if retirement occurs on or after July 1, 1990, or age 50 if the retirement on annuity occurs on or after January 1, 1998 and the

employee is age 50 or over with at least 30 years of service or age 55 or over with at least 25 years of service. Except as provided in subsection (j), this widow's annuity shall not, however, exceed the sum of $500 a month if the employee's death occurs before January 23, 1987. The widow's annuity shall not be limited to a maximum dollar amount if the employee's death occurs on or after January 23, 1987, regardless of the date of retirement; provided that, if retirement was before January 23, 1987, the employee or eligible spouse repays the excess spouse refund with interest at the effective rate from the date of refund to the date of repayment.

If the date of the employee's retirement on annuity is before July 1, 1990, and if such widow of such described employee shall not have attained such age of 60 or more years on such date of her husband's retirement on annuity, the amount provided in the immediately preceding paragraph for a widow 60 or more years of age on the date of her husband's retirement on annuity, shall, in the case of such then younger widow, be reduced by 0.25% for each month that her then attained age was less than 60 years if the employee was born before January 1, 1936, or withdraws from service on or after January 1, 1988, or 0.5% for each month that her then attained age was less than 60 years if the employee was born on or after January 1, 1936 and withdraws from service before January 1, 1988.

If the date of the employee's retirement on annuity is on or after July 1, 1990, and if the widow of the employee has not attained age 55 by the date of the employee's retirement on annuity, the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 55 years; except that if the employee retires on annuity on or after January 1, 1998 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (b) shall be reduced by 0.25% for each month that her then attained age is less than 50 years.

(c) The foregoing provisions relating to minimum annuities for widows shall not apply to the widow of any former employee receiving an annuity from the fund on August 2, 1965 or on the effective date of this amendatory provision, who re-enters service as a former employee, unless such employee renders at least 3 years of additional service after the date of re-entry.

(d) (Blank).

(e) (Blank).

(f) The amendments to this Section by this amendatory Act of 1985, relating to changing the discount because of age from 1/2 of 1% to 0.25% per month for widows of employees born before January 1, 1936, shall apply only to qualifying widows whose husbands die while in the service on or after August 16, 1985 or withdraw and enter on annuity on or after August 16, 1985.

(g) Beginning on January 1, 1999, the minimum amount of widow's annuity shall be $800 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of 1998:

(1) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of 1998, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of 1998, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of 1998;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of 1998;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of 1998.

The increases granted under items (1), (2), (3) and (4) of this subsection (g) shall not be limited by any other Section of this Act.

(g-5) Beginning on January 1, 2004, the minimum amount of widow's annuity shall be $900 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory

Act of the 93rd General Assembly, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of the 93rd General Assembly, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of the 93rd General Assembly;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of the 93rd General Assembly;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of the 93rd General Assembly.

The increases granted under items (1), (2), (3) and (4) of this subsection (g-5) shall not be limited by any other Section of this Act.

(g-10) Beginning on January 1, 2005, the minimum amount of widow's annuity shall be $1,000 per month for life for the following classes of widows, without regard to the fact that the death of the employee occurred prior to the effective date of this amendatory Act of the 93rd General Assembly:

(1) any widow annuitant alive and receiving a term annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(2) any widow annuitant alive and receiving a life annuity on the effective date of this amendatory Act of the 93rd General Assembly, except a reciprocal annuity;

(3) any widow annuitant alive and receiving a reciprocal annuity on the effective date of this amendatory Act of the 93rd General Assembly, whose employee spouse's service in this fund was at least 5 years;

(4) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if the retirement occurred prior to the effective date of this amendatory Act of the 93rd General Assembly;

(5) the widow of an employee with at least 10 years of service in this fund who dies after retirement, if withdrawal occurs on or after the effective date of this amendatory Act of the 93rd General Assembly;

(6) the widow of an employee who dies in service with at least 5 years of service in this fund, if the death in service occurs on or after the effective date of this amendatory Act of the 93rd General Assembly.

The increases granted under items (1), (2), (3) and (4) of this subsection (g-10) shall not be limited by any other Section of this Act.

(h) The widow of an employee who retired or died in service on or after January 1, 1985 and before July 1, 1990, at age 55 or older, and with at least 35 years of service credit, shall be entitled to have her widow's annuity increased, effective January 1, 1991, to an amount equal to 50% of the retirement annuity that the deceased employee received on the date of retirement, or would have been eligible to receive if he had retired on the day preceding the date of his death in service, provided that if the widow had not attained age 60 by the date of the employee's retirement or death in service, the amount of the annuity shall be reduced by 0.25% for each month that her then attained age was less than age 60 if the employee's retirement or death in service occurred on or after January 1, 1988, or by 0.5% for each month that her attained age is less than age 60 if the employee's retirement or death in service occurred prior to January 1, 1988. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the increase in benefit provided by this subsection (h) shall be contingent upon repayment of the refund to the Fund with interest at the effective rate from the date of refund to the date of payment.

(i) If a deceased employee is receiving a retirement annuity at the time of death and that death occurs on or after June 27, 1997, the widow may elect to receive, in lieu of any other annuity provided under this Article, 50% of the deceased employee's retirement annuity at the time of death reduced by 0.25% for each month that the widow's age on the date of death is less than 55; except that if the employee dies on or after January 1, 1998 and withdrew from service on or after June 27, 1997 at age 50 or over with at least 30 years of service or at age 55 or over with at least 25 years of service, there shall be no reduction due to the widow's age if she has attained age 50 on or before the employee's date of death, and if the widow has not attained age 50 on or before the employee's date of death the amount otherwise provided in this subsection (i) shall be reduced by 0.25% for each month that her age on the date of death is less than 50 years. However, in cases where a refund of excess contributions for widow's annuity has been paid by the Fund, the benefit provided by this subsection (i) is contingent upon repayment of the refund to the Fund with

interest at the effective rate from the date of refund to the date of payment.

(j) For widows of employees who died before January 23, 1987 after retirement on annuity or in service, the maximum dollar amount limitation on widow's annuity shall cease to apply, beginning with the first annuity payment after the effective date of this amendatory Act of 1997; except that if a refund of excess contributions for widow's annuity has been paid by the Fund, the increase resulting from this subsection (j) shall not begin before the refund has been repaid to the Fund, together with interest at the effective rate from the date of the refund to the date of repayment.

(k) In lieu of any other annuity provided in this Article, an eligible spouse of an employee who dies in service at least 60 days after the effective date of this amendatory Act of the 92nd General Assembly with at least 10 years of service shall be entitled to an annuity of 50% of the minimum formula annuity earned and accrued to the credit of the employee at the date of death. For the purposes of this subsection, the minimum formula annuity earned and accrued to the credit of the employee is equal to 2.40% for each year of service of the highest average annual salary for any 4 consecutive years within the last 10 years of service immediately preceding the date of death, up to a maximum of 80% of the highest average annual salary. This annuity shall not be reduced due to the age of the employee or spouse. In addition to any other eligibility requirements under this Article, the spouse is eligible for this annuity only if the marriage was in effect for 10 full years or more. (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/11-145.2 new)

Sec. 11-145.2. Automatic annual increase in widow's annuity.

(a) Every widow's annuity, other than those annuities of widows originally entitled to term annuities, shall be increased on (1) January 1 next following the effective date of this amendatory Act of the 93rd General Assembly, (2) the January 1 immediately after the deceased employee's death, or (3) the January 1 on or next after the date on which the deceased employee would have been eligible for his or her first increase, whichever occurs latest, by an amount equal to 3% of the amount of widow's annuity. On each January 1 after the date of the initial increase under this Section, the widow's annuity shall be increased by an amount equal to 3% of the amount of widow's annuity payable at the time of the increase, including any increases previously granted under this Article.

(b) Limitations on the maximum amount of widow's annuity imposed under Section 11-149 do not apply to the annual increases under this Section.

(c) The increases under this Section do not apply to reversionary annuities under Section 11-134.2 or term annuities under Section 11-152. The increases provided under this Section do apply to compensation and supplemental annuities under Section 11-146.

(40 ILCS 5/11-160.1) (from Ch. 108 1/2, par. 11-160.1)

Sec. 11-160.1. Payments to city ~~Group health benefit~~. (a) For the purposes of this Section, "city annuitant" means a person receiving an age and service annuity, a widow's annuity, a child's annuity, or a minimum annuity under this Article as a direct result of previous employment by the City of Chicago ("the city").

(b) The board shall pay to the city, on behalf of the board's city annuitants who participate in any of the city's health care plans, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 11-169; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.

(c) The city health care plans referred to in this Section and the board's payments to the city under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

~~(a) For the purposes of this Section: (1) "annuitant" means a person receiving an age and service annuity, a prior service annuity, a widow's annuity, a widow's prior service annuity, or a minimum annuity, under Article 5, 6, 8 or 11, by reason of previous employment by the City of Chicago (hereinafter, in this Section, "the city"); (2) "Medicare Plan annuitant" means an annuitant described in item (1) who is eligible for Medicare benefits; and (3) "non-Medicare Plan annuitant" means an annuitant described in item (1) who is not eligible for Medicare benefits.~~

~~(b) The city shall offer group health benefits to annuitants and their eligible dependents through June 30, 2003. The basic city health care plan available as of June 30, 1988 (hereinafter called the basic city plan) shall cease to be a plan offered by the city, except as specified in subparagraphs (4) and (5) below, and shall be closed to new enrollment or transfer of coverage for any non Medicare Plan annuitant as of June 27, 1997. The city shall offer non Medicare Plan annuitants and their eligible dependents the option of enrolling in its Annuitant Preferred Provider Plan and may offer additional plans for any annuitant. The city may amend, modify, or terminate any of its additional plans at its sole discretion. If the city offers more than one annuitant plan, the city shall allow annuitants to convert coverage from one city annuitant plan to another, except the basic city plan, during times designated by the city, which periods of time shall occur at least annually. For the period dating from June 27, 1997 through June 30, 2003, monthly premium rates may be increased for annuitants during the time of their participation in non Medicare plans, except as provided in subparagraphs (1) through (4) of this subsection.~~

~~(1) For non Medicare Plan annuitants who retired prior to January 1, 1988, the annuitant's share of monthly premium for non Medicare Plan coverage only shall not exceed the highest premium rate chargeable under any city non Medicare Plan annuitant coverage as of December 1, 1996.~~

~~(2) For non Medicare Plan annuitants who retire on or after January 1, 1988, the annuitant's share of monthly premium for non Medicare Plan coverage only shall be the rate in effect on December 1, 1996, with monthly premium increases to take effect no sooner than April 1, 1998 at the lower of (i) the premium rate determined pursuant to subsection (g) or (ii) 10% of the immediately previous month's rate for similar coverage.~~

~~(3) In no event shall any non Medicare Plan annuitant's share of monthly premium for non Medicare Plan coverage exceed 10% of the annuitant's monthly annuity.~~

~~(4) Non Medicare Plan annuitants who are enrolled in the basic city plan as of July 1, 1998 may remain in the basic city plan, if they so choose, on the condition that they are not entitled to the caps on rates set forth in subparagraphs (1) through (3), and their premium rate shall be the rate determined in accordance with subsections (c) and (g).~~

~~(5) Medicare Plan annuitants who are currently enrolled in the basic city plan for Medicare eligible annuitants may remain in that plan, if they so choose, through June 30, 2003. Annuitants shall not be allowed to enroll in or transfer into the basic city plan for Medicare eligible annuitants on or after July 1, 1999. The city shall continue to offer annuitants a supplemental Medicare Plan for Medicare eligible annuitants through June 30, 2003, and the city may offer additional plans to Medicare eligible annuitants in its sole discretion. All Medicare Plan annuitant monthly rates shall be determined in accordance with subsections (c) and (g).~~

~~(c) The city shall pay 50% of the aggregated costs of the claims or premiums, whichever is applicable, as determined in accordance with subsection (g), of annuitants and their dependents under all health care plans offered by the city. The city may reduce its obligation by application of price reductions obtained as a result of financial arrangements with providers or plan administrators.~~

~~(d) From January 1, 1993 until June 30, 2003, the board shall pay to the city on behalf of each of the board's annuitants who chooses to participate in any of the city's plans the following amounts: up to a maximum of $75 per month for each such annuitant who is not qualified to receive medicare benefits, and up to a maximum of $45 per month for each such annuitant who is qualified to receive medicare benefits.~~

~~The payments described in this subsection shall be paid from the tax levy authorized under Section 11-178; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the city required under this subsection shall be charged against it.~~

~~(e) The city's obligations under subsections (b) and (c) shall terminate on June 30, 2003, except with regard to covered expenses incurred but not paid as of that date. This subsection shall not affect other obligations that may be imposed by law.~~

~~(f) The group coverage plans described in this Section are not and shall not be construed to be pension or retirement benefits for purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.~~

~~(g) For each annuitant plan offered by the city, the aggregate cost of claims, as reflected in the claim records of the plan administrator, shall be estimated by the city, based upon a written determination by a qualified independent actuary to be appointed and paid by the city and the board. If the estimated annual cost for each annuitant plan offered by the city is more than the estimated amount to be contributed by the city for that plan pursuant to subsections (b) and (c) during that year plus the estimated amounts to be paid pursuant to subsection (d) and by the other pension boards on behalf of other participating annuitants, the difference shall be paid by all annuitants participating in the plan, except as provided in subsection (b). The city, based upon the determination of the independent actuary, shall set the monthly amounts to be paid by~~

~~the participating annuitants. The board may deduct the amounts to be paid by its annuitants from the participating annuitants' monthly annuities.~~

~~If it is determined from the city's annual audit, or from audited experience data, that the total amount paid by all participating annuitants was more or less than the difference between (1) the cost of providing the group health care plans, and (2) the sum of the amount to be paid by the city as determined under subsection (c) and the amounts paid by all the pension boards, then the independent actuary and the city shall account for the excess or shortfall in the next year's payments by annuitants, except as provided in subsection (b).~~

~~(h) An annuitant may elect to terminate coverage in a plan at the end of any month, which election shall terminate the annuitant's obligation to contribute toward payment of the excess described in subsection (g).~~

~~(i) The city shall advise the board of all proposed premium increases for health care at least 75 days prior to the effective date of the change, and any increase shall be prospective only.~~ (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/11-160.2 new)

Sec. 11-160.2. Payments to board of education for group health benefits.

(a) Should the Board of Education continue to sponsor a retiree health plan, the board is authorized to pay to the Board of Education, on behalf of each eligible annuitant who chooses to participate in the Board of Education's retiree health benefit plan, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 11-169; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the Board of Education under this subsection shall be charged against it.

(b) The Board of Education health benefit plan referred to in this Section and the board's payments to the Board of Education under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.

(40 ILCS 5/11-163) (from Ch. 108 1/2, par. 11-163)

Sec. 11-163. Restoration of rights. An employee who has withdrawn as a refund the amounts credited for annuity purposes, and who (i) re-enters service of the employer and serves for periods comprising at least 90 days ~~2 years~~ after the date of the last refund paid to him or (ii) has completed at least 2 years of service under a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund after the date of the last refund, shall have his annuity rights restored by making application to the board in writing for the privilege of re-instating such rights and by compliance with the following provisions:

(a) After that 90 day or 2 year period, whichever applies, he shall repay in full to the Fund, while in service, ~~in full~~ all refunds received, together with interest at the effective rate from the application dates of such refund or refunds to the date of repayment.~~;~~

(b) If payment is not made in a single sum, repayment may be made in installments by deductions from salary or otherwise, in such manner and amounts as the board, by rule, may prescribe, with interest at the effective rate accruing on the unpaid balance ~~employee may elect~~. The employee shall be credited with interest at the effective rate from the date of each installment until full repayment is made.

(c) If the employee withdraws from service or dies in service before full repayment is made, service credit shall be restored in accordance with Section 11-221.2(b).

(d) If the employee withdraws from service or dies in service ~~or~~ during the required 90 day or 2 year period, any repayments made shall be refunded, without interest thereon and in accordance with the refund provisions of this Article.

(e) If the employee repays the refund while participating in a participating system (as defined in the Retirement Systems Reciprocal Act) other than this Fund, the service credit restored must be used for a proportional annuity calculated in accordance with the Retirement Systems Reciprocal Act. If not so used, the restored service credit shall be forfeited and the amount of the repayment shall be refunded, without interest.

(Source: Laws 1963, p. 161.)

(40 ILCS 5/11-167) (from Ch. 108 1/2, par. 11-167)

Sec. 11-167. Refunds in lieu of annuity. In lieu of an annuity, an employee who withdraws, and whose annuity would amount to less than $800 a month for life may elect to receive a refund of the total sum accumulated to his credit from employee contributions for annuity purposes.

The widow of any employee, eligible for annuity upon the death of her husband, whose annuity would amount to less than $800 a month for life, may, in lieu of a widow's annuity, elect to receive a refund of the accumulated contributions for annuity purposes, based on the amounts contributed by her deceased employee husband, but reduced by any amounts theretofore paid to him in the form of an annuity or refund out of such accumulated contributions.

Accumulated contributions shall mean the amounts including interest credited thereon contributed by the employee for age and service and widow's annuity to the date of his withdrawal or death, whichever first occurs, and including the accumulations from any amounts contributed for him as salary deductions while receiving duty disability benefits; provided that such amounts contributed by the city after December 31, 1983 while the employee is receiving duty disability benefits and amounts credited to the employee for annuity purposes by the fund after December 31, 2000 while the employee is receiving ordinary disability benefits shall not be included.

The acceptance of such refund in lieu of widow's annuity, on the part of a widow, shall not deprive a child or children of the right to receive a child's annuity as provided for in Sections 11-153 and 11-154 of this Article, and neither shall the payment of a child's annuity in the case of such refund to a widow reduce the amount herein set forth as refundable to such widow electing a refund in lieu of widow's annuity. (Source: P.A. 91-887, eff. 7-6-00; 92-599, eff. 6-28-02; revised 10-22-02.)

(40 ILCS 5/11-170.1) (from Ch. 108 1/2, par. 11-170.1)

Sec. 11-170.1. Pickup of employee contributions. (a) The employer may pick up the employee contributions required by Sections 11-156, 11-170, 11-174 and 11-175.1 for salary earned after December 31, 1981. If employee contributions are not picked up, the amount that would have been picked up under this amendatory Act of 1980 shall continue to be deducted from salary. If contributions are picked up they shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code; however, the employer shall continue to withhold Federal and state income taxes based upon these contributions until the Internal Revenue Service or the Federal courts rule that pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying salary to the employee. The employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(b) Subject to the requirements of federal law and the rules of the Board, the Fund may allow the employee to elect to have the employer pick up the optional contributions that the employee has elected to pay to the Fund, and the contributions so picked up shall be treated as employer contributions for the purpose of determining federal tax treatment. The employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay contributions from the same source of funds that is used to pay earnings of the employee. The election to have the contributions picked up is irrevocable, and the optional contributions may not thereafter be prepaid, by direct payment or otherwise.

If the provision authorizing the optional contribution requires payment by a stated date (rather than the date of withdrawal or retirement), the requirement will be deemed to have been satisfied if (i) on or before the stated date the employee executes a valid irrevocable election to have the contributions picked up under this subsection, and (ii) the picked-up contributions are in fact paid to the Fund as provided in the election.

If employee contributions are picked up under this subsection, they shall be treated for all purposes of this Article 11, including Section 11-169, in the same manner and to the same extent as optional employee contributions made prior to the date picked up. (Source: P.A. 81-1536.)

(40 ILCS 5/11-221.4 new)

Sec. 11-221.4. Credit for certain military service. In addition to any creditable service established under Section 11-221, creditable service for annuity purposes only may be granted for up to 2 years of service in the armed forces of the United States that was not immediately preceded by service with the employer. A member shall receive service credit for military service under this Section, provided that all of the following conditions are met:

(1) The employee must be employed by the employer and contributing to the Fund for current

service when he makes the payment for military service.

(2) The employee must have entered or re-entered the service of the employer within 2 years after his discharge.

(3) The discharge from military service must have been other than a dishonorable discharge.

(4) The employee must apply to the Fund in writing and provide evidence of the military service that is satisfactory to the Board.

(5) The employee must have paid for all unpaid service with the employer (refund repayment, payment for temporary service, or any other service with the employer) before payment may be made under this Section.

(6) The employee must have been in active duty military service; service in the military reserves is not eligible under this Section.

(7) The employee must not receive credit in any other pension plan for this period of military service.

(8) The employee must contribute to the Fund an amount representing employee contributions. The required contribution shall be calculated by the Fund, based on the contribution rates in effect during the period of military service and the employee's salary rate on the first day of service in the Fund following the military service, and shall include interest at the effective rate from the employee's first day of service in the Fund following the military service to the date of payment. The employee must pay the required contribution in full before withdrawal or death in service. If the employee withdraws or dies in service before full payment is made, the amount paid by him shall be refunded.

(9) The amount of military service credit established by an employee under this Section shall not exceed 2 years.

(40 ILCS 5/13-301) (from Ch. 108 1/2, par. 13-301)

Sec. 13-301. Retirement annuity; eligibility. Any employee who withdraws from service and meets the age and service requirements and other conditions set forth in subsections (a), (b), (c) or (d) hereof is entitled to receive a retirement annuity.

(a) Withdrawal on or after age 60. Any employee, upon withdrawal from service on or after attainment of age 60 and having at least 5 years of service, is entitled to a retirement annuity.

(b) Withdrawal on or after attainment of minimum retirement qualifications and prior to age 60.

(1) Any employee, upon withdrawal from service on or after attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) but prior to age 60 and having at least 10 years of service, is entitled to a retirement annuity as of the date of withdrawal or, at the option of the employee, at any time thereafter.

(2) Any employee who withdraws on or after attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) and prior to age 60 having at least 5 years but less than 10 years of service is entitled to a retirement annuity upon attainment of age 62, subject to the other requirements of this Article.

(3) Any employee who withdraws from service on or after attainment of age 50 but prior to age 60 and is eligible for early retirement without discount under the Rule of 80 as provided in subsection (c) of Section 13-302 is entitled to a retirement annuity at the time of withdrawal.

(c) Withdrawal prior to minimum retirement age. Any employee, upon withdrawal from service prior to age 55 (age 50 if the employee first entered service before June 13, 1997) and having at least 10 years of service, shall become entitled to a retirement annuity upon attainment of age 55 (age 50 if the employee first entered service before June 13, 1997) or, at the option of the employee, at any time thereafter, subject to the other requirements of this Article.

(d) Withdrawal while disabled. Any employee having at least 5 years of service who has received ordinary disability benefits on or after January 1, 1986 for the maximum period of time hereinafter prescribed, and who continues to be disabled and withdraws from service, shall be entitled to a retirement annuity. In the case of an employee who enters service after the effective date of this amendatory Act of the 93rd General Assembly, the required 5 years of service is exclusive of service credit described in Section 13-313. The age and service conditions as to eligibility for such annuity shall be waived as to the employee, but the early retirement discount under Section 13-302(b) shall apply. If the employee is under age 55 on the date of withdrawal, the retirement annuity shall be computed by assuming that the employee is then age 55 and then reduced to its actuarial equivalent at his attained age on that date according to applicable mortality tables and interest rates. The retirement annuity shall not be payable for any period prior to the employee's attainment of age 55 during which the employee is able to return to gainful employment. Upon

the employee's death while in receipt of a retirement annuity, a surviving spouse or minor children shall be entitled to receive a surviving spouse's annuity or child's annuity subject to the conditions hereinafter prescribed in Sections 13-305 through 13-308. (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/13-302) (from Ch. 108 1/2, par. 13-302)

Sec. 13-302. Computation of retirement annuity. (a) Computation of annuity. An employee who withdraws from service on or after July 1, 1989 and who has met the age and service requirements and other conditions for eligibility set forth in Section 13-301 of this Article is entitled to receive a retirement annuity for life equal to 2.2% of average final salary for each of the first 20 years of service, and 2.4% of average final salary for each year of service in excess of 20. The retirement annuity shall not exceed 80% of average final salary.

(b) Early retirement discount. If an employee retires prior to attainment of age 60 with less than 30 years of service, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60, or each full month by which the employee's service is less than 30 years, whichever is less. However, where the employee first enters service after June 13, 1997 and does not have at least 10 years of service exclusive of credit under Article 20, the annuity computed above shall be reduced by 1/2 of 1% for each full month between the date the annuity begins and attainment of age 60.

(c) Rule of 80 - Early retirement without discount. For an employee who retires on or after January 1, 2003 but on or before December 31, 2007, if the employee is eligible for a retirement annuity under Section 13-301 and has at least 10 years of service exclusive of credit under Article 20 and if at the date of withdrawal the employee's age when added to the number of years of his or her creditable service equals at least 80, the early retirement discount in subsection (b) of this Section does not apply. For purposes of this Rule of 80, portions of years shall be considered in whole months.

An employee who has terminated employment with the employer under this Article prior to the effective date of this amendatory Act of the 92nd General Assembly and subsequently re-enters service must remain in service with the employer under this Article for at least 2 years after re-entry during the period beginning on January 1, 2003 and ending on December 31, 2007 to be entitled to early retirement without discount under this subsection (c).

In the case of an employee who retires under the terms of Article 20, eligibility for early retirement without discount under this subsection (c) shall be based upon the employee's age and service credit at the time of withdrawal from the final fund.

(c-1) Early retirement without discount; retirement after June 29, 1997 and before January 1, 2003. An employee who (i) has attained age 55 (age 50 if the employee first entered service before June 13, 1997), (ii) has at least 10 years of service exclusive of credit under Article 20, (iii) retires after June 29, 1997 and before January 1, 2003, and (iv) retires within 6 months of the last day for which retirement contributions were required, may elect at the time of application to make a one-time employee contribution to the Fund and thereby avoid the early retirement reduction specified in subsection (b). The exercise of the election shall also obligate the employer to make a one-time nonrefundable contribution to the Fund.

The one-time employee and employer contributions shall be a percentage of the retiring employee's highest full-time annual salary, calculated as the total amount of salary included in the highest 26 consecutive pay periods as used in the average final salary calculation, and based on the employee's age and service at retirement. The employee rate shall be 7% multiplied by the lesser of the following 2 numbers: (1) the number of years, or portion thereof, that the employee is less than age 60; or (2) the number of years, or portion thereof, that the employee's service is less than 30 years. The employer contribution shall be at the rate of 20% for each year, or portion thereof, that the participant is less than age 60.

Upon receipt of the application, the Board shall determine the corresponding employee and employer contributions. The annuity shall not be payable under this subsection until both the required contributions have been received by the Fund. However, the date the contributions are received shall not be considered in determining the effective date of retirement.

The number of employees who may retire under this Section in any year may be limited at the option of the District to a specified percentage of those eligible, not lower than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer.

An employee who has terminated employment and subsequently re-enters service shall not be entitled to early retirement without discount under this subsection unless the employee continues in service for at least 4 years after re-entry.

(d) Annual increase. Except for employees retiring and receiving a term annuity, an employee who

retires on or after July 1, 1985 but before July 12, 2001, shall, upon the first payment date following the first anniversary of the date of retirement, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. Except for employees retiring and receiving a term annuity, an employee who retires on or after July 12, 2001 shall, on the first day of the month in which the first anniversary of the date of retirement occurs, have the monthly annuity increased by 3% of the amount of the monthly annuity fixed at the date of retirement. The monthly annuity shall be increased by an additional 3% on the same date each year thereafter. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision, regardless of the date of retirement) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Any employee who (i) retired before July 1, 1985 with at least 10 years of creditable service, (ii) is receiving a retirement annuity under this Article, other than a term annuity, and (iii) has not received any annual increase under this subsection, shall begin receiving the annual increases provided under this subsection (d) beginning on the next annuity payment date following June 13, 1997.

(e) Minimum retirement annuity. Beginning January 1, 1993, the minimum monthly retirement annuity shall be $500 for any annuitant having at least 10 years of service under this Article, other than a term annuitant or an annuitant who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $500 shall have the annuity increased to $500 on that date.

Beginning January 1, 1993, the minimum monthly retirement annuity shall be $250 for any annuitant (other than a term or reciprocal annuitant or an annuitant under subsection (d) of Section 13-301) having less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) having at least 10 years of service under this Article who began receiving the annuity before attaining age 60. Any such annuitant who is receiving a monthly annuity of less than $250 shall have the annuity increased to $250 on that date.

Beginning August 1, 2001 ~~on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect~~ (and without regard to whether the annuitant was in service on or after that effective date), the minimum monthly retirement annuity for any annuitant having at least 10 years of service, other than an annuitant whose annuity is subject to an early retirement discount, shall be $500 plus $25 for each year of service in excess of 10, not to exceed $750 for an annuitant with 20 or more years of service. In the case of a reciprocal annuity, this minimum shall apply only if the annuitant has at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

Notwithstanding any other provision of this subsection, beginning on the first annuity payment date following July 12, 2001, an employee who retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60.

Notwithstanding any other provision of this subsection, beginning on the first day of the month following the month in which this amendatory Act of the 93rd General Assembly takes effect (and without regard to whether the annuitant was in service on or after that effective date), an employee who retired on or after August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount but not a retiree who had been receiving a retirement annuity pursuant to subsection (d) of Section 13-301), shall be entitled to the same minimum monthly retirement annuity under this subsection as an employee who retired with at least 10 years of service under this Article and after attaining age 60. (Source: P.A. 92-53, eff. 7-12-01; 92-599, eff. 6-28-02.)

(40 ILCS 5/13-306) (from Ch. 108 1/2, par. 13-306)

Sec. 13-306. Computation of surviving spouse's annuity. (a) Computation of the annuity. The surviving spouse's annuity shall be equal to 60% of the retirement annuity earned and accrued to the credit of the deceased employee, whether death occurs while in service or after withdrawal, plus 1% for each year of total service of the employee to a maximum of 85%; provided, however, that if the employee's death arises out of and in the course of the employee's service to the employer and is compensable under either the Illinois Workers' Compensation Act or Illinois Workers' Occupational Diseases Act, the surviving spouse's annuity is payable regardless of the employee's length of service and shall be not less than 50% of the employee's salary at the date of death.

For any death in service the early retirement discount required under Section 13-302(b) shall not be applied in computing the retirement annuity upon which is based the surviving spouse's annuity.

(b) Reciprocal service. For any employee or annuitant who retires on or after July 1, 1985 and whose death occurs after January 1, 1991, having at least 15 years of service with the employer under this Article, and who was eligible at the time of death or elected at the time of retirement to have his or her retirement annuity calculated as provided in Section 20-131 of this Code, the surviving spouse benefit shall be calculated as of the date of the employee's death as indicated in subsection (a) as a percentage of the employee's total benefit as if all service had been with the employer. That benefit shall then be reduced by the amounts payable by each of the reciprocal funds as of the date of death so that the total surviving spouse benefit at that date will be equal to the benefit which would have been payable had all service been with the employer under this Article.

(c) Discount for age differential. The annuity for a surviving spouse shall be discounted by 0.25% for each full month that the spouse is younger than the employee as of the date of withdrawal from service or death in service to a maximum discount of 60% of the surviving spouse annuity as calculated under subsections (a), (b), and (e) of this Section. The discount shall be reduced by 10% for each full year the marriage has been in continuous effect as of the date of withdrawal or death in service. There shall be no discount if the marriage has been in continuous effect for 10 full years or more at the time of withdrawal or death in service.

(d) Annual increase. Effective August 23, 1989, on the first day of each calendar month in which there occurs an anniversary of the employee's date of retirement or date of death, whichever occurred first, the surviving spouse's annuity, other than a term annuity under Section 13-307, shall be increased by an amount equal to 3% of the amount of the annuity. Beginning January 1, 1993, all annual increases payable under this subsection (or any predecessor provision of this Article) shall be calculated at the rate of 3% of the monthly annuity payable at the time of the increase, including any increases previously granted under this Article.

Beginning January 1, 1993, surviving spouse annuitants whose deceased spouse died, retired or withdrew from service before August 23, 1989 with at least 10 years of service under this Article shall be eligible for the annual increases provided under this subsection.

(e) Minimum surviving spouse's annuity.

(1) Beginning January 1, 1993, the minimum monthly surviving spouse's annuity shall be $500 for any annuitant whose deceased spouse had at least 10 years of service under this Article, other than a surviving spouse who is a term annuitant or whose deceased spouse began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than $500 shall have the annuity increased to $500 on that date.

Beginning January 1, 1993, the minimum monthly surviving spouse's annuity shall be $250 for any annuitant (other than a term or reciprocal annuitant or an annuitant survivor under subsection (d) of Section 13-301) whose deceased spouse had less than 10 years of service under this Article, and for any annuitant (other than a term annuitant) whose deceased spouse had at least 10 years of service under this Article and began receiving a retirement annuity under this Article before attainment of age 60. Any such surviving spouse annuitant who is receiving a monthly annuity of less than $250 shall have the annuity increased to $250 on that date.

(2) Beginning August 1, 2001 ~~on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect~~ (and without regard to whether the deceased spouse was in service on or after that ~~effective~~ date), the minimum monthly surviving spouse's annuity for any annuitant whose deceased spouse had at least 10 years of service shall be the greater of the following:

(A) An amount equal to $500, plus $25 for each year of the deceased spouse's service in excess of 10, not to exceed $750 for an annuitant whose deceased spouse had 20 or more years of service. This subdivision (A) is not applicable if the deceased spouse received a retirement annuity that was subject to an early retirement discount.

(B) An amount equal to (i) 50% of the retirement annuity earned and accrued to the credit of the deceased spouse at the time of death, plus (ii) the amount of any annual increases applicable to the surviving spouse's annuity (including the amount of any reversionary annuity) under subsection (d) before July 12, 2001 ~~the effective date of this amendatory Act of the 92nd General Assembly~~. In any case in which a refund of excess contributions for the surviving spouse annuity has been paid by the Fund and the surviving spouse annuity is increased due to the application of this subdivision (B), the amount of that refund shall be recovered by the Fund as an offset against the amount of the increase

in annuity arising from the application of this subdivision (B).

In the case of a reciprocal annuity, the minimum annuity calculated under this subdivision (e)(2) shall apply only if the deceased spouse of the annuitant had at least 10 years of service under this Article, and the amount of the minimum annuity shall be reduced by the sum of all the reciprocal annuities payable to the annuitant by other participating systems under Article 20 of this Code.

The minimum annuity calculated under this subdivision (e)(2) is in addition to the amount of any reversionary annuity that may be payable.

(3) Beginning August 1, 2001 ~~on the first day of the month following the month in which this amendatory Act of the 92nd General Assembly takes effect~~ (and without regard to whether the deceased spouse was in service on or after that ~~effective~~ date), any surviving spouse who is receiving a term annuity under Section 13-307 or any predecessor provision of this Article may have that term annuity recalculated and converted to a minimum surviving spouse annuity under this subsection (e).

(4) Notwithstanding any other provision of this subsection, beginning August 1, 2001 ~~on the first annuity payment date following the effective date of this amendatory Act of the 92nd General Assembly~~, an annuitant whose deceased spouse retired before August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount) shall be entitled to the same minimum monthly surviving spouse's annuity under this subsection as an annuitant whose deceased spouse retired with at least 10 years of service under this Article and after attaining age 60. Further notwithstanding any other provision of this subsection, beginning on the first day of the month following the month in which this amendatory Act of the 93rd General Assembly takes effect, an annuitant whose deceased spouse retired on or after August 23, 1989 with at least 10 years of service under this Article but before attaining age 60 (regardless of whether the retirement annuity was subject to an early retirement discount but not the surviving spouse of a retiree who had been receiving a retirement annuity pursuant to subsection (d) of Section 13-301) shall be entitled to the same minimum monthly surviving spouse's annuity under this subsection as an annuitant whose deceased spouse retired with at least 10 years of service under this Article and after attaining age 60.

(5) The minimum annuity provided under this subsection (e) shall be subject to the age discount provided under subsection (c) of this Section.

(Source: P.A. 92-53, eff. 7-12-01.)

(40 ILCS 5/13-314) (from Ch. 108 1/2, par. 13-314)

Sec. 13-314. Alternative provisions for Water Reclamation District commissioners.

(a) Transfer of credits. Any Water Reclamation District commissioner elected by vote of the people and who has elected to participate in this Fund may transfer to this Fund credits and creditable service accumulated under any other pension fund or retirement system established under Articles 2 through 18 of this Code, upon payment to the Fund of (1) the amount by which the employer and employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amounts actually transferred from such other fund or system to this Fund, plus (2) interest thereon at 6% per year compounded annually from the date of transfer to the date of payment.

(b) Alternative annuity. Any participant commissioner may elect to establish alternative credits for an alternative annuity by electing in writing to make additional optional contributions in accordance with this Section and procedures established by the Board. Unless and until such time as the U.S. Internal Revenue Service or the federal courts provide a favorable ruling as described in Section 13-502(f), a ~~such~~ commissioner may discontinue making the additional optional contributions by notifying the Fund in writing in accordance with this Section and procedures established by the Board.

Additional optional contributions for the alternative annuity shall be as follows:

(1) For service after the option is elected, an additional contribution of 3% of salary shall be contributed to the Fund on the same basis and under the same conditions as contributions required under Section 13-502.

(2) For contributions on past service, the additional contribution shall be 3% of the salary for the applicable period of service, plus interest at the annual rate from time to time as determined by the Board, compounded annually from the date of service to the date of payment. Contributions for service before the option is elected may be made in a lump sum payment to the Fund or by contributing to the Fund on the same basis and under the same conditions as contributions required under Section 13-502. All payments for past service must be paid in full before credit is given. No additional optional contributions may be made for any period of service for which credit has been previously forfeited by

acceptance of a refund, unless the refund is repaid in full with interest at the rate specified in Section 13-603, from the date of refund to the date of repayment.

In lieu of the retirement annuity otherwise payable under this Article, any commissioner who has elected to participate in the Fund and make additional optional contributions in accordance with this Section, has attained age 55, and has at least 6 years of service credit, may elect to have the retirement annuity computed as follows: 3% of the participant's average final salary as a commissioner for each of the first 8 years of service credit, plus 4% of such salary for each of the next 4 years of service credit, plus 5% of such salary for each year of service credit in excess of 12 years, subject to a maximum of 80% of such salary. To the extent such commissioner has made additional optional contributions with respect to only a portion of years of service credit, the retirement annuity will first be determined in accordance with this Section to the extent such additional optional contributions were made, and then in accordance with the remaining Sections of this Article to the extent of years of service credit with respect to which additional optional contributions were not made. The change in minimum retirement age (from 60 to 55) made by this amendatory Act of 1993 applies to persons who begin receiving a retirement annuity under this Section on or after the effective date of this amendatory Act, without regard to whether they are in service on or after that date.

(c) Disability benefits. In lieu of the disability benefits otherwise payable under this Article, any commissioner who (1) has elected to participate in the Fund, and (2) has become permanently disabled and as a consequence is unable to perform the duties of office, and (3) was making optional contributions in accordance with this Section at the time the disability was incurred, may elect to receive a disability annuity calculated in accordance with the formula in subsection (b). For the purposes of this subsection, such commissioner shall be considered permanently disabled only if: (i) disability occurs while in service as a commissioner and is of such a nature as to prevent the reasonable performance of the duties of office at the time; and (ii) the Board has received a written certification by at least 2 licensed physicians appointed by it stating that such commissioner is disabled and that the disability is likely to be permanent.

(d) Alternative survivor's benefits. In lieu of the survivor's benefits otherwise payable under this Article, the spouse or eligible child of any deceased commissioner who (1) had elected to participate in the Fund, and (2) was either making additional optional contributions on the date of death, or was receiving an annuity calculated under this Section at the time of death, may elect to receive an annuity beginning on the date of the commissioner's death, provided that the spouse and commissioner must have been married on the date of the last termination of a service as commissioner and for a continuous period of at least one year immediately preceding death.

The annuity shall be payable beginning on the date of the commissioner's death if the spouse is then age 50 or over, or beginning at age 50 if the age of the spouse is less than 50 years. If a minor unmarried child or children of the commissioner, under age 18, also survive, and the child or children are under the care of the eligible spouse, the annuity shall begin as of the date of death of the commissioner without regard to the spouse's age.

The annuity to a spouse shall be 66 2/3% of the amount of retirement annuity earned by the commissioner on the date of death, subject to a minimum payment of 10% of salary, provided that if an eligible spouse, regardless of age, has in his or her care at the date of death of the commissioner any unmarried child or children of the commissioner under age 18, the minimum annuity shall be 30% of the commissioner's salary, plus 10% of salary on account of each minor child of the commissioner, subject to a combined total payment on account of a spouse and minor children not to exceed 50% of the deceased commissioner's salary. In the event there shall be no spouse of the commissioner surviving, or should a spouse die while eligible minor children still survive the commissioner, each such child shall be entitled to an annuity equal to 20% of salary of the commissioner subject to a combined total payment on account of all such children not to exceed 50% of salary of the commissioner. The salary to be used in the calculation of these benefits shall be the same as that prescribed for determining a retirement annuity as provided in subsection (b) of this Section.

Upon the death of a commissioner occurring after termination of a service or while in receipt of a retirement annuity, the combined total payment to a spouse and minor children, or to minor children alone if no eligible spouse survives, shall be limited to 75% of the amount of retirement annuity earned by the commissioner.

Adopted children shall have status as natural children of the commissioner only if the proceedings for adoption were commenced at least one year prior to the date of the commissioner's death.

Marriage of a child or attainment of age 18, whichever first occurs, shall render the child ineligible for further consideration in the payment of annuity to a spouse or in the increase in the amount thereof. Upon

attainment of ineligibility of the youngest minor child of the commissioner, the annuity shall immediately revert to the amount payable upon death of a commissioner leaving no minor children surviving. If the spouse is under age 50 at such time, the annuity as revised shall be deferred until such age is attained.

(e) Refunds. Refunds of additional optional contributions shall be made on the same basis and under the same conditions as provided under Section 13-601. Interest shall be credited on the same basis and under the same conditions as for other contributions.

Optional contributions shall be accounted for in a separate Commission's Optional Contribution Reserve. Optional contributions under this Section shall be included in the amount of employee contributions used to compute the tax levy under Section 13-503.

(f) Effective date. The effective date of this plan of optional alternative benefits and contributions shall be the date upon which approval was received from the U.S. Internal Revenue Service. The plan of optional alternative benefits and contributions shall not be available to any former employee receiving an annuity from the Fund on the effective date, unless said former employee re-enters service and renders at least 3 years of additional service after the date of re-entry as a commissioner. (Source: P.A. 90-12, eff. 6-13-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/13-402) (from Ch. 108 1/2, par. 13-402)

Sec. 13-402. Length of service. For the purpose of computing the length of service for the retirement annuity, surviving spouse's annuity and child's annuity, service of 120 days in any one calendar year shall constitute one year of service and service for any fractional part thereof shall constitute an equal fractional part of one year of service unless specifically provided otherwise. For all other purposes under this Article, including but not limited to the optional plans of additional benefits and contributions provided under Sections 13-304, 13-304.1, and 13-314 of this Article, 26 pay periods of service during any 12 consecutive months shall constitute a year of service, and service rendered for 50% or more of a single pay period shall constitute service for the full pay period. Service of less than 50% of a single pay period shall not be counted. (Source: P.A. 90-12, eff. 6-13-97.)

(40 ILCS 5/13-502) (from Ch. 108 1/2, par. 13-502)

Sec. 13-502. Employee contributions; deductions from salary. (a) Retirement annuity and child's annuity. There shall be deducted from each payment of salary an amount equal to 7 1/2% of salary as the employee's contribution for the retirement annuity, including annual increases therefore and child's annuity.

(b) Surviving spouse's annuity. There shall be deducted from each payment of salary an amount equal to 1 1/2% of salary as the employee's contribution for the surviving spouse's annuity and annual increases therefor.

(c) Pickup of employee contributions. The Employer may pick up employee contributions required under subsections (a) and (b) of this Section. If contributions are picked up they shall be treated as Employer contributions in determining tax treatment under the United States Internal Revenue Code, and shall not be included as gross income of the employee until such time as they are distributed. The Employer shall pay these employee contributions from the same source of funds used in paying salary to the employee. The Employer may pick up these contributions by a reduction in the cash salary of the employee or by an offset against a future salary increase or by a combination of a reduction in salary and offset against a future salary increase. If employee contributions are picked up they shall be treated for all purposes of this Article 13, including Sections 13-503 and 13-601, in the same manner and to the same extent as employee contributions made prior to the date picked up.

(d) Subject to the requirements of federal law, the Employer shall pick up optional contributions that the employee has elected to pay to the Fund under Section 13-304.1, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the employee and shall pay the contributions from the same fund that is used to pay earnings to the employee. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-304.1 until the Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the U.S. Internal Revenue Code of 1986, as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available.

(e) Each employee is deemed to consent and agree to the deductions from compensation provided for in this Article.

(f) Subject to the requirements of federal law, the Employer shall pick up contributions that a commissioner has elected to pay to the Fund under Section 13-314, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal tax treatment. The Employer shall pick up the contributions by a reduction in the cash salary of the commissioner and shall pay the

contributions from the same fund as is used to pay earnings to the commissioner. The Employer shall, however, continue to withhold federal and State income taxes based upon contributions made under Section 13-314 until the U.S. Internal Revenue Service or the federal courts rule that pursuant to Section 414(h) of the Internal Revenue Code of 1986, as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/13-601) (from Ch. 108 1/2, par. 13-601)

Sec. 13-601. Refunds. (a) Withdrawal from service. Upon withdrawal from service, an employee under age 55 (age 50 if the employee first entered service before June 13, 1997), or an employee age 55 (age 50 if the employee first entered service before June 13, 1997) or over but less than 60 having less than 20 years of service, or an employee age 60 or over having less than 5 years of service shall be entitled, upon application, to a refund of total contributions from salary deductions or amounts otherwise paid under this Article by the employee. The refund shall not include interest credited to the contributions. The Board may, in its discretion, withhold payment of a refund for a period not to exceed one year from the date of filing an application for refund.

(b) Surviving spouse's annuity contributions. A refund of all amounts deducted from salary or otherwise contributed by an employee for the surviving spouse's annuity shall be paid upon retirement to any employee who on the date of retirement is either not married or is married but whose spouse is not eligible for a surviving spouse's annuity paid wholly or in part under this Article. The refund shall include interest on each contribution at the rate of 3% per annum compounded annually from the date of the contribution to the date of the refund.

(c) When paid to children, estate or beneficiary. Whenever the total accumulations, to the account of an employee from employee contributions, including interest, have not been paid to the employee and surviving spouse as a retirement or spouse's annuity before the death of the survivor of the employee and spouse, a refund shall be paid as follows: an amount equal to the excess of such amounts over the amounts paid on such annuities without interest on either such amount, shall be paid to the children of the employee, in equal parts to each, unless the employee has directed in writing, signed by him before an officer authorized to administer oaths, and filed with the Board before the employee's death, that any such amount shall be refunded and paid to any one or more of such children; and if there are not children, such other beneficiary or beneficiaries as might be designated by the employee. If there are no such children or designation of beneficiary, the refund shall be paid to the personal representative of the employee's estate.

If a personal representative of the estate has not been appointed within 90 days from the date on which a refund became payable, the refund may be applied, in the discretion of the Board, toward the payment of the employee's or the surviving spouse's burial expenses. Any remaining balance shall be paid to the heirs of the employee according to the law of descent and distribution of the State of Illinois.

If a reversionary annuity becomes payable under Section 13-303, the refund provided in this section shall not be paid until the death of the reversionary annuitant and the refund otherwise payable under this section shall be then further reduced by the amount of the reversionary annuity paid.

(d) In lieu of annuity. Notwithstanding the provisions set forth in subsection (a) of this section, whenever an employee's or surviving spouse's annuity will be less than $200 per month, the employee or surviving spouse, as the case may be, may elect to receive a refund of accumulated employee contributions; provided, however, that if the election is made by a surviving spouse the refund shall be reduced by any amounts theretofore paid to the employee in the form of an annuity.

(e) Forfeiture of rights. An employee or surviving spouse who receives a refund forfeits the right to receive an annuity or any other benefit payable under this Article except that if the refund is to a surviving spouse, any child or children of the employee shall not be deprived of the right to receive a child's annuity as provided in Section 13-308 of this Article, and the payment of a child's annuity shall not reduce the amount refundable to the surviving spouse. (Source: P.A. 87-794; 87-1265.)

(40 ILCS 5/13-603) (from Ch. 108 1/2, par. 13-603)

Sec. 13-603. Restoration of rights. If an employee who has received a refund subsequently re-enters the service and renders one year of contributing service from the date of such re-entry, the employee shall be entitled to have restored all accumulation and service credits previously forfeited by making a repayment of the refund, including interest from the date of the refund to the date of repayment at a rate equal to the higher of 8% per annum or the actuarial investment return assumption used in the Fund's most recent Annual Actuarial Statement. Repayment may be made either directly to the Fund or in a manner similar to that provided for the contributions required under Section 13-502. The service credits represented thereby, or any part thereof, shall not become effective unless the full amount due has been paid by the

employee, including interest. The repayment must be made in full no later than 90 days following the date of the employee's final withdrawal from service. If the employee fails to make a full repayment, any partial amounts paid by the employee shall be refunded without interest ~~if the employee dies in service or withdraws~~. (Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

Sec. 14-104. Service for which contributions permitted. Contributions provided for in this Section shall cover the period of service granted. Except as otherwise provided in this Section, the contributions shall be based upon the employee's compensation and contribution rate in effect on the date he last became a member of the System; provided that for all employment prior to January 1, 1969 the contribution rate shall be that in effect for a noncovered employee on the date he last became a member of the System. Except as otherwise provided in this Section, contributions permitted under this Section shall include regular interest from the date an employee last became a member of the System to the date of payment.

These contributions must be paid in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(a) Any member may make contributions as required in this Section for any period of service, subsequent to the date of establishment, but prior to the date of membership.

(b) Any employee who had been previously excluded from membership because of age at entry and subsequently became eligible may elect to make contributions as required in this Section for the period of service during which he was ineligible.

(c) An employee of the Department of Insurance who, after January 1, 1944 but prior to becoming eligible for membership, received salary from funds of insurance companies in the process of rehabilitation, liquidation, conservation or dissolution, may elect to make contributions as required in this Section for such service.

(d) Any employee who rendered service in a State office to which he was elected, or rendered service in the elective office of Clerk of the Appellate Court prior to the date he became a member, may make contributions for such service as required in this Section. Any member who served by appointment of the Governor under the Civil Administrative Code of Illinois and did not participate in this System may make contributions as required in this Section for such service.

(e) Any person employed by the United States government or any instrumentality or agency thereof from January 1, 1942 through November 15, 1946 as the result of a transfer from State service by executive order of the President of the United States shall be entitled to prior service credit covering the period from January 1, 1942 through December 31, 1943 as provided for in this Article and to membership service credit for the period from January 1, 1944 through November 15, 1946 by making the contributions required in this Section. A person so employed on January 1, 1944 but whose employment began after January 1, 1942 may qualify for prior service and membership service credit under the same conditions.

(f) An employee of the Department of Labor of the State of Illinois who performed services for and under the supervision of that Department prior to January 1, 1944 but who was compensated for those services directly by federal funds and not by a warrant of the Auditor of Public Accounts paid by the State Treasurer may establish credit for such employment by making the contributions required in this Section. An employee of the Department of Agriculture of the State of Illinois, who performed services for and under the supervision of that Department prior to June 1, 1963, but was compensated for those services directly by federal funds and not paid by a warrant of the Auditor of Public Accounts paid by the State Treasurer, and who did not contribute to any other public employee retirement system for such service, may establish credit for such employment by making the contributions required in this Section.

(g) Any employee who executed a waiver of membership within 60 days prior to January 1, 1944 may, at any time while in the service of a department, file with the board a rescission of such waiver. Upon making the contributions required by this Section, the member shall be granted the creditable service that would have been received if the waiver had not been executed.

(h) Until May 1, 1990, an employee who was employed on a full-time basis by a regional planning commission for at least 5 continuous years may establish creditable service for such employment by making the contributions required under this Section, provided that any credits earned by the employee in the commission's retirement plan have been terminated.

(i) Any person who rendered full time contractual services to the General Assembly as a member of a legislative staff may establish service credit for up to 8 years of such services by making the contributions required under this Section, provided that application therefor is made not later than July 1, 1991.

(j) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, but with all of the interest

calculated from the date the employee last became a member of the System or November 19, 1991, whichever is later, to the date of payment, an employee may establish service credit for a period of up to 2 years spent in active military service for which he does not qualify for credit under Section 14-105, provided that (1) he was not dishonorably discharged from such military service, and (2) the amount of service credit established by a member under this subsection (j), when added to the amount of military service credit granted to the member under subsection (b) of Section 14-105, shall not exceed 5 years. The change in the manner of calculating interest under this subsection (j) made by this amendatory Act of the 92nd General Assembly applies to credit purchased by an employee on or after its effective date and does not entitle any person to a refund of contributions or interest already paid.

(k) An employee who was employed on a full-time basis by the Illinois State's Attorneys Association Statewide Appellate Assistance Service LEAA-ILEC grant project prior to the time that project became the State's Attorneys Appellate Service Commission, now the Office of the State's Attorneys Appellate Prosecutor, an agency of State government, may establish creditable service for not more than 60 months service for such employment by making contributions required under this Section.

(l) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for periods of up to 2 years ~~less than one year~~ spent on authorized leave of absence from service, provided that ~~(1) the period of leave began on or after January 1, 1982 and (2)~~ any credit established by the member for the period of leave in any other public employee retirement system has been terminated. A member may establish service credit under this subsection for more than one period of authorized leave, and in that case the total period of service credit established by the member under this subsection may exceed 2 years ~~one year~~. In determining the contributions required for establishing service credit under this subsection, the interest shall be calculated from the beginning of the leave of absence to the date of payment.

(m) Any person who rendered contractual services to a member of the General Assembly as a worker in the member's district office may establish creditable service for up to 3 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(n) Any person who rendered contractual services to a member of the General Assembly as a worker providing constituent services to persons in the member's district may establish creditable service for up to 8 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 1998.

(o) A member who participated in the Illinois Legislative Staff Internship Program may establish creditable service for up to one year of that participation by making the contribution required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(p) By paying the contributions required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, an employee who was laid off but returned to State employment under circumstances in which the employee is considered to have been in continuous service for purposes of determining seniority may establish creditable service for the period of the layoff, provided that (1) the applicant does not receive credit for that period under any other provision of this Code, (2) at the time of the layoff, the applicant had attained certified status under the rules of the Department of Central Management Services, and (3) the total amount of creditable service established by the applicant under this subsection does not exceed 2 years. For service established under this subsection, the required employee contribution shall be based on the rate of compensation earned by the employee on the date of returning to employment after the layoff and the contribution rate then in effect, and the required interest shall be calculated from the date of returning to employment after the layoff to the date of payment. (Source: P.A. 92-54, eff. 7-12-01.)

(40 ILCS 5/15-159) (from Ch. 108 1/2, par. 15-159)

Sec. 15-159. Board created. (a) A board of trustees constituted as provided in this Section shall administer this System. The board shall be known as the Board of Trustees of the State Universities Retirement System.

(b) Until July 1, 1995, the Board of Trustees shall be constituted as follows:

Two trustees shall be members of the Board of Trustees of the University of Illinois, one shall be a

member of the Board of Trustees of Southern Illinois University, one shall be a member of the Board of Trustees of Chicago State University, one shall be a member of the Board of Trustees of Eastern Illinois University, one shall be a member of the Board of Trustees of Governors State University, one shall be a member of the Board of Trustees of Illinois State University, one shall be a member of the Board of Trustees of Northeastern Illinois University, one shall be a member of the Board of Trustees of Northern Illinois University, one shall be a member of the Board of Trustees of Western Illinois University, and one shall be a member of the Illinois Community College Board, selected in each case by their respective boards, and 2 shall be participants of the system appointed by the Governor for a 6 year term with the first appointment made pursuant to this amendatory Act of 1984 to be effective September 1, 1985, and one shall be a participant appointed by the Illinois Community College Board for a 6 year term, and one shall be a participant appointed by the Board of Trustees of the University of Illinois for a 6 year term, and one shall be a participant or annuitant of the system who is a senior citizen age 60 or older appointed by the Governor for a 6 year term with the first appointment to be effective September 1, 1985.

The terms of all trustees holding office under this subsection (b) on June 30, 1995 shall terminate at the end of that day or as otherwise required by law and the Board shall thereafter be constituted as otherwise provided in this Section ~~subsection (c)~~.

(c) Beginning July 1, 1995, the Board of Trustees shall be constituted as follows:

The Board shall consist of 9 trustees appointed by the Governor. Two of the trustees, designated at the time of appointment, shall be participants of the System. Two of the trustees, designated at the time of appointment, shall be annuitants of the System who are receiving retirement annuities under this Article. The 5 remaining trustees may, but need not, be participants or annuitants of the System.

The term of office of trustees appointed under this subsection (c) shall be 6 years, beginning on July 1. However, of the initial trustees appointed under this subsection (c), 3 shall be appointed for terms of 2 years, 3 shall be appointed for terms of 4 years, and 3 shall be appointed for terms of 6 years, to be designated by the Governor at the time of appointment.

A vacancy in a trustee position created under this subsection (c) ~~on the board of trustees~~ caused by resignation, death, expiration of term of office, or other reason shall be filled by a qualified person appointed by the Governor for the remainder of the unexpired term.

Trustees in a trustee position created under this subsection (c) ~~(other than the trustees incumbent on June 30, 1995)~~ shall continue in office until their respective successors are appointed and have qualified, except that a trustee appointed to one of the participant positions shall be disqualified immediately upon the termination of his or her status as a participant and a trustee appointed to one of the annuitant positions shall be disqualified immediately upon the termination of his or her status as an annuitant receiving a retirement annuity.

(c-1) Beginning July 1, 2004, the Board of Trustees shall consist of the 9 trustees appointed under subsection (c) plus 4 elected trustees who shall be elected as provided in this subsection (c-1) and Section 15-159.1.

One of the elected trustees shall be a participant of the System nominated and elected by the participants of the System who are employees of the University of Illinois.

One of the elected trustees shall be a participant of the System nominated and elected by the participants of the System who are employees of Northern Illinois University, Illinois State University, or Southern Illinois University.

One of the elected trustees shall be a participant of the System nominated and elected by the participants of the System who are employees of Chicago State University, Eastern Illinois University, Governors State University, Northeastern Illinois University, or Western Illinois University.

One of the elected trustees shall be a participant of the System nominated and elected by the participants of the System who are employees of Illinois community colleges.

The term of office of trustees elected under this subsection (c-1) shall be 6 years, beginning on July 1, except that the initial trustees elected under this subsection (c-1) shall serve for terms of 3, 4, 5, and 6 years, to be determined by lot at the first meeting of the Board following their election.

Candidates for election shall be nominated by petition containing the signatures and addresses of at least 100 participants from the applicable constituency. Petitions shall be filed with the Secretary of the Board during the month of January before the election. The Secretary shall determine the validity of petitions of candidates by February 15 before the election and shall notify the candidates as to whether or not their petitions have met the requirements.

If no more than one candidate files a valid petition for election to a position, that candidate shall be declared elected. If there is more than one nominee for a position, then the Board shall conduct by mail a

secret ballot election among those persons eligible to vote for that position, in accordance with Section 15-159.1 and such rules and procedures as it may adopt.

If a vacancy occurs among the elected members of the Board, the remaining elected members of the Board shall meet for the purpose of filling the vacant position by appointing a person who is eligible for nomination and election to the position to serve for the remainder of the term. The meeting shall be held as soon as practicable after the position becomes vacant. Appointment of a person to fill a vacancy in an elected trustee position requires a majority vote of the elected members present at the meeting.

An elected trustee shall continue in office until his or her successor is elected (or, in the case of a vacancy occurring during a term, appointed) and has qualified, except that an elected trustee shall be disqualified upon the termination of his or her status as a participant.

(d) Each trustee must take an oath of office before a notary public of this State and shall qualify as a trustee upon the presentation to the the Board of a certified copy of the oath. The oath must state that the person will diligently and honestly administer the affairs of the retirement system, and will not knowingly violate or wilfully permit to be violated any provisions of this Article.

Each trustee shall serve without compensation but shall be reimbursed for expenses necessarily incurred in attending board meetings and carrying out his or her duties as a trustee or officer of the System.

(e) This amendatory Act of 1995 (Public Act 89-196) is intended to supersede the changes made to this Section by Public Act 89-4. (Source: P.A. 89-4, eff. 1-1-96; 89-196, eff. 7-21-95.)

(40 ILCS 5/15-159.1 new)

Sec. 15-159.1. Election of trustees.

(a) Election of trustees shall be by mail ballot. By no later than April 1 of the year of the election, the board shall prepare and send ballots and ballot envelopes to the persons eligible to vote as of February 1 of the year of the election. The ballots shall contain the names of all candidates of the constituency for which the person is eligible to vote, in alphabetical order. The ballot envelope shall have on the outside a form of certificate stating that the person voting the ballot is a member of the specified constituency and is entitled to vote.

(b) Persons wishing to vote shall vote the ballot and place it in the ballot envelope, seal the envelope, execute the certificate on the envelope, and return the ballot to the System.

(c) The final date for ballot return shall be May 1, or if that date falls on a Saturday, Sunday, or State holiday, then the next business day. Ballots received on or before that date, in a ballot envelope with a properly executed certificate and properly voted, shall be valid ballots.

(d) The board shall set a day for counting ballots, shall name judges and clerks of election to conduct the count of ballots, and shall make any rules that may be necessary for the conduct of the count.

(e) Candidates for the office of trustee, and employee and labor organizations, shall have access, at their own expense, to the System's participant mailing lists for election purposes.

(40 ILCS 5/16-128) (from Ch. 108 1/2, par. 16-128)

Sec. 16-128. Creditable service - required contributions. (a) In order to receive the creditable service specified under subsection (b) of Section 16-127, a member is required to make the following contributions: (i) an amount equal to the contributions which would have been required had such service been rendered as a member under this System; (ii) for military service not immediately following employment and for service established under subdivision (b)(10) of Section 16-127, an amount determined by the Board to be equal to the employer's normal cost of the benefits accrued for such service; and (iii) interest from the date the contributions would have been due (or, in the case of a person establishing credit for military service under subdivision (b)(3) of Section 16-127, from the date the employee last became a member of the System or November 19, 1991, whichever ~~the date of first membership in the System, if that date~~ is later) to the date of payment, at the following rate of interest, compounded annually: for periods prior to July 1, 1965, regular interest; from July 1, 1965 to June 30, 1977, 4% per year; on and after July 1, 1977, regular interest.

The change in the manner of calculating interest for certain military service credit made by this amendatory Act of the 93rd General Assembly applies to credit purchased by a teacher on or after its effective date and does not entitle any person to a refund of contributions or interest already paid.

(b) In order to receive creditable service under paragraph (2) of subsection (b) of Section 16-127 for those who were not members on June 30, 1963, the minimum required contribution shall be $420 per year of service together with interest at 4% per year compounded annually from July 1, preceding the date of membership until June 30, 1977 and at regular interest compounded annually thereafter to the date of payment.

(c) In determining the contribution required in order to receive creditable service under paragraph (3) of

subsection (b) of Section 16-127, the salary rate for the remainder of the school term in which a member enters military service shall be assumed to be equal to the member's salary rate at the time of entering military service. However, for military service not immediately following employment, the salary rate on the last date as a participating teacher prior to such military service, or on the first date as a participating teacher after such military service, whichever is greater, shall be assumed to be equal to the member's salary rate at the time of entering military service. For each school term thereafter, the member's salary rate shall be assumed to be 5% higher than the salary rate in the previous school term.

(d) In determining the contribution required in order to receive creditable service under paragraph (5) of subsection (b) of Section 16-127, a member's salary rate during the period for which credit is being established shall be assumed to be equal to the member's last salary rate immediately preceding that period.

(d-5) For each year of service credit to be established under subsection (b-1) of Section 16-127, a member is required to contribute to the System (i) 16.5% of the annual salary rate during the first year of full-time employment as a teacher under this Article following the private school service, plus (ii) interest thereon from the date of first full-time employment as a teacher under this Article following the private school service to the date of payment, compounded annually, at the rate of 8.5% per year for periods before the effective date of this amendatory Act of the 92nd General Assembly, and for subsequent periods at a rate equal to the System's actuarially assumed rate of return on investments.

(e) The contributions required under this Section may be made from the date the statement for such creditable service is issued until retirement date. All such required contributions must be made before any retirement annuity is granted. (Source: P.A. 92-867, eff. 1-3-03.)

Section 90. 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 99. Effective date. This Act takes effect upon becoming law.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 580 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 707

A bill for AN ACT concerning the Comprehensive Health Insurance Plan.

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. 707

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 707 by replacing everything after the enacting clause with the following:

"Section 5. If and only if House Bill 3298 of the 93rd General Assembly becomes law, the Comprehensive Health Insurance Plan Act is amended by changing Sections 2, 4, 7, and 15 as follows:

(215 ILCS 105/2) (from Ch. 73, par. 1302)

Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

"Plan administrator" means the insurer or third party administrator designated under Section 5 of this Act.

"Benefits plan" means the coverage to be offered by the Plan to eligible persons and federally eligible

individuals pursuant to this Act.

"Board" means the Illinois Comprehensive Health Insurance Board.

"Church plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Continuation coverage" means continuation of coverage under a group health plan or other health insurance coverage for former employees or dependents of former employees that would otherwise have terminated under the terms of that coverage pursuant to any continuation provisions under federal or State law, including the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), as amended, Sections 367.2 and 367e of the Illinois Insurance Code, or any other similar requirement in another State.

"Covered person" means a person who is and continues to remain eligible for Plan coverage and is covered under one of the benefit plans offered by the Plan.

"Creditable coverage" means, with respect to a federally eligible individual, coverage of the individual under any of the following:

(A) A group health plan.

(B) Health insurance coverage (including group health insurance coverage).

(C) Medicare.

(D) Medical assistance.

(E) Chapter 55 of title 10, United States Code.

(F) A medical care program of the Indian Health Service or of a tribal organization.

(G) A state health benefits risk pool.

(H) A health plan offered under Chapter 89 of title 5, United States Code.

(I) A public health plan (as defined in regulations consistent with Section 104 of the Health Care Portability and Accountability Act of 1996 that may be promulgated by the Secretary of the U.S. Department of Health and Human Services).

(J) A health benefit plan under Section 5(e) of the Peace Corps Act (22 U.S.C. 2504(e)).

(K) Any other qualifying coverage required by the federal Health Insurance Portability and Accountability Act of 1996, as it may be amended, or regulations under that Act.

"Creditable coverage" does not include coverage consisting solely of coverage of excepted benefits, as defined in Section 2791(c) of title XXVII of the Public Health Service Act (42 U.S.C. 300 gg-91), nor does it include any period of coverage under any of items (A) through (K) that occurred before a break of more than 90 days or, if after September 30, 2003, the individual has either been certified as ~~an~~ eligible ~~person~~ pursuant to the federal Trade ~~Adjustment~~ Act of 2002 or initially been paid a benefit by the Pension Benefit Guaranty Corporation, a break of more than 63 days during all of which the individual was not covered under any of items (A) through (K) above.

For an individual who between December 1, 2002 and September 30, 2003 has either (1) been certified as eligible pursuant to the federal Trade Act of 2002, (2) initially been paid a benefit by the Pension Benefit Guaranty Corporation, or (3) as of December 1, 2002, been receiving benefits from the Pension Benefit Guaranty Corporation and who has qualified health insurance, as defined by the federal Trade Act of 2002, "creditable coverage" includes any period of coverage aggregating 3 or more months under any of items (A) through (K), irrespective of the length of a break during all of which the individual was not covered under any of items (A) through (K).

Any period that an individual is in a waiting period for any coverage under a group health plan (or for group health insurance coverage) or is in an affiliation period under the terms of health insurance coverage offered by a health maintenance organization shall not be taken into account in determining if there has been a break of more than 90 days in any creditable coverage.

"Department" means the Illinois Department of Insurance.

"Dependent" means an Illinois resident: who is a spouse; or who is claimed as a dependent by the principal insured for purposes of filing a federal income tax return and resides in the principal insured's household, and is a resident unmarried child under the age of 19 years; or who is an unmarried child who also is a full-time student under the age of 23 years and who is financially dependent upon the principal insured; or who is a child of any age and who is disabled and financially dependent upon the principal insured.

"Direct Illinois premiums" means, for Illinois business, an insurer's direct premium income for the kinds of business described in clause (b) of Class 1 or clause (a) of Class 2 of Section 4 of the Illinois Insurance Code, and direct premium income of a health maintenance organization or a voluntary health services plan, except it shall not include credit health insurance as defined in Article IX 1/2 of the Illinois Insurance Code.

"Director" means the Director of the Illinois Department of Insurance.

"Eligible person" means a resident of this State who qualifies for Plan coverage under Section 7 of this Act.

"Employee" means a resident of this State who is employed by an employer or has entered into the employment of or works under contract or service of an employer including the officers, managers and employees of subsidiary or affiliated corporations and the individual proprietors, partners and employees of affiliated individuals and firms when the business of the subsidiary or affiliated corporations, firms or individuals is controlled by a common employer through stock ownership, contract, or otherwise.

"Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee, for which one or more persons is gainfully employed.

"Family" coverage means the coverage provided by the Plan for the covered person and his or her eligible dependents who also are covered persons.

"Federally eligible individual" means an individual resident of this State:

(1)(A) for whom, as of the date on which the individual seeks Plan coverage under Section 15 of this Act, the aggregate of the periods of creditable coverage is 18 or more months or, if the individual has either (i) been certified as ~~an~~ eligible ~~person~~ pursuant to the federal Trade ~~Adjustment~~ Act of 2002, (ii) initially been paid a benefit by the Pension Benefit Guaranty Corporation, or (iii) as of December 1, 2002, been receiving benefits from the Pension Benefit Guaranty Corporation and has qualified health insurance, as defined by the federal Trade Act of 2002, 3 or more months, and (B) whose most recent prior creditable coverage was under group health insurance coverage offered by a health insurance issuer, a group health plan, a governmental plan, or a church plan (or health insurance coverage offered in connection with any such plans) or any other type of creditable coverage that may be required by the federal Health Insurance Portability and Accountability Act of 1996, as it may be amended, or the regulations under that Act;

(2) who is not eligible for coverage under (A) a group health plan, (B) part A or part B of Medicare due to age, or (C) medical assistance, and does not have other health insurance coverage;

(3) with respect to whom the most recent coverage within the coverage period described in paragraph (1)(A) of this definition was not terminated based upon a factor relating to nonpayment of premiums or fraud;

(4) if the individual (~~,~~ other than an individual who has either (A) been certified as ~~an~~ eligible ~~person~~ pursuant to the federal Trade ~~Adjustment~~ Act of 2002, (B) initially been paid a benefit by the Pension Benefit Guaranty Corporation, or (C) as of December 1, 2002, been receiving benefits from the Pension Benefit Guaranty Corporation and who has qualified health insurance, as defined by the federal Trade Act of 2002)~~,~~ had been offered the option of continuation coverage under a COBRA continuation provision or under a similar State program, who elected such coverage; and

(5) who, if the individual elected such continuation coverage, has exhausted such continuation coverage under such provision or program.

An individual who has either been certified as ~~an~~ eligible ~~person~~ pursuant to the federal Trade ~~Adjustment~~ Act of 2002 or initially been paid a benefit by the Pension Benefit Guaranty Corporation shall not be required to elect continuation coverage under a COBRA continuation provision or under a similar state program.

"Group health insurance coverage" means, in connection with a group health plan, health insurance coverage offered in connection with that plan.

"Group health plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Governmental plan" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital and medical expense-incurred policy, certificate, or contract provided by an insurer, non-profit health care service plan contract, health maintenance organization or other subscriber contract, or any other health care plan or arrangement that pays for or furnishes medical or health care services whether by insurance or otherwise. Health insurance coverage shall not include short term, accident only, disability income, hospital confinement or fixed indemnity, dental only, vision only, limited benefit, or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of a workers' compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability

insurance policy or equivalent self-insurance.

"Health insurance issuer" means an insurance company, insurance service, or insurance organization (including a health maintenance organization and a voluntary health services plan) that is authorized to transact health insurance business in this State. Such term does not include a group health plan.

"Health Maintenance Organization" means an organization as defined in the Health Maintenance Organization Act.

"Hospice" means a program as defined in and licensed under the Hospice Program Licensing Act.

"Hospital" means a duly licensed institution as defined in the Hospital Licensing Act, an institution that meets all comparable conditions and requirements in effect in the state in which it is located, or the University of Illinois Hospital as defined in the University of Illinois Hospital Act.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include short-term, limited-duration insurance.

"Insured" means any individual resident of this State who is eligible to receive benefits from any insurer (including health insurance coverage offered in connection with a group health plan) or health insurance issuer as defined in this Section.

"Insurer" means any insurance company authorized to transact health insurance business in this State and any corporation that provides medical services and is organized under the Voluntary Health Services Plans Act or the Health Maintenance Organization Act.

"Medical assistance" means the State medical assistance or medical assistance no grant (MANG) programs provided under Title XIX of the Social Security Act and Articles V (Medical Assistance) and VI (General Assistance) of the Illinois Public Aid Code (or any successor program) or under any similar program of health care benefits in a state other than Illinois.

"Medically necessary" means that a service, drug, or supply is necessary and appropriate for the diagnosis or treatment of an illness or injury in accord with generally accepted standards of medical practice at the time the service, drug, or supply is provided. When specifically applied to a confinement it further means that the diagnosis or treatment of the covered person's medical symptoms or condition cannot be safely provided to that person as an outpatient. A service, drug, or supply shall not be medically necessary if it: (i) is investigational, experimental, or for research purposes; or (ii) is provided solely for the convenience of the patient, the patient's family, physician, hospital, or any other provider; or (iii) exceeds in scope, duration, or intensity that level of care that is needed to provide safe, adequate, and appropriate diagnosis or treatment; or (iv) could have been omitted without adversely affecting the covered person's condition or the quality of medical care; or (v) involves the use of a medical device, drug, or substance not formally approved by the United States Food and Drug Administration.

"Medical care" means the ordinary and usual professional services rendered by a physician or other specified provider during a professional visit for treatment of an illness or injury.

"Medicare" means coverage under both Part A and Part B of Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395, et seq.

"Minimum premium plan" means an arrangement whereby a specified amount of health care claims is self-funded, but the insurance company assumes the risk that claims will exceed that amount.

"Participating transplant center" means a hospital designated by the Board as a preferred or exclusive provider of services for one or more specified human organ or tissue transplants for which the hospital has signed an agreement with the Board to accept a transplant payment allowance for all expenses related to the transplant during a transplant benefit period.

"Physician" means a person licensed to practice medicine pursuant to the Medical Practice Act of 1987.

"Plan" means the Comprehensive Health Insurance Plan established by this Act.

"Plan of operation" means the plan of operation of the Plan, including articles, bylaws and operating rules, adopted by the board pursuant to this Act.

"Provider" means any hospital, skilled nursing facility, hospice, home health agency, physician, registered pharmacist acting within the scope of that registration, or any other person or entity licensed in Illinois to furnish medical care.

"Qualified high risk pool" has the same meaning given that term in the federal Health Insurance Portability and Accountability Act of 1996.

"Resident" means a person who is and continues to be legally domiciled and physically residing on a permanent and full-time basis in a place of permanent habitation in this State that remains that person's principal residence and from which that person is absent only for temporary or transitory purpose.

"Skilled nursing facility" means a facility or that portion of a facility that is licensed by the Illinois Department of Public Health under the Nursing Home Care Act or a comparable licensing authority in

another state to provide skilled nursing care.

"Stop-loss coverage" means an arrangement whereby an insurer insures against the risk that any one claim will exceed a specific dollar amount or that the entire loss of a self-insurance plan will exceed a specific amount.

"Third party administrator" means an administrator as defined in Section 511.101 of the Illinois Insurance Code who is licensed under Article XXXI 1/4 of that Code. (Source: P.A. 91-357, eff. 7-29-99; 91-735, eff. 6-2-00; 92-153, eff. 7-25-01; 93HB3298enr.)

(215 ILCS 105/4) (from Ch. 73, par. 1304)

Sec. 4. Powers and authority of the board. The board shall have the general powers and authority granted under the laws of this State to insurance companies licensed to transact health and accident insurance and in addition thereto, the specific authority to:

a. Enter into contracts as are necessary or proper to carry out the provisions and purposes of this Act, including the authority, with the approval of the Director, to enter into contracts with similar plans of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions including, without limitation, utilization review and quality assurance programs, or with health maintenance organizations or preferred provider organizations for the provision of health care services.

b. Sue or be sued, including taking any legal actions necessary or proper.

c. Take such legal action as necessary to:

(1) avoid the payment of improper claims against the plan or the coverage provided by or through the plan;

(2) to recover any amounts erroneously or improperly paid by the plan;

(3) to recover any amounts paid by the plan as a result of a mistake of fact or law; or

(4) to recover or collect any other amounts, including assessments, that are due or owed the Plan or have been billed on its or the Plan's behalf.

d. Establish appropriate rates, rate schedules, rate adjustments, expense allowances, agents' referral fees, claim reserves, and formulas and any other actuarial function appropriate to the operation of the plan. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial and underwriting practices.

e. Issue policies of insurance in accordance with the requirements of this Act.

f. Appoint appropriate legal, actuarial and other committees as necessary to provide technical assistance in the operation of the plan, policy and other contract design, and any other function within the authority of the plan.

g. Borrow money to effect the purposes of the Illinois Comprehensive Health Insurance Plan. Any notes or other evidence of indebtedness of the plan not in default shall be legal investments for insurers and may be carried as admitted assets.

h. Establish rules, conditions and procedures for reinsuring risks under this Act.

i. Employ and fix the compensation of employees. Such employees may be paid on a warrant issued by the State Treasurer pursuant to a payroll voucher certified by the Board and drawn by the Comptroller against appropriations or trust funds held by the State Treasurer.

j. Enter into intergovernmental cooperation agreements with other agencies or entities of State government for the purpose of sharing the cost of providing health care services that are otherwise authorized by this Act for children who are both plan participants and eligible for financial assistance from the Division of Specialized Care for Children of the University of Illinois.

k. Establish conditions and procedures under which the plan may, if funds permit, discount or subsidize premium rates that are paid directly by senior citizens, as defined by the Board, and other plan participants, who are retired or unemployed and meet other qualifications.

l. Establish and maintain the Plan Fund authorized in Section 3 of this Act, which shall be divided into separate accounts, as follows:

(1) accounts to fund the administrative, claim, and other expenses of the Plan associated with eligible persons who qualify for Plan coverage under Section 7 of this Act, which shall consist of:

(A) premiums paid on behalf of covered persons;

(B) appropriated funds and other revenues collected or received by the Board;

(C) reserves for future losses maintained by the Board; and

(D) interest earnings from investment of the funds in the Plan Fund or any of its accounts other than the funds in the account established under item 2 of this subsection;

(2) an account, to be denominated the federally eligible individuals account, to fund the administrative, claim, and other expenses of the Plan associated with federally eligible individuals who qualify for Plan coverage under Section 15 of this Act, which shall consist of:

(A) premiums paid on behalf of covered persons;

(B) assessments and other revenues collected or received by the Board;

(C) reserves for future losses maintained by the Board; and

(D) interest earnings from investment of the federally eligible individuals account funds; and

(E) grants provided pursuant to the federal Trade ~~Adjustment~~ Act of 2002; and

(3) such other accounts as may be appropriate.

m. Charge and collect assessments paid by insurers pursuant to Section 12 of this Act and recover any assessments for, on behalf of, or against those insurers. (Source: P.A. 90-30, eff. 7-1-97; 91-357, eff. 7-29-99; 93HB3298enr.)

(215 ILCS 105/7) (from Ch. 73, par. 1307)

Sec. 7. Eligibility. a. Except as provided in subsection (e) of this Section or in Section 15 of this Act, any person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and who has been for a period of at least 180 days and continues to be a resident of this State shall be eligible for Plan coverage under this Section if evidence is provided of:

(1) A notice of rejection or refusal to issue substantially similar individual health insurance coverage for health reasons by a health insurance issuer; or

(2) A refusal by a health insurance issuer to issue individual health insurance coverage except at a rate exceeding the applicable Plan rate for which the person is responsible.

A rejection or refusal by a group health plan or health insurance issuer offering only stop-loss or excess of loss insurance or contracts, agreements, or other arrangements for reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection.

b. The board shall promulgate a list of medical or health conditions for which a person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and a resident of this State would be eligible for Plan coverage without applying for health insurance coverage pursuant to subsection a. of this Section. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the board shall not be required to provide the evidence specified in subsection a. of this Section. The list shall be effective on the first day of the operation of the Plan and may be amended from time to time as appropriate.

c. Family members of the same household who each are covered persons are eligible for optional family coverage under the Plan.

d. For persons qualifying for coverage in accordance with Section 7 of this Act, the board shall, if it determines that such appropriations as are made pursuant to Section 12 of this Act are insufficient to allow the board to accept all of the eligible persons which it projects will apply for enrollment under the Plan, limit or close enrollment to ensure that the Plan is not over-subscribed and that it has sufficient resources to meet its obligations to existing enrollees. The board shall not limit or close enrollment for federally eligible individuals.

e. A person shall not be eligible for coverage under the Plan if:

(1) He or she has or obtains other coverage under a group health plan or health insurance coverage substantially similar to or better than a Plan policy as an insured or covered dependent or would be eligible to have that coverage if he or she elected to obtain it. Persons otherwise eligible for Plan coverage may, however, solely for the purpose of having coverage for a pre-existing condition, maintain other coverage only while satisfying any pre-existing condition waiting period under a Plan policy or a subsequent replacement policy of a Plan policy.

(1.1) His or her prior coverage under a group health plan or health insurance coverage, provided or arranged by an employer of more than 10 employees was discontinued for any reason without the entire group or plan being discontinued and not replaced, provided he or she remains an employee, or dependent thereof, of the same employer.

(2) He or she is a recipient of or is approved to receive medical assistance, except that a person may continue to receive medical assistance through the medical assistance no grant program, but only while satisfying the requirements for a preexisting condition under Section 8, subsection f. of this Act. Payment of premiums pursuant to this Act shall be allocable to the person's spenddown for purposes of the medical assistance no grant program, but that person shall not be eligible for any Plan benefits while that person remains eligible for medical assistance. If the person continues to receive or be approved to receive medical assistance through the medical assistance no grant program at or after the time that

requirements for a preexisting condition are satisfied, the person shall not be eligible for coverage under the Plan. In that circumstance, coverage under the plan shall terminate as of the expiration of the preexisting condition limitation period. Under all other circumstances, coverage under the Plan shall automatically terminate as of the effective date of any medical assistance.

(3) Except as provided in Section 15, the person has previously participated in the Plan and voluntarily terminated Plan coverage, unless 12 months have elapsed since the person's latest voluntary termination of coverage.

(4) The person fails to pay the required premium under the covered person's terms of enrollment and participation, in which event the liability of the Plan shall be limited to benefits incurred under the Plan for the time period for which premiums had been paid and the covered person remained eligible for Plan coverage.

(5) The Plan has paid a total of $1,000,000 in benefits on behalf of the covered person.

(6) The person is a resident of a public institution.

(7) The person's premium is paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent of such employee, of a government agency or health care provider or, except when a person's premium is paid by the U.S. Treasury Department pursuant to the federal Trade ~~Adjustment~~ Act of 2002.

(8) The person has or later receives other benefits or funds from any settlement, judgement, or award resulting from any accident or injury, regardless of the date of the accident or injury, or any other circumstances creating a legal liability for damages due that person by a third party, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, so long as there continues to be benefits or assets remaining from those sources in an amount in excess of $100,000.

(9) Within the 5 years prior to the date a person's Plan application is received by the Board, the person's coverage under any health care benefit program as defined in 18 U.S.C. 24, including any public or private plan or contract under which any medical benefit, item, or service is provided, was terminated as a result of any act or practice that constitutes fraud under State or federal law or as a result of an intentional misrepresentation of material fact; or if that person knowingly and willfully obtained or attempted to obtain, or fraudulently aided or attempted to aid any other person in obtaining, any coverage or benefits under the Plan to which that person was not entitled.

f. The board or the administrator shall require verification of residency and may require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy.

g. Coverage shall cease (i) on the date a person is no longer a resident of Illinois, (ii) on the date a person requests coverage to end, (iii) upon the death of the covered person, (iv) on the date State law requires cancellation of the policy, or (v) at the Plan's option, 30 days after the Plan makes any inquiry concerning a person's eligibility or place of residence to which the person does not reply.

h. Except under the conditions set forth in subsection g of this Section, the coverage of any person who ceases to meet the eligibility requirements of this Section shall be terminated at the end of the current policy period for which the necessary premiums have been paid. (Source: P.A. 90-30, eff. 7-1-97; 91-639, eff. 8-20-99; 91-735, eff. 6-2-00; 93HB3298enr.)

(215 ILCS 105/15)

Sec. 15. Alternative portable coverage for federally eligible individuals. (a) Notwithstanding the requirements of subsection a. of Section 7 and except as otherwise provided in this Section, any federally eligible individual for whom a Plan application, and such enclosures and supporting documentation as the Board may require, is received by the Board within 90 days after the termination of prior creditable coverage shall qualify to enroll in the Plan under the portability provisions of this Section.

A federally eligible person who between December 1, 2002 and September 30, 2003 has either (1) been certified as eligible pursuant to the federal Trade Act of 2002, (2) initially been paid a benefit by the Pension Benefit Guaranty Corporation, or (3) as of December 1, 2002, been receiving benefits from the Pension Benefit Guaranty Corporation, who has qualified health insurance, as defined by the federal Trade Act of 2002, and whose Plan application and enclosures and supporting documentation, as the Board may require, is received by the Board after the termination of previous creditable coverage shall qualify to enroll in the Plan under the portability provisions of this Section.

A federally eligible person who, after September 30, 2003, has either been certified as ~~an~~ eligible ~~person~~

pursuant to the federal Trade ~~Adjustment~~ Act of 2002 or initially been paid a benefit by the Pension Benefit Guaranty Corporation and whose Plan application and enclosures and supporting documentation as the Board may require is received by the Board within 63 days after the termination of previous creditable coverage shall qualify to enroll in the Plan under the portability provisions of this Section.

(b) Any federally eligible individual seeking Plan coverage under this Section must submit with his or her application evidence, including acceptable written certification of previous creditable coverage, that will establish to the Board's satisfaction, that he or she meets all of the requirements to be a federally eligible individual and is currently and permanently residing in this State (as of the date his or her application was received by the Board).

(c) Except as otherwise provided in this Section, a period of creditable coverage shall not be counted, with respect to qualifying an applicant for Plan coverage as a federally eligible individual under this Section, if after such period and before the application for Plan coverage was received by the Board, there was at least a 90 day period during all of which the individual was not covered under any creditable coverage.

For a federally eligible person who between December 1, 2002 and September 30, 2003 has either (1) been certified as eligible pursuant to the federal Trade Act of 2002, (2) initially been paid a benefit by the Pension Benefit Guaranty Corporation, or (3) as of December 1, 2002, been receiving benefits from the Pension Benefit Guaranty Corporation and who has qualified health insurance, as defined by the federal Trade Act of 2002, a period of creditable coverage shall be counted, with respect to qualifying an applicant for Plan coverage as a federally eligible individual under this Section, when the application for Plan coverage was received by the Board.

For a federally eligible person who, after September 30, 2003, has either been certified as ~~an~~ eligible ~~person~~ pursuant to the federal Trade ~~Adjustment~~ Act of 2002 or initially been paid a benefit by the Pension Benefit Guaranty Corporation, a period of creditable coverage shall not be counted, with respect to qualifying an applicant for Plan coverage as a federally eligible individual under this Section, if after such period and before the application for Plan coverage was received by the Board, there was at least a 63 day period during all of which the individual was not covered under any creditable coverage.

(d) Any federally eligible individual who the Board determines qualifies for Plan coverage under this Section shall be offered his or her choice of enrolling in one of alternative portability health benefit plans which the Board is authorized under this Section to establish for these federally eligible individuals and their dependents.

(e) The Board shall offer a choice of health care coverages consistent with major medical coverage under the alternative health benefit plans authorized by this Section to every federally eligible individual. The coverages to be offered under the plans, the schedule of benefits, deductibles, co-payments, exclusions, and other limitations shall be approved by the Board. One optional form of coverage shall be comparable to comprehensive health insurance coverage offered in the individual market in this State or a standard option of coverage available under the group or individual health insurance laws of the State. The standard benefit plan that is authorized by Section 8 of this Act may be used for this purpose. The Board may also offer a preferred provider option and such other options as the Board determines may be appropriate for these federally eligible individuals who qualify for Plan coverage pursuant to this Section.

(f) Notwithstanding the requirements of subsection f. of Section 8, any plan coverage that is issued to federally eligible individuals who qualify for the Plan pursuant to the portability provisions of this Section shall not be subject to any preexisting conditions exclusion, waiting period, or other similar limitation on coverage.

(g) Federally eligible individuals who qualify and enroll in the Plan pursuant to this Section shall be required to pay such premium rates as the Board shall establish and approve in accordance with the requirements of Section 7.1 of this Act.

(h) A federally eligible individual who qualifies and enrolls in the Plan pursuant to this Section must satisfy on an ongoing basis all of the other eligibility requirements of this Act to the extent not inconsistent with the federal Health Insurance Portability and Accountability Act of 1996 in order to maintain continued eligibility for coverage under the Plan. (Source: P.A. 92-153, eff. 7-25-01; 93HB3298enr.)

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 707 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 adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 133

A bill for AN ACT concerning enterprise zones.
House Amendment No. 1 to SENATE BILL NO. 133.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 460

A bill for AN ACT concerning health care.
House Amendment No. 1 to SENATE BILL NO. 460.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 1066

A bill for AN ACT in relation to energy.
House Amendment No. 1 to SENATE BILL NO. 1066.
House Amendment No. 2 to SENATE BILL NO. 1066.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 46

A bill for AN ACT concerning taxes.
House Amendment No. 1 to SENATE BILL NO. 46.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 130

A bill for AN ACT concerning the children's health insurance program.
House Amendment No. 1 to SENATE BILL NO. 130.

Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 274

A bill for AN ACT to amend certain Acts in relation to liens.
House Amendment No. 1 to SENATE BILL NO. 274.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 404

A bill for AN ACT concerning information about children.
House Amendment No. 1 to SENATE BILL NO. 404.
House Amendment No. 2 to SENATE BILL NO. 404.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 487

A bill for AN ACT in relation to the regulation of professions.
House Amendment No. 1 to SENATE BILL NO. 487.
House Amendment No. 3 to SENATE BILL NO. 487.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 699

A bill for AN ACT concerning electronic transmissions.
House Amendment No. 1 to SENATE BILL NO. 699.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 726

A bill for AN ACT in relation to executive agencies.
House Amendment No. 1 to SENATE BILL NO. 726.

Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 820

A bill for AN ACT in relation to public employee benefits.
House Amendment No. 1 to SENATE BILL NO. 820.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 946

A bill for AN ACT in relation to criminal law.
House Amendment No. 1 to SENATE BILL NO. 946.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 974

A bill for AN ACT concerning the Metropolitan Water Reclamation District.
House Amendment No. 1 to SENATE BILL NO. 974.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1038

A bill for AN ACT regarding schools.
House Amendment No. 1 to SENATE BILL NO. 1038.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1044

A bill for AN ACT in relation to taxation.
House Amendment No. 1 to SENATE BILL NO. 1044.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1047

A bill for AN ACT concerning higher education.
House Amendment No. 1 to SENATE BILL NO. 1047.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 1102

A bill for AN ACT in relation to taxes.
House Amendment No. 1 to SENATE BILL NO. 1102.
House Amendment No. 2 to SENATE BILL NO. 1102.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1109

A bill for AN ACT in relation to public aid.
House Amendment No. 1 to SENATE BILL NO. 1109.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1149

A bill for AN ACT in relation to vehicles.
House Amendment No. 1 to SENATE BILL NO. 1149.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1336

A bill for AN ACT concerning public construction.
House Amendment No. 1 to SENATE BILL NO. 1336.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendments to a bill of the following title, to-wit:
SENATE BILL NO. 1379
A bill for AN ACT in relation to environmental protection.
House Amendment No. 1 to SENATE BILL NO. 1379.
House Amendment No. 3 to SENATE BILL NO. 1379.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendments to a bill of the following title, to-wit:
SENATE BILL NO. 1417
A bill for AN ACT concerning insurance.
House Amendment No. 1 to SENATE BILL NO. 1417.
House Amendment No. 2 to SENATE BILL NO. 1417.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:
SENATE BILL NO. 1458
A bill for AN ACT in relation to criminal law.
House Amendment No. 1 to SENATE BILL NO. 1458.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendments to a bill of the following title, to-wit:
SENATE BILL NO. 1493
A bill for AN ACT in relation to alcohol.
House Amendment No. 1 to SENATE BILL NO. 1493.
House Amendment No. 3 to SENATE BILL NO. 1493.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:
SENATE BILL NO. 1506
A bill for AN ACT in relation to business organizations.
House Amendment No. 1 to SENATE BILL NO. 1506.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1530

A bill for AN ACT concerning State procurement.
House Amendment No. 1 to SENATE BILL NO. 1530.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1638

A bill for AN ACT in relation to insurance.
House Amendment No. 1 to SENATE BILL NO. 1638.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1980

A bill for AN ACT in relation to higher education.
House Amendment No. 1 to SENATE BILL NO. 1980.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 24

A bill for AN ACT concerning transmitters of money.
House Amendment No. 1 to SENATE BILL NO. 24.
Action taken by the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 12

Together with the attached amendment thereto, in the adoption of which I am instructed to ask the concurrence of the House, to-wit:
Senate Amendment No. 1 to HOUSE JOINT RESOLUTION NO. 12
Concurred in the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

HOUSE JOINT RESOLUTION NO. 12
SENATE AMENDMENT NO. 1

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Joint Resolution 12 on page 2, line 18, after "hygienists;", by inserting "accredited certified safety, health, and environment professionals;".

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 adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 14

Concurred in the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 19

Concurred in the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 in the adoption of the following joint resolution, to-wit:

HOUSE JOINT RESOLUTION NO. 21

Concurred in the Senate, May 30, 2003.

Linda Hawker, Secretary of 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 581

A bill for AN ACT in relation to pensions.

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. 581

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 581 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 2-110, 2-110.1, 2-117, 2-119.1, 4-109.1, 4-109.2, 4-114, 5-129.1, 5-234, 7-132, 7-141.1, 7-154, 8-172, 14-103.05, 14-104, 14-110, 14-119, 14-121, 16-106, 16-113, 16-127, 16-129.1, 16-133.2, 16-133.3, 16-136.4, 16-149.2, 16-150, 16-151, 16-182, 16-184, 16-185, 16-186.3, and 17-122 and adding Sections 6-124.1, 8-172.1, 14-104.12, 17-116.7, and 17-121.1 as follows:

(40 ILCS 5/2-110) (from Ch. 108 1/2, par. 2-110)

Sec. 2-110. Service. (A) "Service" means the period beginning on the day when a person first became a member, and ending on the date under consideration, excluding all intervening periods of nonmembership following resignation or expiration of any term of office.

(B) "Service" includes:

(a) Military service during war by a person who entered such service while a member, whether rendered before or after the expiration of any term of office; plus up to 2 years of military service that need not have immediately followed service as a member, and need not have been served during wartime, provided that the member (or former member who has not yet begun to receive a retirement annuity) makes contributions to the System for such service (1) at the rates provided in Section 2-126 based upon the member's rate of compensation on the last date as a participant prior to such military service, or on the first date as a participant after such military service, whichever is greater, plus (2) if payment is made on or after February 1, 2004 ~~May 1, 1993~~, an amount determined by the Board to be equal to the employer's normal cost of the benefits accrued for such military service, plus (3) interest at the effective rate from the date the person last became a participant in the System or November 19, 1991, whichever is later, ~~of first membership in the System~~ to the date of payment.

A former member who has not yet begun to receive a retirement annuity may establish military service credit as provided in this subdivision (a). The change in the manner of calculating payment for certain military service credit made by this amendatory Act of the 93rd General Assembly applies to credit established on or after its effective date by an active participant in the System or a former member who has not yet begun to receive a retirement annuity, but it does not entitle any person to a refund of contributions already paid.

The amendment to this subdivision (B)(a) made by this amendatory Act of 1993 shall apply to persons who are active contributors to the System on or after November 30, 1992. A person who was an active contributor to the System on November 30, 1992 but is no longer an active contributor may apply to purchase military credit under this subdivision (B)(a) within 60 days after the effective date of this amendatory Act of 1993; if the person is an annuitant, the resulting increase in annuity shall begin to accrue on the first day of the month following the month in which the required payment is received by the System. The change in the required contribution for purchased military credit made by this amendatory Act of 1993 shall not entitle any person to a refund of contributions already paid.

(b) Service as a judge of a court of this State, but credit for such service is subject to the following conditions: (1) such person shall have been a member for at least 4 years and contributed to the system for service as a judge subsequent to July 8, 1947, at the rates herein provided, including interest at 2% per annum to the date of payment based on the salary in effect during such service; (2) the member was not an eligible member of nor entitled to credit for such service in any other retirement system in the State maintained in whole or in part by public contributions; and (3) the last 4 years of service prior to retirement on annuity was rendered while a member.

(c) Service as a participating employee under Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 or 18 of the Illinois Pension Code. Credit for such service may be established by a member and, if permitted by the credit transfer Section of the appropriate Article, by a former member who is not yet an annuitant, and is subject to the following conditions: (1) that the credits accrued under the above mentioned Articles have been transferred to this system; and (2) that the member has contributed to this system an amount equal to (i) the contribution rate in effect for participants at the date of membership in this system multiplied by the salary then in effect for members of the General Assembly for each year of service for which credit is being transferred, plus (ii) the State's share of the normal cost of benefits under this system expressed as a percent of payroll, as determined by the system's actuary as of the date of the participant's membership in this system, multiplied by the salary then in effect for members of the General Assembly, for each year of service for which credit is being transferred, plus (iii) interest on items (i) and (ii) above at 6% per annum compounded annually, from the date of membership to the date of payment by the participant, less (iv) the amount transferred to this system on behalf of the participant

on account of service rendered while a participant under the above mentioned Articles.

(d) Service, before October 1, 1975, as an officer elected by the people of Illinois, for which creditable service is required to be transferred from the State Employees' Retirement System to this system by this amendatory Act of 1975.

(e) Service rendered prior to January 1, 1964, as a justice of the peace or police magistrate or as a civil referee in the Municipal Court of Chicago, but credit for such service may not be granted until the member has paid to the system an amount equal to (1) the contribution rate for participants at the date of membership in this system multiplied by the salary then in effect for members of the General Assembly for each year of service for which credit is being transferred, plus (2) the State's share of the normal cost of benefits under this system expressed as a percent of payroll, as determined by the system's actuary as of the date of the participant's membership in this system, multiplied by the salary then in effect for members of the General Assembly, for each year of service for which credit is allowed, plus, (3) interest on (1) and (2) above at 6% per annum compounded annually from the date of membership to the date of payment by the member. However, a participant may not receive more than 6 years of credit for such service nor may any member receive credit under this paragraph for service for which credit has been granted in any other public pension fund or retirement system in the State.

(f) Service before January 16, 1981, as an officer elected by the people of Illinois, for which creditable service is transferred from the State Employees' Retirement System to this system.

(C) Service during any fraction of a month shall be considered as a month of service.

Service includes the total period of time for which a participant is elected as a member or officer, even though he or she does not complete the term because of death, resignation, judicial decision, or operation of law, provided that the contributions required under this Article for such entire period of office have been made by or on behalf of the participant. In the case of a participant appointed or elected to fill a vacancy, service includes the total period from January 1 of the year in which his or her service commences to the end of the term in which the vacancy occurs, provided the participant contributes in the year of appointment an amount equal to the contributions that would have been required had the participant received salary for the entire year. The foregoing provisions relating to a participant appointed or elected to fill a vacancy shall not apply if the participant was a member of the other legislative chamber at the time of appointment or election.

(D) Notwithstanding the other provisions of this Section, if application to transfer or establish service credit under paragraph (c) or (e) of subsection (B) of this Section is made between January 1, 2004 ~~1992~~ and February 1, 2004 ~~1993~~, the contribution required for such credit shall be an amount equal to (1) the contribution rate in effect for participants at the date of membership in this system multiplied by the salary then in effect for members of the General Assembly for each year of service for which credit is being granted, plus (2) interest thereon at 6% per annum compounded annually, from the date of membership to the date of payment by the member, less (3) any amount transferred to this system on behalf of the member on account of such service credit. (Source: P.A. 86-27; 86-1028; 87-794; 87-1265.)

(40 ILCS 5/2-110.1) (from Ch. 108 1/2, par. 2-110.1)

Sec. 2-110.1. Service credit for elected county, township or municipal official.

(a) An active participant having no creditable service as a participating employee under Article 7 of this Code may establish service credit in this system for periods during which the participant held an elective office in a county, township or municipality, (including the full term for which elected if he or she resigned such office to enter the armed forces of the United States), provided the member cannot establish service credit under Article 7 for such periods because the county, township or municipality did not and does not subscribe to coverage for that office under that Article. Credit for such service may be established in this system by the participant paying to this system an amount equal to (1) the contribution rate in effect for participants at the date of membership in this system multiplied by the salary then in effect for the members of the General Assembly for each year of service for which credit is allowed, plus (2) the State's share of the normal cost of benefits under this system expressed as a percent of payroll, as determined by the system's actuary as of the date of the participant's membership in this system multiplied by the salary then in effect for members of the General Assembly, for each year of service for which credit is allowed, plus (3) interest on (1) and (2) above at 4% per annum compounded annually from the date of membership to the date of payment by the participant.

However, if application for such credit is made between January 1, 1992 and April 1, 1992, the applicant need not pay the amount indicated in item (2) above, but only the sum of items (1) and (3).

(b) The surviving spouse of a participant who died in service may establish service credit in this System for periods during which the participant held an elective office in a municipality but did not establish

service credit under Article 7 or any other provision of this Code, by applying to the System in writing within 60 days after the effective date of this amendatory Act of the 93rd General Assembly and paying to this System an amount equal to the contribution rate in effect for participants at the deceased participant's date of first membership in this System multiplied by the salary then in effect for the members of the General Assembly for each year of service for which credit is allowed, plus interest at the rate of 4% per annum, compounded annually, from the date of the deceased participant's first membership to the date of payment by the surviving spouse. The surviving spouse's annuity shall be recalculated, with the resulting increase accruing from the first annuity payment date following the date upon which the required payment is received by the System. (Source: P.A. 87-794.)

(40 ILCS 5/2-117) (from Ch. 108 1/2, par. 2-117)

Sec. 2-117. Participants - Election not to participate. (a) Every person who was a member on November 1, 1947, or in military service on such date, is subject to the provisions of this system beginning upon such date, unless prior to such date he or she filed with the board a written notice of election not to participate.

Every person who becomes a member after November 1, 1947, and who is then not a participant becomes a participant beginning upon the date of becoming a member unless, within 24 months from that date, he or she has filed with the board a written notice of election not to participate.

(b) A member who has filed notice of an election not to participate (and a former member who has not yet begun to receive a retirement annuity under this Article) may become a participant with respect to the period for which the member elected not to participate upon filing with the board, before January 1, 2004 ~~April 1, 1993~~, a written rescission of the election not to participate. Upon contributing an amount equal to the contributions he or she would have made as a participant from November 1, 1947, or the date of becoming a member, whichever is later, to the date of becoming a participant, with interest at the rate of 4% per annum until the contributions are paid, the participant shall receive credit for service as a member prior to the date of the rescission, both before and after November 1, 1947. The required contributions shall be made before commencement of the retirement annuity; otherwise no credit for service prior to the date of participation shall be granted. (Source: P.A. 86-273; 87-1265.)

(40 ILCS 5/2-119.1) (from Ch. 108 1/2, par. 2-119.1)

Sec. 2-119.1. Automatic increase in retirement annuity. (a) A participant who retires after June 30, 1967, and who has not received an initial increase under this Section before the effective date of this amendatory Act of 1991, shall, in January or July next following the first anniversary of retirement, whichever occurs first, and in the same month of each year thereafter, but in no event prior to age 60, have the amount of the originally granted retirement annuity increased as follows: for each year through 1971, 1 1/2%; for each year from 1972 through 1979, 2%; and for 1980 and each year thereafter, 3%. Annuitants who have received an initial increase under this subsection prior to the effective date of this amendatory Act of 1991 shall continue to receive their annual increases in the same month as the initial increase.

(b) Beginning January 1, 1990, for eligible participants who remain in service after attaining 20 years of creditable service, the 3% increases provided under subsection (a) shall begin to accrue on the January 1 next following the date upon which the participant (1) attains age 55, or (2) attains 20 years of creditable service, whichever occurs later, and shall continue to accrue while the participant remains in service; such increases shall become payable on January 1 or July 1, whichever occurs first, next following the first anniversary of retirement. For any person who has service credit in the System for the entire period from January 15, 1969 through December 31, 1992, regardless of the date of termination of service, the reference to age 55 in clause (1) of this subsection (b) shall be deemed to mean age 50.

This subsection (b) does not apply to any person who first becomes a member of the System after the effective date of this amendatory Act of the 93rd General Assembly.

(c) The foregoing provisions relating to automatic increases are not applicable to a participant who retires before having made contributions (at the rate prescribed in Section 2-126) for automatic increases for less than the equivalent of one full year. However, in order to be eligible for the automatic increases, such a participant may make arrangements to pay to the system the amount required to bring the total contributions for the automatic increase to the equivalent of one year's contributions based upon his or her last salary.

(d) A participant who terminated service prior to July 1, 1967, with at least 14 years of service is entitled to an increase in retirement annuity beginning January, 1976, and to additional increases in January of each year thereafter.

The initial increase shall be 1 1/2% of the originally granted retirement annuity multiplied by the number of full years that the annuitant was in receipt of such annuity prior to January 1, 1972, plus 2% of

the originally granted retirement annuity for each year after that date. The subsequent annual increases shall be at the rate of 2% of the originally granted retirement annuity for each year through 1979 and at the rate of 3% for 1980 and thereafter.

(e) Beginning January 1, 1990, all automatic annual increases payable under this Section shall be calculated as a percentage of the total annuity payable at the time of the increase, including previous increases granted under this Article. (Source: P.A. 86-273; 87-794; 87-1265.)

(40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)

Sec. 4-109.1. Increase in pension. (a) Except as provided in subsection (e), the monthly pension of a firefighter who retires after July 1, 1971 and prior to January 1, 1986, shall, upon either the first of the month following the first anniversary of the date of retirement if 60 years of age or over at retirement date, or upon the first day of the month following attainment of age 60 if it occurs after the first anniversary of retirement, be increased by 2% of the originally granted monthly pension and by an additional 2% in each January thereafter. Effective January 1976, the rate of the annual increase shall be 3% of the originally granted monthly pension.

(b) The monthly pension of a firefighter who retired from service with 20 or more years of service, on or before July 1, 1971, shall be increased, in January of the year following the year of attaining age 65 or in January 1972, if then over age 65, by 2% of the originally granted monthly pension, for each year the firefighter received pension payments. In each January thereafter, he or she shall receive an additional increase of 2% of the original monthly pension. Effective January 1976, the rate of the annual increase shall be 3%.

(c) The monthly pension of a firefighter who is receiving a disability pension under this Article shall be increased, in January of the year following the year the firefighter attains age 60, or in January 1974, if then over age 60, by 2% of the originally granted monthly pension for each year he or she received pension payments. In each January thereafter, the firefighter shall receive an additional increase of 2% of the original monthly pension. Effective January 1976, the rate of the annual increase shall be 3%.

(c-1) On January 1, 1998, every child's disability benefit payable on that date under Section 4-110 or 4-110.1 shall be increased by an amount equal to 1/12 of 3% of the amount of the benefit, multiplied by the number of months for which the benefit has been payable. On each January 1 thereafter, every child's disability benefit payable under Section 4-110 or 4-110.1 shall be increased by 3% of the amount of the benefit then being paid, including any previous increases received under this Article. These increases are not subject to any limitation on the maximum benefit amount included in Section 4-110 or 4-110.1.

(c-2) On January 1, 2004, every pension payable to or on behalf of a minor or disabled surviving child that is payable on that date under Section 4-114 shall be increased by an amount equal to 1/12 of 3% of the amount of the pension, multiplied by the number of months for which the benefit has been payable. On each January 1 thereafter, every pension payable to or on behalf of a minor or disabled surviving child that is payable under Section 4-114 shall be increased by 3% of the amount of the pension then being paid, including any previous increases received under this Article. These increases are not subject to any limitation on the maximum benefit amount included in Section 4-114.

(d) The monthly pension of a firefighter who retires after January 1, 1986, shall, upon either the first of the month following the first anniversary of the date of retirement if 55 years of age or over, or upon the first day of the month following attainment of age 55 if it occurs after the first anniversary of retirement, be increased by 1/12 of 3% of the originally granted monthly pension for each full month that has elapsed since the pension began, and by an additional 3% in each January thereafter.

The changes made to this subsection (d) by this amendatory Act of the 91st General Assembly apply to all initial increases that become payable under this subsection on or after January 1, 1999. All initial increases that became payable under this subsection on or after January 1, 1999 and before the effective date of this amendatory Act shall be recalculated and the additional amount accruing for that period, if any, shall be payable to the pensioner in a lump sum.

(e) Notwithstanding the provisions of subsection (a), upon the first day of the month following (1) the first anniversary of the date of retirement, or (2) the attainment of age 55, or (3) July 1, 1987, whichever occurs latest, the monthly pension of a firefighter who retired on or after January 1, 1977 and on or before January 1, 1986 and did not receive an increase under subsection (a) before July 1, 1987, shall be increased by 3% of the originally granted monthly pension for each full year that has elapsed since the pension began, and by an additional 3% in each January thereafter. The increases provided under this subsection are in lieu of the increases provided in subsection (a). (Source: P.A. 90-32, eff. 6-27-97; 91-466, eff. 8-6-99.)

(40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

Sec. 4-109.2. Minimum pension. (a) Beginning January 1, 1984, the minimum disability pension

granted under Section 4-110 or 4-111, the minimum surviving spouse's pension, and the minimum retirement pension granted to a firefighter with 20 or more years of creditable service, shall be $300 per month, without regard to whether the death, disability or retirement of the firefighter occurred prior to that date.

Beginning July 1, 1987, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110 or 4-111, and the minimum surviving spouse's pension shall be $400 per month, without regard to whether the death, retirement or disability of the firefighter occurred prior to that date.

Beginning July 1, 1993, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service and the minimum surviving spouse's pension shall be $475 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of 1993.

(b) Beginning January 1, 1999, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $600 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

In the case of a pensioner whose pension began before the effective date of this amendatory Act and is subject to increase under this subsection (b), the pensioner shall be entitled to a lump sum payment of the amount of that increase accruing from January 1, 1999 (or the date the pension began, if later) to the effective date of this amendatory Act.

(c) Beginning January 1, 2000, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $800 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(d) Beginning January 1, 2001, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1000 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 91st General Assembly.

(e) Beginning January 1, 2004, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1030 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(f) Beginning January 1, 2005, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1060.90 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(g) Beginning January 1, 2006, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1092.73 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(h) Beginning January 1, 2007, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1125.51 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(i) Beginning January 1, 2008, the minimum retirement pension payable to a firefighter with 20 or more years of creditable service, the minimum disability pension payable under Section 4-110, 4-110.1, or 4-111, and the minimum surviving spouse's pension shall be $1159.27 per month, without regard to whether the firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly. (Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under

Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

Beginning January 1, 2004, the total monthly pension payable under this paragraph (a) to the surviving spouse of a firefighter who died while receiving a retirement pension, including any amount payable on account of children, shall be no less than 100% of the monthly retirement pension that the deceased firefighter was receiving at the time of death, including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18 or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.

(f) An adopted child is eligible for the pension provided under paragraph (a) if the child was adopted before the firefighter attained age 50.

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental

disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(j) Each survivor's pension payable on January 1, 2004, shall be increased on that date, and on each January 1 thereafter, by an amount equal to 3% of the pension otherwise payable at the time of the increase, including any previous increases under this Article. This increase does not apply to any survivor's pension that first becomes payable after January 1, 2004. (Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/5-129.1)

Sec. 5-129.1. Withdrawal at mandatory retirement age - amount of annuity. (a) In lieu of any annuity provided in the other provisions of this Article, a policeman who is required to withdraw from service on or after January 1, 2000 due to attainment of mandatory retirement age and has less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or fraction thereof in excess of 10, but not to exceed a maximum of 48% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the highest 4 consecutive years of salary within the last 10 years of service, or such shorter period as may be used to calculate a minimum retirement annuity under Section 5-132.

(c) For the purpose of qualifying for the annual increases provided in Section 5-167.1, a policeman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(d) A policeman with less than 20 years of service credit who was required to withdraw from service on or after January 1, 2000 but before June 28, 2002 due to attainment of mandatory retirement age is also entitled to have his or her retirement annuity calculated in accordance with this Section. If payment of the annuity has already begun, the annuity shall be recalculated. The resulting increase, if any, shall accrue from the starting date of the annuity; the amount of the increase relating to the period before the annuity is recalculated shall be paid to the annuitant in a lump sum, without interest. (Source: P.A. 92-599, eff. 6-28-02.)

(40 ILCS 5/5-234) (from Ch. 108 1/2, par. 5-234)

Sec. 5-234. Transfer of credits. (a) Any police officer who has at least 10 years of creditable service in the Fund may transfer to this Fund credits and creditable service accumulated under any other pension fund or retirement system established under Article 8 or 12 of this Code, by making application and paying to the Fund before January 1, 1990 the amount by which the employee contributions that would have been required if he had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amount actually transferred from such other fund or system to this Fund under item (1) of Section 8-226.5 or item (1) of Section 12-127.5.

(b) A policeman may transfer to this Fund up to 10 years of credits and creditable service accumulated under the pension fund established under Article 6 of this Code, by making written application to the Fund within 6 months of the effective date of this amendatory Act of the 93rd General Assembly. For the transfer to be effective, the policeman must pay to the Fund before withdrawal from service the amount, if any, by which the employee contributions that would have been required if he or she had participated in this Fund during the period for which credit is being transferred, plus interest, exceeds the amount actually transferred from the Article 6 fund to this Fund under Section 6-227. (Source: P.A. 86-272.)

(40 ILCS 5/6-124.1 new)

Sec. 6-124.1. Withdrawal at mandatory retirement age - amount of annuity.

(a) In lieu of any annuity provided in the other provisions of this Article, a fireman who is required to withdraw from service due to attainment of mandatory retirement age and has at least 10 but less than 20 years of service credit may elect to receive an annuity equal to 30% of average salary for the first 10 years of service plus 2% of average salary for each completed year of service or remaining fraction thereof in excess of 10, but not to exceed a maximum of 50% of average salary.

(b) For the purpose of this Section, "average salary" means the average of the fireman's highest 4 consecutive years of salary within the last 10 years of service.

(c) For the purpose of qualifying for the annual increases provided in Section 6-164, a fireman whose retirement annuity is calculated under this Section shall be deemed to qualify for a minimum annuity.

(d) A fireman with less than 20 years of service credit who was required to withdraw from service on or after January 1, 2000 but before the effective date of this amendatory Act of the 93rd General Assembly due to attainment of mandatory retirement age is also entitled to have his or her retirement annuity calculated in accordance with this Section. If payment of the annuity has already begun, the annuity shall be recalculated. The resulting increase, if any, shall accrue from the starting date of the annuity; the amount of the increase relating to the period before the annuity is recalculated shall be paid to the annuitant in a lump sum, without interest.

(40 ILCS 5/7-132) (from Ch. 108 1/2, par. 7-132)

Sec. 7-132. Municipalities, instrumentalities and participating instrumentalities included and effective dates.

(A) Municipalities and their instrumentalities.

(a) The following described municipalities, but not including any with more than 1,000,000 inhabitants, and the instrumentalities thereof, shall be included within and be subject to this Article beginning upon the effective dates specified by the Board:

(1) Except as to the municipalities and instrumentalities thereof specifically excluded under this Article, every county shall be subject to this Article, and all cities, villages and incorporated towns having a population in excess of 5,000 inhabitants as determined by the last preceding decennial or subsequent federal census, shall be subject to this Article following publication of the census by the Bureau of the Census. Within 90 days after publication of the census, the Board shall notify any municipality that has become subject to this Article as a result of that census, and shall provide information to the corporate authorities of the municipality explaining the duties and consequences of participation. The notification shall also include a proposed date upon which participation by the municipality will commence.

However, for any city, village or incorporated town that attains a population over 5,000 inhabitants after having provided social security coverage for its employees under the Social Security Enabling Act, participation under this Article shall not be mandatory but may be elected in accordance with subparagraph (3) or (4) of this paragraph (a), whichever is applicable.

(2) School districts, other than those specifically excluded under this Article, shall be subject to this Article, without election, with respect to all employees thereof.

(3) Towns and all other bodies politic and corporate which are formed by vote of, or are subject to control by, the electors in towns and are located in towns which are not participating municipalities on the effective date of this Act, may become subject to this Article by election pursuant to Section 7-132.1.

(4) Any other municipality (together with its instrumentalities), other than those specifically excluded from participation and those described in paragraph (3) above, may elect to be included either by referendum under Section 7-134 or by the adoption of a resolution or ordinance by its governing body. A copy of such resolution or ordinance duly authenticated and certified by the clerk of the municipality or other appropriate official of its governing body shall constitute the required notice to the board of such action.

(b) A municipality that is about to begin participation shall submit to the Board an application to participate, in a form acceptable to the Board, not later than 90 days prior to the proposed effective date of participation. The Board shall act upon the application within 90 days, and if it finds that the application is in conformity with its requirements and the requirements of this Article, participation by the applicant shall commence on a date acceptable to the municipality and specified by the Board, but in no event more than one year from the date of application.

(c) A participating municipality which succeeds to the functions of a participating municipality which is dissolved or terminates its existence shall assume and be transferred the net accumulation balance in the municipality reserve and the municipality account receivable balance of the terminated municipality.

(d) In the case of a Veterans Assistance Commission whose employees were being treated by the Fund on January 1, 1990 as employees of the county served by the Commission, the Fund may continue to treat the employees of the Veterans Assistance Commission as county employees for the purposes of this Article, unless the Commission becomes a participating instrumentality in accordance with subsection (B) of this Section.

(B) Participating instrumentalities.

(a) The participating instrumentalities designated in paragraph (b) of this subsection shall be included

within and be subject to this Article if:

(1) an application to participate, in a form acceptable to the Board and adopted by a two-thirds vote of the governing body, is presented to the Board not later than 90 days prior to the proposed effective date; and

(2) the Board finds that the application is in conformity with its requirements, that the applicant has reasonable expectation to continue as a political entity for a period of at least 10 years and has the prospective financial capacity to meet its current and future obligations to the Fund, and that the actuarial soundness of the Fund may be reasonably expected to be unimpaired by approval of participation by the applicant.

The Board shall notify the applicant of its findings within 90 days after receiving the application, and if the Board approves the application, participation by the applicant shall commence on the effective date specified by the Board.

(b) The following participating instrumentalities, so long as they meet the requirements of Section 7-108 and the area served by them or within their jurisdiction is not located entirely within a municipality having more than one million inhabitants, may be included hereunder:

i. Township School District Trustees.

ii. Multiple County and Consolidated Health Departments created under Division 5-25 of the Counties Code or its predecessor law.

iii. Public Building Commissions created under the Public Building Commission Act, and located in counties of less than 1,000,000 inhabitants.

iv. A multitype, consolidated or cooperative library system created under the Illinois Library System Act. Any library system created under the Illinois Library System Act that has one or more predecessors that participated in the Fund may participate in the Fund upon application. The Board shall establish procedures for implementing the transfer of rights and obligations from the predecessor system to the successor system.

v. Regional Planning Commissions created under Division 5-14 of the Counties Code or its predecessor law.

vi. Local Public Housing Authorities created under the Housing Authorities Act, located in counties of less than 1,000,000 inhabitants.

vii. Illinois Municipal League.

viii. Northeastern Illinois Metropolitan Area Planning Commission.

ix. Southwestern Illinois Metropolitan Area Planning Commission.

x. Illinois Association of Park Districts.

xi. Illinois Supervisors, County Commissioners and Superintendents of Highways Association.

xii. Tri-City Regional Port District.

xiii. An association, or not-for-profit corporation, membership in which is authorized under Section 85-15 of the Township Code.

xiv. Drainage Districts operating under the Illinois Drainage Code.

xv. Local mass transit districts created under the Local Mass Transit District Act.

xvi. Soil and water conservation districts created under the Soil and Water Conservation Districts Law.

xvii. Commissions created to provide water supply or sewer services or both under Division 135 or Division 136 of Article 11 of the Illinois Municipal Code.

xviii. Public water districts created under the Public Water District Act.

xix. Veterans Assistance Commissions established under Section 9 of the Military Veterans Assistance Act that serve counties with a population of less than 1,000,000.

xx. The governing body of an entity, other than a vocational education cooperative, created under an intergovernmental cooperative agreement established between participating municipalities under the Intergovernmental Cooperation Act, which by the terms of the agreement is the employer of the persons performing services under the agreement under the usual common law rules determining the employer-employee relationship. The governing body of such an intergovernmental cooperative entity established prior to July 1, 1988 may make participation retroactive to the effective date of the agreement and, if so, the effective date of participation shall be the date the required application is filed with the fund. If any such entity is unable to pay the required employer contributions to the fund, then the participating municipalities shall make payment of the required contributions and the payments shall be allocated as provided in the agreement or, if not so provided, equally among them.

xxi. The Illinois Municipal Electric Agency.

xxii. The Waukegan Port District.

xxiii. The Fox Waterway Agency created under the Fox Waterway Agency Act.

xxiv. The Illinois Municipal Gas Agency.

xxv. The Kaskaskia Regional Port District.

xxvi. The Southwestern Illinois Development Authority.

xxvii. The United Counties Council of Illinois. If the United Counties Council of Illinois becomes a participating instrumentality included within and subject to this Article, service with the Council under its previous name (the Urban Counties Council of Illinois) shall be deemed service with the same employer. The employer may elect to make any employee contributions for prior service on behalf of the employees.

(c) The governing boards of special education joint agreements created under Section 10-22.31 of the School Code without designation of an administrative district shall be included within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special education joint agreement in effect before September 5, 1975 shall not be subject to this Article unless the joint agreement is modified by the school districts to provide that the governing board is subject to this Article, except as otherwise provided by this Section.

The governing board of the Special Education District of Lake County shall become subject to this Article as a participating instrumentality on July 1, 1997. Notwithstanding subdivision (a)1 of Section 7-139, on the effective date of participation, employees of the governing board of the Special Education District of Lake County shall receive creditable service for their prior service with that employer, up to a maximum of 5 years, without any employee contribution. Employees may establish creditable service for the remainder of their prior service with that employer, if any, by applying in writing and paying an employee contribution in an amount determined by the Fund, based on the employee contribution rates in effect at the time of application for the creditable service and the employee's salary rate on the effective date of participation for that employer, plus interest at the effective rate from the date of the prior service to the date of payment. Application for this creditable service must be made before July 1, 1998; the payment may be made at any time while the employee is still in service. The employer may elect to make the required contribution on behalf of the employee.

The governing board of a special education joint agreement created under Section 10-22.31 of the School Code for which an administrative district has been designated, if there are employees of the cooperative educational entity who are not employees of the administrative district, may elect to participate in the Fund and be included within this Article as a participating instrumentality, subject to such application procedures and rules as the Board may prescribe.

The Boards of Control of cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code, whether or not the Boards act as their own administrative district, shall be included within and be subject to this Article as participating instrumentalities when the agreement establishing the cooperative or joint educational program or project becomes effective.

The governing board of a special education joint agreement entered into after June 30, 1984 and prior to September 17, 1985 which provides for representation on the governing board by less than all the participating districts shall be included within and subject to this Article as a participating instrumentality. Such participation shall be effective as of the date the joint agreement becomes effective.

The governing boards of educational service centers established under Section 2-3.62 of the School Code shall be included within and subject to this Article as participating instrumentalities. The governing boards of vocational education cooperative agreements created under the Intergovernmental Cooperation Act and approved by the State Board of Education shall be included within and be subject to this Article as participating instrumentalities. If any such governing boards or boards of control are unable to pay the required employer contributions to the fund, then the school districts served by such boards shall make payment of required contributions as provided in Section 7-172. The payments shall be allocated among the several school districts in proportion to the number of students in average daily attendance for the last full school year for each district in relation to the total number of students in average attendance for such period for all districts served. If such educational service centers, vocational education cooperatives or cooperative or joint educational programs or projects created and administered under Section 3-15.14 of the School Code are dissolved, the assets and obligations shall be distributed among the districts in the same proportions unless otherwise provided.

(d) The governing boards of special recreation joint agreements created under Section 8-10b of the Park District Code, operating without designation of an administrative district or an administrative municipality appointed to administer the program operating under the authority of such joint agreement shall be included

within and be subject to this Article as participating instrumentalities when the joint agreement becomes effective. However, the governing board of any such special recreation joint agreement in effect before January 1, 1980 shall not be subject to this Article unless the joint agreement is modified, by the districts and municipalities which are parties to the agreement, to provide that the governing board is subject to this Article.

If the Board returns any employer and employee contributions to any employer which erroneously submitted such contributions on behalf of a special recreation joint agreement, the Board shall include interest computed from the end of each year to the date of payment, not compounded, at the rate of 7% per annum.

(e) Each multi-township assessment district, the board of trustees of which has adopted this Article by ordinance prior to April 1, 1982, shall be a participating instrumentality included within and subject to this Article effective December 1, 1981. The contributions required under Section 7-172 shall be included in the budget prepared under and allocated in accordance with Section 2-30 of the Property Tax Code.

(f) Beginning January 1, 1992, each prospective participating municipality or participating instrumentality shall pay to the Fund the cost, as determined by the Board, of a study prepared by the Fund or its actuary, detailing the prospective costs of participation in the Fund to be expected by the municipality or instrumentality. (Source: P.A. 92-424, eff. 8-17-01.)

(40 ILCS 5/7-141.1)

Sec. 7-141.1. Early retirement incentive. (a) The General Assembly finds and declares that:

(1) Units of local government across the State have been functioning under a financial crisis.

(2) This financial crisis is expected to continue.

(3) Units of local government must depend on additional sources of revenue and, when those sources are not forthcoming, must establish cost-saving programs.

(4) An early retirement incentive designed specifically to target highly-paid senior employees could result in significant annual cost savings.

(5) The early retirement incentive should be made available only to those units of local government that determine that an early retirement incentive is in their best interest.

(6) A unit of local government adopting a program of early retirement incentives under this Section is encouraged to implement personnel procedures to prohibit, for at least 5 years, the rehiring (whether on payroll or by independent contract) of employees who receive early retirement incentives.

(7) A unit of local government adopting a program of early retirement incentives under this Section is also encouraged to replace as few of the participating employees as possible and to hire replacement employees for salaries totaling no more than 80% of the total salaries formerly paid to the employees who participate in the early retirement program.

It is the primary purpose of this Section to encourage units of local government that can realize true cost savings, or have determined that an early retirement program is in their best interest, to implement an early retirement program.

(b) Until the effective date of this amendatory Act of 1997, this Section does not apply to any employer that is a city, village, or incorporated town, nor to the employees of any such employer. Beginning on the effective date of this amendatory Act of 1997, any employer under this Article, including an employer that is a city, village, or incorporated town, may establish an early retirement incentive program for its employees under this Section. The decision of a city, village, or incorporated town to consider or establish an early retirement program is at the sole discretion of that city, village, or incorporated town, and nothing in this amendatory Act of 1997 limits or otherwise diminishes this discretion. Nothing contained in this Section shall be construed to require a city, village, or incorporated town to establish an early retirement program and no city, village, or incorporated town may be compelled to implement such a program.

The benefits provided in this Section are available only to members employed by a participating employer that has filed with the Board of the Fund a resolution or ordinance expressly providing for the creation of an early retirement incentive program under this Section for its employees and specifying the effective date of the early retirement incentive program. Subject to the limitation in subsection (h), an employer may adopt a resolution or ordinance providing a program of early retirement incentives under this Section at any time.

The resolution or ordinance shall be in substantially the following form:

RESOLUTION (ORDINANCE) NO. ....

A RESOLUTION (ORDINANCE) ADOPTING AN EARLY RETIREMENT INCENTIVE PROGRAM FOR EMPLOYEES IN THE ILLINOIS MUNICIPAL RETIREMENT FUND

WHEREAS, Section 7-141.1 of the Illinois Pension Code provides that a participating employer may elect to adopt an early retirement incentive program offered by the Illinois Municipal Retirement Fund by adopting a resolution or ordinance; and

WHEREAS, The goal of adopting an early retirement program is to realize a substantial savings in personnel costs by offering early retirement incentives to employees who have accumulated many years of service credit; and

WHEREAS, Implementation of the early retirement program will provide a budgeting tool to aid in controlling payroll costs; and

WHEREAS, The (name of governing body) has determined that the adoption of an early retirement incentive program is in the best interests of the (name of participating employer); therefore be it

RESOLVED (ORDAINED) by the (name of governing body) of (name of participating employer) that:

(1) The (name of participating employer) does hereby adopt the Illinois Municipal Retirement Fund early retirement incentive program as provided in Section 7-141.1 of the Illinois Pension Code. The early retirement incentive program shall take effect on (date).

(2) In order to help achieve a true cost savings, a person who retires under the early retirement incentive program shall lose those incentives if he or she later accepts employment with any IMRF employer in a position for which participation in IMRF is required or is elected by the employee.

(3) In order to utilize an early retirement incentive as a budgeting tool, the (name of participating employer) will use its best efforts either to limit the number of employees who replace the employees who retire under the early retirement program or to limit the salaries paid to the employees who replace the employees who retire under the early retirement program.

(4) The effective date of each employee's retirement under this early retirement program shall be set by (name of employer) and shall be no earlier than the effective date of the program and no later than one year after that effective date; except that the employee may require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement.

(5) To be eligible for the early retirement incentive under this Section, the employee must have attained age 50 and have at least 20 years of creditable service by his or her retirement date.

(6) The (clerk or secretary) shall promptly file a certified copy of this resolution (ordinance) with the Board of Trustees of the Illinois Municipal Retirement Fund.

CERTIFICATION

I, (name), the (clerk or secretary) of the (name of participating employer) of the County of (name), State of Illinois, do hereby certify that I am the keeper of the books and records of the (name of employer) and that the foregoing is a true and correct copy of a resolution (ordinance) duly adopted by the (governing body) at a meeting duly convened and held on (date).

SEAL

(Signature of clerk or secretary)

(c) To be eligible for the benefits provided under an early retirement incentive program adopted under this Section, a member must:

(1) be a participating employee of this Fund who, on the effective date of the program, (i) is in active payroll status as an employee of a participating employer that has filed the required ordinance or resolution with the Board, (ii) is on layoff status from such a position with a right of re-employment or recall to service, (iii) is on a leave of absence from such a position, or (iv) is on disability but has not been receiving benefits under Section 7-146 or 7-150 for a period of more than 2 years from the date of application;

(2) have never previously received a retirement annuity under this Article or under the Retirement Systems Reciprocal Act using service credit established under this Article;

(3) (blank);

(4) have at least 20 years of creditable service in the Fund by the date of retirement, without the use of any creditable service established under this Section;

(5) have attained age 50 by the date of retirement, without the use of any age enhancement received under this Section; and

(6) be eligible to receive a retirement annuity under this Article by the date of retirement, for which purpose the age enhancement and creditable service established under this Section may be considered.

(d) The employer shall determine the retirement date for each employee participating in the early retirement program adopted under this Section. The retirement date shall be no earlier than the effective date of the program and no later than one year after that effective date, except that the employee may

require that the retirement date set by the employer be no later than the June 30 next occurring after the effective date of the program and no earlier than the date upon which the employee qualifies for retirement. The employer shall give each employee participating in the early retirement program at least 30 days written notice of the employee's designated retirement date, unless the employee waives this notice requirement.

(e) An eligible person may establish up to 5 years of creditable service under this Section. In addition, for each period of creditable service established under this Section, a person shall have his or her age at retirement deemed enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final rate of earnings and the determination of earnings, salary, or compensation under this or any other Article of the Code.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of the reduction imposed under subdivision (a)1b(iv) of Section 7-142), except for purposes of a reversionary annuity under Section 7-145 and any distributions required because of age. The age enhancement established under this Section may be used in calculating a proportionate annuity payable by this Fund under the Retirement Systems Reciprocal Act, but shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(f) For all creditable service established under this Section, the member must pay to the Fund an employee contribution consisting of 4.5% of the member's highest annual salary rate used in the determination of the final rate of earnings for retirement annuity purposes for each year of creditable service granted under this Section. For creditable service established under this Section by a person who is a sheriff's law enforcement employee to be deemed service as a sheriff's law enforcement employee, the employee contribution shall be at the rate of 6.5% of highest annual salary per year of creditable service granted. Contributions for fractions of a year of service shall be prorated. Any amounts that are disregarded in determining the final rate of earnings under subdivision (d)(5) of Section 7-116 (the 125% rule) shall also be disregarded in determining the required contribution under this subsection (f).

The employee contribution shall be paid to the Fund as follows: If the member is entitled to a lump sum payment for accumulated vacation, sick leave, or personal leave upon withdrawal from service, the employer shall deduct the employee contribution from that lump sum and pay the deducted amount directly to the Fund. If there is no such lump sum payment or the required employee contribution exceeds the net amount of the lump sum payment, then the remaining amount due, at the option of the employee, may either be paid to the Fund before the annuity commences or deducted from the retirement annuity in 24 equal monthly installments.

(g) An annuitant who has received any age enhancement or creditable service under this Section and thereafter accepts employment with or enters into a personal services contract with an employer under this Article thereby forfeits that age enhancement and creditable service; except that this restriction does not apply to service in an elective office, so long as the annuitant does not participate in this Fund with respect to that office. A person forfeiting early retirement incentives under this subsection (i) must repay to the Fund that portion of the retirement annuity already received which is attributable to the early retirement incentives that are being forfeited, (ii) shall not be eligible to participate in any future early retirement program adopted under this Section, and (iii) is entitled to a refund of the employee contribution paid under subsection (f). The Board shall deduct the required repayment from the refund and may impose a reasonable payment schedule for repaying the amount, if any, by which the required repayment exceeds the refund amount.

(h) The additional unfunded liability accruing as a result of the adoption of a program of early retirement incentives under this Section by an employer shall be amortized over a period of 10 years beginning on January 1 of the second calendar year following the calendar year in which the latest date for beginning to receive a retirement annuity under the program (as determined by the employer under subsection (d) of this Section) occurs; except that the employer may provide for a shorter amortization period (of no less than 5 years) by adopting an ordinance or resolution specifying the length of the amortization period and submitting a certified copy of the ordinance or resolution to the Fund no later than 6 months after the effective date of the program. An employer, at its discretion, may accelerate payments to the Fund.

An employer may provide more than one early retirement incentive program for its employees under this Section. However, an employer that has provided an early retirement incentive program for its employees under this Section may not provide another early retirement incentive program under this Section until the liability arising from the earlier program has been fully paid to the Fund. (Source: P.A. 90-

32, eff. 6-27-97; 91-887, eff. 7-6-00.)

(40 ILCS 5/7-154) (from Ch. 108 1/2, par. 7-154)

Sec. 7-154. Surviving spouse annuities - Eligibility. (a) A surviving spouse annuity shall be payable to the eligible surviving spouse of a participating employee, an employee annuitant, or a person who on the date of death would have been entitled to a retirement annuity, had he applied for such annuity, and who dies at any time when a surviving spouse annuity equals at least $5 per month, provided:

(1) The surviving spouse (i) was married to the participating employee for at least one year on the date of death, or (ii) was married to the annuitant or person entitled to a retirement annuity for at least one year prior to the date of termination of service, or (iii) was married to the deceased annuitant for at least one year on the date of the deceased annuitant's death, if at the time of termination of service the deceased annuitant was married for at least one year to a spouse who does not survive the deceased annuitant, or (iv) was married to the deceased annuitant for at least 8 years on the date of the deceased annuitant's death, and the annuitant was unmarried at the time of termination of service. Item (iv) applies without regard to whether the deceased annuitant was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, but only if (A) written application for the surviving spouse annuity is received by the Fund within 30 days after that effective date and (B) any refund of contributions for surviving spouse annuity purposes has been repaid to the Fund, with interest at the effective rate from the date of the refund to the date of repayment.

(2) The male deceased employee annuitant or such other person entitled to a retirement annuity had contributed to this fund for surviving spouse annuity purposes for at least one ~~1~~ year or continuously since the effective date of the participating municipality or participating instrumentality.

(3) The female deceased employee annuitant or such other person entitled to a retirement annuity was in service on or after July 27, 1972, provided that the annuity shall not be computed on the basis of any retirement annuity effective before that date.

(4) If the employee dies before termination of service, the employee did not exclude the spouse from any death benefit or surviving spouse annuity pursuant to subsection (b) of Section 7-118. A designation of beneficiary naming a spouse and children jointly or a trust pursuant to subsection (b) of Section 7-118 shall preclude payment of a surviving spouse annuity.

(b) If a person is the spouse of a retiring participating employee on the date of the initial payment of a retirement annuity and is qualified to receive a surviving spouse annuity upon the death of the employee and the surviving spouse contributions are not refunded to the employee, then a surviving spouse annuity shall be payable to that person even if the marriage to the employee is dissolved after that date.

(c) Eligibility of a surviving spouse shall be determined as of the date of death, except as otherwise specifically provided in this Section. Only one surviving spouse annuity shall be paid on account of the death of any employee. (Source: P.A. 87-740; 87-850.)

(40 ILCS 5/8-172) (from Ch. 108 1/2, par. 8-172)

Sec. 8-172. Refunds - Transfer of city contributions. Whenever any amount is refunded as provided in Sections 8-168 and 8-169, except in the case of a male employee who becomes a widower while in service after he becomes age 65, the amounts to the credit of the male employee from contributions by the city~~,~~ shall be transferred to the prior service annuity reserve. Thereafter, except as otherwise provided in Section 8-172.1, any such amounts shall become a credit to the city and, with interest thereon at the effective rate, be used to reduce the amount which the city would otherwise pay during a succeeding year. (Source: Laws 1963, p. 161.)

(40 ILCS 5/8-172.1 new)

Sec. 8-172.1. Transfer of city contributions for paramedics.

(a) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be transferred by this Article 8 fund to the Article 6 fund together with interest at the rate of 11% per annum, compounded annually, to the date of transfer. The city shall not be responsible for making any additional employer contributions to the Fund to replace the amounts transferred under this Section.

(b) Municipality credits computed and credited under this Article 8 for all persons who (1) accumulated service credit in this Article 8 fund for service as a paramedic, (2) have terminated that Article 8 service credit and received a refund of contributions, and (3) are not participants in the Article 6 fund on the effective date of this amendatory Act of the 93rd General Assembly shall be used as provided in Section 8-172.

(40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

Sec. 14-103.05. Employee. (a) Any person employed by a Department who receives salary for personal services rendered to the Department on a warrant issued pursuant to a payroll voucher certified by a Department and drawn by the State Comptroller upon the State Treasurer, including an elected official described in subparagraph (d) of Section 14-104, shall become an employee for purpose of membership in the Retirement System on the first day of such employment.

A person entering service on or after January 1, 1972 and prior to January 1, 1984 shall become a member as a condition of employment and shall begin making contributions as of the first day of employment.

A person entering service on or after January 1, 1984 shall, upon completion of 6 months of continuous service which is not interrupted by a break of more than 2 months, become a member as a condition of employment. Contributions shall begin the first of the month after completion of the qualifying period.

The qualifying period of 6 months of service is not applicable to: (1) a person who has been granted credit for service in a position covered by the State Universities Retirement System, the Teachers' Retirement System of the State of Illinois, the General Assembly Retirement System, or the Judges Retirement System of Illinois unless that service has been forfeited under the laws of those systems; (2) a person entering service on or after July 1, 1991 in a noncovered position; or (3) a person to whom Section 14-108.2a or 14-108.2b applies.

(b) The term "employee" does not include the following:

(1) members of the State Legislature, and persons electing to become members of the General Assembly Retirement System pursuant to Section 2-105;

(2) incumbents of offices normally filled by vote of the people;

(3) except as otherwise provided in this Section, any person appointed by the Governor with the advice and consent of the Senate unless that person elects to participate in this system;

(4) except as provided in Section 14-108.2 or 14-108.2c, any person who is covered or eligible to be covered by the Teachers' Retirement System of the State of Illinois, the State Universities Retirement System, or the Judges Retirement System of Illinois;

(5) an employee of a municipality or any other political subdivision of the State;

(6) any person who becomes an employee after June 30, 1979 as a public service employment program participant under the Federal Comprehensive Employment and Training Act and whose wages or fringe benefits are paid in whole or in part by funds provided under such Act;

(7) enrollees of the Illinois Young Adult Conservation Corps program, administered by the Department of Natural Resources, authorized grantee pursuant to Title VIII of the "Comprehensive Employment and Training Act of 1973", 29 USC 993, as now or hereafter amended;

(8) enrollees and temporary staff of programs administered by the Department of Natural Resources under the Youth Conservation Corps Act of 1970;

(9) any person who is a member of any professional licensing or disciplinary board created under an Act administered by the Department of Professional Regulation or a successor agency or created or re-created after the effective date of this amendatory Act of 1997, and who receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 (P.A. 84-1472) is not intended to effect any change in the status of such persons;

(10) any person who is a member of the Illinois Health Care Cost Containment Council, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher; such persons have never been included in the membership of this System, and this amendatory Act of 1987 is not intended to effect any change in the status of such persons; or

(11) any person who is a member of the Oil and Gas Board created by Section 1.2 of the Illinois Oil and Gas Act, and receives per diem compensation rather than a salary, notwithstanding that such per diem compensation is paid by warrant issued pursuant to a payroll voucher.

(c) An individual who is employed on a full-time basis as an officer or employee of a statewide labor organization that represents members of this System may participate in the System and shall be deemed an employee, provided that (1) the individual has previously earned creditable service under this Article, (2) the individual files with the System an irrevocable election to become a participant, and (3) the individual does not receive credit for that employment under any other provision of this Code. An employee under this subsection (c) is responsible for paying to the System both (i) employee contributions based on the

actual compensation received for service with the labor organization and (ii) employer contributions based on the percentage of payroll certified by the board; all or any part of these contributions may be paid on the employee's behalf or picked up for tax purposes (if authorized under federal law) by the labor organization.

A person who is an employee as defined in this subsection may establish service credit for similar employment prior to becoming an employee under this subsection by paying to the System for that employment the contributions specified in this subsection, plus interest at the effective rate from the date of service to the date of payment. However, credit shall not be granted under this subsection for any such prior employment for which the applicant received credit under any other provision of this Code, or during which the applicant was on a leave of absence. (Source: P.A. 92-14, eff. 6-28-01.)

(40 ILCS 5/14-104) (from Ch. 108 1/2, par. 14-104)

Sec. 14-104. Service for which contributions permitted. Contributions provided for in this Section shall cover the period of service granted. Except as otherwise provided in this Section, the contributions shall be based upon the employee's compensation and contribution rate in effect on the date he last became a member of the System; provided that for all employment prior to January 1, 1969 the contribution rate shall be that in effect for a noncovered employee on the date he last became a member of the System. Except as otherwise provided in this Section, contributions permitted under this Section shall include regular interest from the date an employee last became a member of the System to the date of payment.

These contributions must be paid in full before retirement either in a lump sum or in installment payments in accordance with such rules as may be adopted by the board.

(a) Any member may make contributions as required in this Section for any period of service, subsequent to the date of establishment, but prior to the date of membership.

(b) Any employee who had been previously excluded from membership because of age at entry and subsequently became eligible may elect to make contributions as required in this Section for the period of service during which he was ineligible.

(c) An employee of the Department of Insurance who, after January 1, 1944 but prior to becoming eligible for membership, received salary from funds of insurance companies in the process of rehabilitation, liquidation, conservation or dissolution, may elect to make contributions as required in this Section for such service.

(d) Any employee who rendered service in a State office to which he was elected, or rendered service in the elective office of Clerk of the Appellate Court prior to the date he became a member, may make contributions for such service as required in this Section. Any member who served by appointment of the Governor under the Civil Administrative Code of Illinois and did not participate in this System may make contributions as required in this Section for such service.

(e) Any person employed by the United States government or any instrumentality or agency thereof from January 1, 1942 through November 15, 1946 as the result of a transfer from State service by executive order of the President of the United States shall be entitled to prior service credit covering the period from January 1, 1942 through December 31, 1943 as provided for in this Article and to membership service credit for the period from January 1, 1944 through November 15, 1946 by making the contributions required in this Section. A person so employed on January 1, 1944 but whose employment began after January 1, 1942 may qualify for prior service and membership service credit under the same conditions.

(f) An employee of the Department of Labor of the State of Illinois who performed services for and under the supervision of that Department prior to January 1, 1944 but who was compensated for those services directly by federal funds and not by a warrant of the Auditor of Public Accounts paid by the State Treasurer may establish credit for such employment by making the contributions required in this Section. An employee of the Department of Agriculture of the State of Illinois, who performed services for and under the supervision of that Department prior to June 1, 1963, but was compensated for those services directly by federal funds and not paid by a warrant of the Auditor of Public Accounts paid by the State Treasurer, and who did not contribute to any other public employee retirement system for such service, may establish credit for such employment by making the contributions required in this Section.

(g) Any employee who executed a waiver of membership within 60 days prior to January 1, 1944 may, at any time while in the service of a department, file with the board a rescission of such waiver. Upon making the contributions required by this Section, the member shall be granted the creditable service that would have been received if the waiver had not been executed.

(h) Until May 1, 1990, an employee who was employed on a full-time basis by a regional planning commission for at least 5 continuous years may establish creditable service for such employment by making the contributions required under this Section, provided that any credits earned by the employee in the commission's retirement plan have been terminated.

(i) Any person who rendered full time contractual services to the General Assembly as a member of a legislative staff may establish service credit for up to 8 years of such services by making the contributions required under this Section, provided that application therefor is made not later than March 1, 2004 ~~July 1, 1991~~.

(j) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, but with all of the interest calculated from the date the employee last became a member of the System or November 19, 1991, whichever is later, to the date of payment, an employee may establish service credit for a period of up to 2 years spent in active military service for which he does not qualify for credit under Section 14-105, provided that (1) he was not dishonorably discharged from such military service, and (2) the amount of service credit established by a member under this subsection (j), when added to the amount of military service credit granted to the member under subsection (b) of Section 14-105, shall not exceed 5 years. The change in the manner of calculating interest under this subsection (j) made by this amendatory Act of the 92nd General Assembly applies to credit purchased by an employee on or after its effective date and does not entitle any person to a refund of contributions or interest already paid.

(k) An employee who was employed on a full-time basis by the Illinois State's Attorneys Association Statewide Appellate Assistance Service LEAA-ILEC grant project prior to the time that project became the State's Attorneys Appellate Service Commission, now the Office of the State's Attorneys Appellate Prosecutor, an agency of State government, may establish creditable service for not more than 60 months service for such employment by making contributions required under this Section.

(l) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member may establish service credit for periods of less than one year spent on authorized leave of absence from service, provided that (1) the period of leave began on or after January 1, 1982 and (2) any credit established by the member for the period of leave in any other public employee retirement system has been terminated. A member may establish service credit under this subsection for more than one period of authorized leave, and in that case the total period of service credit established by the member under this subsection may exceed one year. In determining the contributions required for establishing service credit under this subsection, the interest shall be calculated from the beginning of the leave of absence to the date of payment.

(m) Any person who rendered contractual services to a member of the General Assembly as a worker in the member's district office may establish creditable service for up to 3 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 2004 ~~1998~~.

(n) Any person who rendered contractual services to a member of the General Assembly as a worker providing constituent services to persons in the member's district may establish creditable service for up to 8 years of those contractual services by making the contributions required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. To establish credit under this subsection, the applicant must apply to the System by March 1, 2004 ~~1998~~.

(o) A member who participated in the Illinois Legislative Staff Internship Program may establish creditable service for up to one year of that participation by making the contribution required under this Section. The System shall determine a full-time salary equivalent for the purpose of calculating the required contribution. Credit may not be established under this subsection for any period for which service credit is established under any other provision of this Code.

(p) By paying the contributions otherwise required under this Section, plus an amount determined by the Board to be equal to the employer's normal cost of the benefit plus interest, a member who has 95 months of service credit may establish one additional month of service credit and thereby meet the 8-year vesting requirement for a retirement annuity under Section 14-107. (Source: P.A. 92-54, eff. 7-12-01.)

(40 ILCS 5/14-104.12 new)

Sec. 14-104.12. Credit for employment with the Illinois Sports Facilities Authority Board.

(a) A person who has service credit in the System and has not yet begun to receive a retirement annuity may establish service credit in this System for periods before the effective date of this Section during which he or she was employed by the Illinois Sports Facilities Authority Board or its predecessor entities, provided that the person does not have credit for those periods in any other public employee pension fund or retirement system and has terminated participation with respect to those periods of employment in any pension or retirement program established by the Authority or its predecessor entities. A person need not establish credit for all such periods and may not establish more than 10 years of service credit under this

subsection. The credit established shall be deemed to relate to the earliest period for which the credit may be established.

In order to establish this credit, the person must apply in writing to the Board and pay to the System an amount equal to the sum of: (i) employee contributions based upon the period of credit to be established, the employee contribution rate in effect at the time of application, and the applicant's salary rate on the last day of service in the System before his or her employment with the Authority, or the first day of service in the System after that employment, whichever is higher; (ii) the employer's normal cost of the benefits accrued for the credit being established, as determined by the Board; and (iii) regular interest on items (i) and (ii) from the date of the service for which credit is being established to the date of payment. The applicant must pay the required contribution to the System before the retirement annuity begins.

(b) A person wishing to establish service credit under subsection (a) may reinstate creditable service terminated upon receipt of a refund in accordance with the provisions of Section 14-130(b).

(c) An eligible person may establish service credit under subsection (a) without returning to active service as an employee under this Article, but the required contributions must be received by the System before the person begins to receive a retirement annuity under this Article.

(40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

Sec. 14-110. Alternative retirement annuity. (a) Any member who has withdrawn from service with not less than 20 years of eligible creditable service and has attained age 55, and any member who has withdrawn from service with not less than 25 years of eligible creditable service and has attained age 50, regardless of whether the attainment of either of the specified ages occurs while the member is still in service, shall be entitled to receive at the option of the member, in lieu of the regular or minimum retirement annuity, a retirement annuity computed as follows:

(i) for periods of service as a noncovered employee: if retirement occurs on or after January 1, 2001, 3% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 2 1/4% of final average compensation for each of the first 10 years of creditable service, 2 1/2% for each year above 10 years to and including 20 years of creditable service, and 2 3/4% for each year of creditable service above 20 years; and

(ii) for periods of eligible creditable service as a covered employee: if retirement occurs on or after January 1, 2001, 2.5% of final average compensation for each year of creditable service; if retirement occurs before January 1, 2001, 1.67% of final average compensation for each of the first 10 years of such service, 1.90% for each of the next 10 years of such service, 2.10% for each year of such service in excess of 20 but not exceeding 30, and 2.30% for each year in excess of 30.

Such annuity shall be subject to a maximum of 75% of final average compensation if retirement occurs before January 1, 2001 or to a maximum of 80% of final average compensation if retirement occurs on or after January 1, 2001.

These rates shall not be applicable to any service performed by a member as a covered employee which is not eligible creditable service. Service as a covered employee which is not eligible creditable service shall be subject to the rates and provisions of Section 14-108.

(b) For the purpose of this Section, "eligible creditable service" means creditable service resulting from service in one or more of the following positions:

(1) State policeman;
(2) fire fighter in the fire protection service of a department;
(3) air pilot;
(4) special agent;
(5) investigator for the Secretary of State;
(6) conservation police officer;
(7) investigator for the Department of Revenue;
(8) security employee of the Department of Human Services;
(9) Central Management Services security police officer;
(10) security employee of the Department of Corrections;
(11) dangerous drugs investigator;
(12) investigator for the Department of State Police;
(13) investigator for the Office of the Attorney General;
(14) controlled substance inspector;
(15) investigator for the Office of the State's Attorneys Appellate Prosecutor;
(16) Commerce Commission police officer;
(17) arson investigator;

(18) State highway maintenance worker;

(19) military security police officer.

A person employed in one of the positions specified in this subsection is entitled to eligible creditable service for service credit earned under this Article while undergoing the basic police training course approved by the Illinois Law Enforcement Training Standards Board, if completion of that training is required of persons serving in that position. For the purposes of this Code, service during the required basic police training course shall be deemed performance of the duties of the specified position, even though the person is not a sworn peace officer at the time of the training.

(c) For the purposes of this Section:

(1) The term "state policeman" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(2) The term "fire fighter in the fire protection service of a department" includes all officers in such fire protection service including fire chiefs and assistant fire chiefs.

(3) The term "air pilot" includes any employee whose official job description on file in the Department of Central Management Services, or in the department by which he is employed if that department is not covered by the Personnel Code, states that his principal duty is the operation of aircraft, and who possesses a pilot's license; however, the change in this definition made by this amendatory Act of 1983 shall not operate to exclude any noncovered employee who was an "air pilot" for the purposes of this Section on January 1, 1984.

(4) The term "special agent" means any person who by reason of employment by the Division of Narcotic Control, the Bureau of Investigation or, after July 1, 1977, the Division of Criminal Investigation, the Division of Internal Investigation, the Division of Operations, or any other Division or organizational entity in the Department of State Police is vested by law with duties to maintain public order, investigate violations of the criminal law of this State, enforce the laws of this State, make arrests and recover property. The term "special agent" includes any title or position in the Department of State Police that is held by an individual employed under the State Police Act.

(5) The term "investigator for the Secretary of State" means any person employed by the Office of the Secretary of State and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

A person who became employed as an investigator for the Secretary of State between January 1, 1967 and December 31, 1975, and who has served as such until attainment of age 60, either continuously or with a single break in service of not more than 3 years duration, which break terminated before January 1, 1976, shall be entitled to have his retirement annuity calculated in accordance with subsection (a), notwithstanding that he has less than 20 years of credit for such service.

(6) The term "Conservation Police Officer" means any person employed by the Division of Law Enforcement of the Department of Natural Resources and vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. The term "Conservation Police Officer" includes the positions of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

(7) The term "investigator for the Department of Revenue" means any person employed by the Department of Revenue and vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(8) The term "security employee of the Department of Human Services" means any person employed by the Department of Human Services who (i) is employed at the Chester Mental Health Center and has daily contact with the residents thereof, (ii) is employed within a security unit at a facility operated by the Department and has daily contact with the residents of the security unit, (iii) is employed at a facility operated by the Department that includes a security unit and is regularly scheduled to work at least 50% of his or her working hours within that security unit, or (iv) is a mental health police officer. "Mental health police officer" means any person employed by the Department of Human Services in a position pertaining to the Department's mental health and developmental disabilities functions who is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. "Security unit" means that portion of a facility that is devoted to the care, containment, and treatment of persons committed to the Department of Human Services as sexually violent persons, persons unfit to stand trial, or persons not guilty by reason of insanity. With respect to past employment,

references to the Department of Human Services include its predecessor, the Department of Mental Health and Developmental Disabilities.

The changes made to this subdivision (c)(8) by Public Act 92-14 apply to persons who retire on or after January 1, 2001, notwithstanding Section 1-103.1.

(9) "Central Management Services security police officer" means any person employed by the Department of Central Management Services who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(10) The term "security employee of the Department of Corrections" means any employee of the Department of Corrections or the former Department of Personnel, and any member or employee of the Prisoner Review Board, who has daily contact with inmates by working within a correctional facility or who is a parole officer or an employee who has direct contact with committed persons in the performance of his or her job duties.

(11) The term "dangerous drugs investigator" means any person who is employed as such by the Department of Human Services.

(12) The term "investigator for the Department of State Police" means a person employed by the Department of State Police who is vested under Section 4 of the Narcotic Control Division Abolition Act with such law enforcement powers as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act.

(13) "Investigator for the Office of the Attorney General" means any person who is employed as such by the Office of the Attorney General and is vested with such investigative duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. For the period before January 1, 1989, the term includes all persons who were employed as investigators by the Office of the Attorney General, without regard to social security status.

(14) "Controlled substance inspector" means any person who is employed as such by the Department of Professional Regulation and is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and 218(l)(1) of that Act. The term "controlled substance inspector" includes the Program Executive of Enforcement and the Assistant Program Executive of Enforcement.

(15) The term "investigator for the Office of the State's Attorneys Appellate Prosecutor" means a person employed in that capacity on a full time basis under the authority of Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(16) "Commerce Commission police officer" means any person employed by the Illinois Commerce Commission who is vested with such law enforcement duties as render him ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act.

(17) "Arson investigator" means any person who is employed as such by the Office of the State Fire Marshal and is vested with such law enforcement duties as render the person ineligible for coverage under the Social Security Act by reason of Sections 218(d)(5)(A), 218(d)(8)(D), and 218(l)(1) of that Act. A person who was employed as an arson investigator on January 1, 1995 and is no longer in service but not yet receiving a retirement annuity may convert his or her creditable service for employment as an arson investigator into eligible creditable service by paying to the System the difference between the employee contributions actually paid for that service and the amounts that would have been contributed if the applicant were contributing at the rate applicable to persons with the same social security status earning eligible creditable service on the date of application.

(18) The term "State highway maintenance worker" means a person who is either of the following:

(i) A person employed on a full-time basis by the Illinois Department of Transportation in the position of highway maintainer, highway maintenance lead worker, highway maintenance lead/lead worker, highway construction supervisor (grade 1 or 2,) heavy construction equipment operator, power shovel operator, sign hanger, sign hanger foreman, silkscreen operator (but only when employed in IDOT District 9 and only if so employed in the District on the effective date of this amendatory Act of the 93rd General Assembly), or bridge mechanic; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the highways that form a part of the State highway system in serviceable condition for vehicular traffic.

(ii) A person employed on a full-time basis by the Illinois State Toll Highway Authority in the position of equipment operator/laborer H-4, equipment operator/laborer H-6, welder H-4, welder H-6, mechanical/electrical H-4, mechanical/electrical H-6, water/sewer H-4, water/sewer H-6, sign

maker/hanger H-4, sign maker/hanger H-6, roadway lighting H-4, roadway lighting H-6, structural H-4, structural H-6, painter H-4, or painter H-6; and whose principal responsibility is to perform, on the roadway, the actual maintenance necessary to keep the Authority's tollways in serviceable condition for vehicular traffic.

(19) "Military security police officer" means any person employed by the Department of Military Affairs in the position of military security police I or military security police II (or the predecessor job titles military security guard 1 or military security guard 2).

(d) A security employee of the Department of Corrections, and a security employee of the Department of Human Services who is not a mental health police officer, shall not be eligible for the alternative retirement annuity provided by this Section unless he or she meets the following minimum age and service requirements at the time of retirement:

(i) 25 years of eligible creditable service and age 55; or

(ii) beginning January 1, 1987, 25 years of eligible creditable service and age 54, or 24 years of eligible creditable service and age 55; or

(iii) beginning January 1, 1988, 25 years of eligible creditable service and age 53, or 23 years of eligible creditable service and age 55; or

(iv) beginning January 1, 1989, 25 years of eligible creditable service and age 52, or 22 years of eligible creditable service and age 55; or

(v) beginning January 1, 1990, 25 years of eligible creditable service and age 51, or 21 years of eligible creditable service and age 55; or

(vi) beginning January 1, 1991, 25 years of eligible creditable service and age 50, or 20 years of eligible creditable service and age 55.

Persons who have service credit under Article 16 of this Code for service as a security employee of the Department of Corrections or the Department of Human Services in a position requiring certification as a teacher may count such service toward establishing their eligibility under the service requirements of this Section; but such service may be used only for establishing such eligibility, and not for the purpose of increasing or calculating any benefit.

(e) If a member enters military service while working in a position in which eligible creditable service may be earned, and returns to State service in the same or another such position, and fulfills in all other respects the conditions prescribed in this Article for credit for military service, such military service shall be credited as eligible creditable service for the purposes of the retirement annuity prescribed in this Section.

(f) For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before October 1, 1975 as a covered employee in the position of special agent, conservation police officer, mental health police officer, or investigator for the Secretary of State, shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after July 31, 1987, regular interest on the amount specified in item (1) from the date of service to the date of payment.

For purposes of calculating retirement annuities under this Section, periods of service rendered after December 31, 1968 and before January 1, 1982 as a covered employee in the position of investigator for the Department of Revenue shall be deemed to have been service as a noncovered employee, provided that the employee pays to the System prior to retirement an amount equal to (1) the difference between the employee contributions that would have been required for such service as a noncovered employee, and the amount of employee contributions actually paid, plus (2) if payment is made after January 1, 1990, regular interest on the amount specified in item (1) from the date of service to the date of payment.

(g) A State policeman may elect, not later than January 1, 1990, to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman may elect, not later than July 1, 1993, to establish eligible creditable service for up to 10 years of his service as a member of the County Police Department under Article 9, by filing a written election with the Board, accompanied by payment of an

amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 9-121.10 and the amounts that would have been contributed had those contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(h) Subject to the limitation in subsection (i), a State policeman or investigator for the Secretary of State may elect to establish eligible creditable service for up to 12 years of his service as a policeman under Article 5, by filing a written election with the Board on or before January 31, 1992, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 5-236, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

Subject to the limitation in subsection (i), a State policeman, conservation police officer, or investigator for the Secretary of State may elect to establish eligible creditable service for up to 10 years of service as a sheriff's law enforcement employee under Article 7, by filing a written election with the Board on or before January 31, 1993, and paying to the System by January 31, 1994 an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 7-139.7, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(i) The total amount of eligible creditable service established by any person under subsections (g), (h), (j), (k), and (l) of this Section shall not exceed 12 years.

(j) Subject to the limitation in subsection (i), an investigator for the Office of the State's Attorneys Appellate Prosecutor or a controlled substance inspector may elect to establish eligible creditable service for up to 10 years of his service as a policeman under Article 3 or a sheriff's law enforcement employee under Article 7, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (1) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.6 or 7-139.8, and the amounts that would have been contributed had such contributions been made at the rates applicable to State policemen, plus (2) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment.

(k) Subject to the limitation in subsection (i) of this Section, an alternative formula employee may elect to establish eligible creditable service for periods spent as a full-time law enforcement officer or full-time corrections officer employed by the federal government or by a state or local government located outside of Illinois, for which credit is not held in any other public employee pension fund or retirement system. To obtain this credit, the applicant must file a written application with the Board by March 31, 1998, accompanied by evidence of eligibility acceptable to the Board and payment of an amount to be determined by the Board, equal to (1) employee contributions for the credit being established, based upon the applicant's salary on the first day as an alternative formula employee after the employment for which credit is being established and the rates then applicable to alternative formula employees, plus (2) an amount determined by the Board to be the employer's normal cost of the benefits accrued for the credit being established, plus (3) regular interest on the amounts in items (1) and (2) from the first day as an alternative formula employee after the employment for which credit is being established to the date of payment.

(l) Subject to the limitation in subsection (i), a security employee of the Department of Corrections may elect, not later than July 1, 1998, to establish eligible creditable service for up to 10 years of his or her service as a policeman under Article 3, by filing a written election with the Board, accompanied by payment of an amount to be determined by the Board, equal to (i) the difference between the amount of employee and employer contributions transferred to the System under Section 3-110.5, and the amounts that would have been contributed had such contributions been made at the rates applicable to security employees of the Department of Corrections, plus (ii) interest thereon at the effective rate for each year, compounded annually, from the date of service to the date of payment. (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01; 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; 92-651, eff. 7-11-02.)

(40 ILCS 5/14-119) (from Ch. 108 1/2, par. 14-119)

Sec. 14-119. Amount of widow's annuity. (a) The widow's annuity shall be 50% of the amount of retirement annuity payable to the member on the date of death while on retirement if an annuitant, or on the date of his death while in service if an employee, regardless of his age on such date, or on the date of

withdrawal if death occurred after termination of service under the conditions prescribed in the preceding Section.

(b) If an eligible widow, regardless of age, has in her care any unmarried child or children of the member under age 18 (under age 22 if a full-time student), the widow's annuity shall be increased in the amount of 5% of the retirement annuity for each such child, but the combined payments for a widow and children shall not exceed 66 2/3% of the member's earned retirement annuity.

The amount of retirement annuity from which the widow's annuity is derived shall be that earned by the member without regard to whether he attained age 60 prior to his withdrawal under the conditions stated or prior to his death.

(c) Adopted children shall be considered as children of the member only if the proceedings for adoption were commenced at least 1 year prior to the member's death.

Marriage of a child shall render the child ineligible for further consideration in the increase in the amount of the widow's annuity.

Attainment of age 18 (age 22 if a full-time student) shall render a child ineligible for further consideration in the increase of the widow's annuity, but the annuity to the widow shall be continued thereafter, without regard to her age at that time.

(d) Until January 1, 2004, a widow's annuity payable on account of any covered employee who has ~~shall have~~ been a covered employee for at least 18 months shall be reduced by 1/2 of the amount of survivors benefits to which his beneficiaries are eligible under the provisions of the Federal Social Security Act, except that (1) the amount of any widow's annuity payable under this Article shall not be reduced by reason of any increase under that Act which occurs after the offset required by this subsection is first applied to that annuity, and (2) for benefits granted on or after January 1, 1992, the offset under this subsection (d) shall not exceed 50% of the amount of widow's annuity otherwise payable.

Beginning January 1, 2004, the offset under this subsection (d) shall no longer be applied to any widow's annuity, regardless of whether the deceased employee was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(e) Upon the death of a recipient of a widow's annuity the excess, if any, of the member's accumulated contributions plus credited interest over all annuity payments to the member and widow, exclusive of the $500 lump sum payment, shall be paid to the named beneficiary of the widow, or if none has been named, to the estate of the widow, provided no reversionary annuity is payable.

(f) On January 1, 1981, any recipient of a widow's annuity who was receiving a widow's annuity on or before January 1, 1971, shall have her widow's annuity then being paid increased by 1% for each full year which has elapsed from the date the widow's annuity began. On January 1, 1982, any recipient of a widow's annuity who began receiving a widow's annuity after January 1, 1971, but before January 1, 1981, shall have her widow's annuity then being paid increased by 1% for each full year which has elapsed from the date the widow's annuity began. On January 1, 1987, any recipient of a widow's annuity who began receiving the widow's annuity on or before January 1, 1977, shall have the monthly widow's annuity increased by $1 for each full year which has elapsed since the date the annuity began.

(g) Beginning January 1, 1990, every widow's annuity shall be increased (1) on each January 1 occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article. Such increases shall apply without regard to whether the deceased member was in service on or after the effective date of Public Act 86-1488, but shall not accrue for any period prior to January 1, 1990. (Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/14-121) (from Ch. 108 1/2, par. 14-121)

Sec. 14-121. Amount of survivors annuity. A survivors annuity beneficiary shall be entitled upon death of the member to a single sum payment of $1,000, payable pro rata among all persons entitled thereto, together with a survivors annuity payable at the rates and under the conditions specified in this Article.

(a) If the survivors annuity beneficiary is a spouse, the survivors annuity shall be 30% of final average compensation subject to a maximum payment of $400 per month.

(b) If an eligible child or children under the care of a spouse also survives the member, such spouse as natural guardian of the child or children shall receive, in addition to the foregoing annuity, 20% of final average compensation on account of each such child and 10% of final average compensation divided pro rata among such children, subject to a maximum payment on account of all survivor annuity beneficiaries of $600 per month, or 80% of the member's final average compensation, whichever is the lesser.

(c) If the survivors annuity beneficiary or beneficiaries consists of an unmarried child or children, the amount of survivors annuity shall be 20% of final average compensation to each child, and 10% of final average compensation divided pro rata among all such children entitled to such annuity, subject to a maximum payment to all children combined of $600 per month or 80% of the member's final average compensation, whichever is the lesser.

(d) If the survivors annuity beneficiary is one or more dependent parents, the annuity shall be 20% of final average compensation to each parent and 10% of final average compensation divided pro rata among the parents who qualify for this annuity, subject to a maximum payment to both dependent parents of $400 per month.

(e) The survivors annuity to the spouse, children or dependent parents of a member whose death occurs after the date of last withdrawal, or after retirement, or while in service following reentry into service after retirement but before completing 1 1/2 years of additional creditable service, shall not exceed the lesser of 80% of the member's earned retirement annuity at the date of death or the maximum previously established in this Section.

(f) In applying the limitation prescribed on the combined payments to 2 or more survivors annuity beneficiaries, the annuity on account of each beneficiary shall be reduced pro rata until such time as the number of beneficiaries makes the reduction no longer applicable.

(g) Until January 1, 2004, a survivors annuity payable on account of any covered employee who has ~~shall have~~ been a covered employee for at least 18 months at date of death or last withdrawal, whichever is the later, shall be reduced by 1/2 of the survivors benefits to which his beneficiaries are eligible under the federal Social Security Act, except that (1) the survivors annuity payable under this Article shall not be reduced by any increase under that Act which occurs after the offset required by this subsection is first applied to that annuity, (2) for benefits granted on or after January 1, 1992, the offset under this subsection (g) shall not exceed 50% of the amount of survivors annuity otherwise payable.

Beginning January 1, 2004, the offset under this subsection (g) shall no longer be applied to any survivors annuity, regardless of whether the deceased employee was in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(h) The minimum payment to a beneficiary hereunder shall be $60 per month, which shall be reduced in accordance with the limitation prescribed on the combined payments to all beneficiaries of a member.

(i) Subject to the conditions set forth in Section 14-120, the minimum total survivors annuity benefit payable to the survivors annuity beneficiaries of a deceased member or annuitant whose death occurs on or after January 1, 1984, shall be 50% of the amount of retirement annuity that was or would have been payable to the deceased on the date of death, regardless of the age of the deceased on such date. If the minimum total benefit provided by this subsection exceeds the maximum otherwise imposed by this Section, the minimum total benefit shall nevertheless be payable. Any increase in the total survivors annuity benefit resulting from the operation of this subsection shall be divided among the survivors annuity beneficiaries of the deceased in proportion to their shares of the total survivors annuity benefit otherwise payable under this Section.

(j) Any survivors annuity beneficiary whose annuity terminates due to any condition specified in this Article other than death shall be entitled to a refund of the excess, if any, of the accumulated contributions of the member plus credited interest over all payments to the member and beneficiary or beneficiaries, exclusive of the single sum payment of $1,000, provided no future survivors or reversionary annuity benefits are payable.

(k) Upon the death of the last eligible recipient of a survivors annuity the excess, if any, of the member's accumulated contributions plus credited interest over all annuity payments to the member and survivors exclusive of the single sum payment of $1000, shall be paid to the named beneficiary of the last eligible survivor, or if none has been named, to the estate of the last eligible survivor, provided no reversionary annuity is payable.

(l) On January 1, 1981, any survivor who was receiving a survivors annuity on or before January 1, 1971, shall have his survivors annuity then being paid increased by 1% for each full year which has elapsed from the date the annuity began. On January 1, 1982, any survivor who began receiving a survivor's annuity after January 1, 1971, but before January 1, 1981, shall have his survivor's annuity then being paid increased by 1% for each full year that has elapsed from the date the annuity began. On January 1, 1987, any survivor who began receiving a survivor's annuity on or before January 1, 1977, shall have the monthly survivor's annuity increased by $1 for each full year which has elapsed since the date the survivor's annuity began.

(m) Beginning January 1, 1990, every survivor's annuity shall be increased (1) on each January 1

occurring on or after the commencement of the annuity if the deceased member died while receiving a retirement annuity, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the annuity, by an amount equal to 3% of the current amount of the annuity, including any previous increases under this Article. Such increases shall apply without regard to whether the deceased member was in service on or after the effective date of Public Act 86-1488, but shall not accrue for any period prior to January 1, 1990. (Source: P.A. 86-273; 86-1488; 87-794.)

(40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

Sec. 16-106. Teacher. "Teacher": The following individuals, provided that, for employment prior to July 1, 1990, they are employed on a full-time basis, or if not full-time, on a permanent and continuous basis in a position in which services are expected to be rendered for at least one school term:

(1) Any educational, administrative, professional or other staff employed in the public common schools included within this system in a position requiring certification under the law governing the certification of teachers;

(2) Any educational, administrative, professional or other staff employed in any facility of the Department of Children and Family Services or the Department of Human Services, in a position requiring certification under the law governing the certification of teachers, and any person who (i) works in such a position for the Department of Corrections, (ii) was a member of this System on May 31, 1987, and (iii) did not elect to become a member of the State Employees' Retirement System pursuant to Section 14-108.2 of this Code; except that "teacher" does not include any person who (A) becomes a security employee of the Department of Human Services, as defined in Section 14-110, after June 28, 2001 (the effective date of Public Act 92-14), or (B) becomes a member of the State Employees' Retirement System pursuant to Section 14-108.2c of this Code;

(3) Any regional superintendent of schools, assistant regional superintendent of schools, State Superintendent of Education; any person employed by the State Board of Education as an executive; any executive of the boards engaged in the service of public common school education in school districts covered under this system of which the State Superintendent of Education is an ex-officio member;

(4) Any employee of a school board association operating in compliance with Article 23 of the School Code who is certificated under the law governing the certification of teachers;

(5) Any person employed by the retirement system who:

(i) was an employee of and a participant in the system on August 17, 2001 (the effective date of Public Act 92-416), or

(ii) <u>was an employee of but not a participant in the system on the effective date of this amendatory Act of the 93rd General Assembly, and has thereafter become employed by the system in a different position and made an irrevocable election to begin participating in the system, or</u>

<u>(iii)</u> becomes an employee of the system on or after August 17, 2001;

(6) Any educational, administrative, professional or other staff employed by and under the supervision and control of a regional superintendent of schools, provided such employment position requires the person to be certificated under the law governing the certification of teachers and is in an educational program serving 2 or more districts in accordance with a joint agreement authorized by the School Code or by federal legislation;

(7) Any educational, administrative, professional or other staff employed in an educational program serving 2 or more school districts in accordance with a joint agreement authorized by the School Code or by federal legislation and in a position requiring certification under the laws governing the certification of teachers;

(8) Any officer or employee of a statewide teacher organization or officer of a national teacher organization who is certified under the law governing certification of teachers, provided: (i) the individual had previously established creditable service under this Article, (ii) the individual files with the system an irrevocable election to become a member, and (iii) the individual does not receive credit for such service under any other Article of this Code;

(9) Any educational, administrative, professional, or other staff employed in a charter school operating in compliance with the Charter Schools Law who is certificated under the law governing the certification of teachers.

An annuitant receiving a retirement annuity under this Article ~~or under Article 17 of this Code~~ who is temporarily employed by a board of education or other employer not exceeding that permitted under Section 16-118 is not a "teacher" for purposes of this Article. A person who has received a single-sum retirement benefit under Section 16-136.4 of this Article is not a "teacher" for purposes of this Article. (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01; 92-651, eff. 7-11-02.)

(40 ILCS 5/16-113) (from Ch. 108 1/2, par. 16-113)

Sec. 16-113. Accumulated contributions. "Accumulated contributions": The sum of all contributions to this System made by or on behalf of a member in respect to membership service and credited to his or her account in the Benefit Trust Reserve ~~Members' Contribution Reserve~~, together with regular interest thereon. (Source: P.A. 83-1440.)

(40 ILCS 5/16-127) (from Ch. 108 1/2, par. 16-127)

Sec. 16-127. Computation of creditable service. (a) Each member shall receive regular credit for all service as a teacher from the date membership begins, for which satisfactory evidence is supplied and all contributions have been paid.

(b) The following periods of service shall earn optional credit and each member shall receive credit for all such service for which satisfactory evidence is supplied and all contributions have been paid as of the date specified:

(1) Prior service as a teacher.

(2) Service in a capacity essentially similar or equivalent to that of a teacher, in the public common schools in school districts in this State not included within the provisions of this System, or of any other State, territory, dependency or possession of the United States, or in schools operated by or under the auspices of the United States, or under the auspices of any agency or department of any other State, and service during any period of professional speech correction or special education experience for a public agency within this State or any other State, territory, dependency or possession of the United States, and service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety, for a period not exceeding the lesser of 2/5 of the total creditable service of the member or 10 years. The maximum service of 10 years which is allowable under this paragraph shall be reduced by the service credit which is validated by other retirement systems under paragraph (i) of Section 15-113 and paragraph 1 of Section 17-133. Credit granted under this paragraph may not be used in determination of a retirement annuity or disability benefits unless the member has at least 5 years of creditable service earned subsequent to this employment with one or more of the following systems: Teachers' Retirement System of the State of Illinois, State Universities Retirement System, and the Public School Teachers' Pension and Retirement Fund of Chicago. Whenever such service credit exceeds the maximum allowed for all purposes of this Article, the first service rendered in point of time shall be considered. The changes to this subdivision (b)(2) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

(3) Any periods immediately following teaching service, under this System or under Article 17, (or immediately following service prior to February 1, 1951 as a recreation worker for the Illinois Department of Public Safety) spent in active service with the military forces of the United States; periods spent in educational programs that prepare for return to teaching sponsored by the federal government following such active military service; if a teacher returns to teaching service within one calendar year after discharge or after the completion of the educational program, a further period, not exceeding one calendar year, between time spent in military service or in such educational programs and the return to employment as a teacher under this System; and a period of up to 2 years of active military service not immediately following employment as a teacher.

The changes to this Section and Section 16-128 relating to military service made by P.A. 87-794 shall apply not only to persons who on or after its effective date are in service as a teacher under the System, but also to persons whose status as a teacher terminated prior to that date, whether or not the person is an annuitant on that date. In the case of an annuitant who applies for credit allowable under this Section for a period of military service that did not immediately follow employment, and who has made the required contributions for such credit, the annuity shall be recalculated to include the additional service credit, with the increase taking effect on the date the System received written notification of the annuitant's intent to purchase the credit, if payment of all the required contributions is made within 60 days of such notice, or else on the first annuity payment date following the date of payment of the required contributions. In calculating the automatic annual increase for an annuity that has been recalculated under this Section, the increase attributable to the additional service allowable under P.A. 87-794 shall be included in the calculation of automatic annual increases accruing after the effective date of the recalculation.

Credit for military service shall be determined as follows: if entry occurs during the months of July, August, or September and the member was a teacher at the end of the immediately preceding school

term, credit shall be granted from July 1 of the year in which he or she entered service; if entry occurs during the school term and the teacher was in teaching service at the beginning of the school term, credit shall be granted from July 1 of such year. In all other cases where credit for military service is allowed, credit shall be granted from the date of entry into the service.

The total period of military service for which credit is granted shall not exceed 5 years for any member unless the service: (A) is validated before July 1, 1964, and (B) does not extend beyond July 1, 1963. Credit for military service shall be granted under this Section only if not more than 5 years of the military service for which credit is granted under this Section is used by the member to qualify for a military retirement allotment from any branch of the armed forces of the United States. The changes to this subdivision (b)(3) made by Public Act 86-272 shall apply not only to persons who on or after its effective date (August 23, 1989) are in service as a teacher under the System, but also to persons whose status as such a teacher terminated prior to such effective date, whether or not such person is an annuitant on that date.

(4) Any periods served as a member of the General Assembly.

(5)(i) Any periods for which a teacher, as defined in Section 16-106, is granted a leave of absence, provided he or she returns to teaching service creditable under this System or the State Universities Retirement System following the leave; (ii) periods during which a teacher is involuntarily laid off from teaching, provided he or she returns to teaching following the lay-off; (iii) periods prior to July 1, 1983 during which a teacher ceased covered employment under this Article or Article 17 due to pregnancy, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the pregnancy and submits evidence satisfactory to the Board documenting that the employment ceased due to pregnancy; and (iv) periods prior to July 1, 1983 during which a teacher ceased covered employment for the purpose of adopting an infant under 3 years of age or caring for a newly adopted infant under 3 years of age, provided that the teacher returned to teaching service creditable under this System or the State Universities Retirement System following the adoption and submits evidence satisfactory to the Board documenting that the employment ceased for the purpose of adopting an infant under 3 years of age or caring for a newly adopted infant under 3 years of age. However, total credit under this paragraph (5) may not exceed 3 years.

Any qualified member or annuitant may apply for credit under item (iii) or (iv) of this paragraph (5) without regard to whether service was terminated before the effective date of this amendatory Act of 1997. In the case of an annuitant who establishes credit under item (iii) or (iv), the annuity shall be recalculated to include the additional service credit. The increase in annuity shall take effect on the date the System receives written notification of the annuitant's intent to purchase the credit, if the required evidence is submitted and the required contribution paid within 60 days of that notification, otherwise on the first annuity payment date following the System's receipt of the required evidence and contribution. The increase in an annuity recalculated under this provision shall be included in the calculation of automatic annual increases in the annuity accruing after the effective date of the recalculation.

Optional credit may be purchased under this subsection (b)(5) for periods during which a teacher has been granted a leave of absence pursuant to Section 24-13 of the School Code. A teacher whose service under this Article terminated prior to the effective date of P.A. 86-1488 shall be eligible to purchase such optional credit. If a teacher who purchases this optional credit is already receiving a retirement annuity under this Article, the annuity shall be recalculated as if the annuitant had applied for the leave of absence credit at the time of retirement. The difference between the entitled annuity and the actual annuity shall be credited to the purchase of the optional credit. The remainder of the purchase cost of the optional credit shall be paid on or before April 1, 1992.

The change in this paragraph made by Public Act 86-273 shall be applicable to teachers who retire after June 1, 1989, as well as to teachers who are in service on that date.

(6) Any days of unused and uncompensated accumulated sick leave earned by a teacher. The service credit granted under this paragraph shall be the ratio of the number of unused and uncompensated accumulated sick leave days to 170 days, subject to a maximum of 2 years of service credit. Prior to the member's retirement, each former employer shall certify to the System the number of unused and uncompensated accumulated sick leave days credited to the member at the time of termination of service. The period of unused sick leave shall not be considered in determining the effective date of retirement. A member is not required to make contributions in order to obtain service credit for unused sick leave.

Credit for sick leave shall, at retirement, be granted by the System for any retiring regional or

assistant regional superintendent of schools at the rate of 6 days per year of creditable service or portion thereof established while serving as such superintendent or assistant superintendent.

(7) Periods prior to February 1, 1987 served as an employee of the Illinois Mathematics and Science Academy for which credit has not been terminated under Section 15-113.9 of this Code.

(8) Service as a substitute teacher for work performed prior to July 1, 1990.

(9) Service as a part-time teacher for work performed prior to July 1, 1990.

(10) Up to 2 years of employment with Southern Illinois University - Carbondale from September 1, 1959 to August 31, 1961, or with Governors State University from September 1, 1972 to August 31, 1974, for which the teacher has no credit under Article 15. To receive credit under this item (10), a teacher must apply in writing to the Board and pay the required contributions before May 1, 1993 and have at least 12 years of service credit under this Article.

(b-1) A member may establish optional credit for up to 2 years of service as a teacher or administrator employed by a private school recognized by the Illinois State Board of Education, provided that the teacher (i) was certified under the law governing the certification of teachers at the time the service was rendered, (ii) applies in writing on or after June 1, 2002 and on or before June 1, 2005, (iii) supplies satisfactory evidence of the employment, (iv) completes at least 10 years of contributing service as a teacher as defined in Section 16-106, and (v) pays the contribution required in subsection (d-5) of Section 16-128. The member may apply for credit under this subsection and pay the required contribution before completing the 10 years of contributing service required under item (iv), but the credit may not be used until the item (iv) contributing service requirement has been met.

(c) The service credits specified in this Section shall be granted only if: (1) such service credits are not used for credit in any other statutory tax-supported public employee retirement system other than the federal Social Security program; and (2) the member makes the required contributions as specified in Section 16-128. Except as provided in subsection (b-1) of this Section, the service credit shall be effective as of the date the required contributions are completed.

Any service credits granted under this Section shall terminate upon cessation of membership for any cause.

Credit may not be granted under this Section covering any period for which an age retirement or disability retirement allowance has been paid. (Source: P.A. 92-867, eff. 1-3-03.)

(40 ILCS 5/16-129.1)

Sec. 16-129.1. Optional increase in retirement annuity. (a) A member of the System may qualify for the augmented rate under subdivision (a)(B)(1) of Section 16-133 for all years of creditable service earned before July 1, 1998 by making the optional contribution specified in subsection (b). A member may not elect to qualify for the augmented rate for only a portion of his or her creditable service earned before July 1, 1998.

(b) The contribution shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of creditable service earned by the member before July 1, 1998 or 20, whichever is less. This contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall be further reduced at the rate of 25% of the contribution (as reduced for service after June 30, 1998) for each year of the member's total creditable service in excess of 34 years. The contribution shall not in any event exceed 20% of that salary rate.

The member shall pay to the System the amount of the contribution as calculated at the time of application under this Section. The amount of the contribution determined under this subsection shall be recalculated at the time of retirement, and if the System determines that the amount paid by the member exceeds the recalculated amount, the System shall refund the difference to the member with regular interest from the date of payment to the date of refund.

The contribution required by this subsection shall be paid in one of the following ways or in a combination of the following ways that does not extend over more than 5 years:

(i) in a lump sum on or before the date of retirement;

(ii) in substantially equal installments over a period of time not to exceed 5 years, as a deduction from salary in accordance with subsection (b) of Section 16-154;

(iii) ~~if the member becomes an annuitant before June 30, 2003,~~ in substantially equal monthly installments over a 24-month period, by reducing the annuitant's monthly benefit over a 24-month period by the amount of the otherwise applicable contribution. For federal and Illinois tax purposes, the monthly amount by which the annuitant's benefit is reduced shall not be treated as a contribution by the

annuitant, but rather as a reduction of the annuitant's monthly benefit.

(c) If the member fails to make the full contribution under this Section in a timely fashion, the payments made under this Section shall be refunded to the member, without interest. If the member dies before making the full contribution, the payments made under this Section, together with regular interest thereon, shall be refunded to the member's designated beneficiary for benefits under Section 16-138.

(d) For purposes of this Section and subdivision (a)(B)(1) of Section 16-133, optional creditable service established by a member shall be deemed to have been earned at the time of the employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this System.

(e) The contributions required under this Section are the responsibility of the teacher and not the teacher's employer. However, an employer of teachers may, after the effective date of this amendatory Act of 1998, specifically agree, through collective bargaining or otherwise, to make the contributions required by this Section on behalf of those teachers.

(f) A person who, on or after July 1, 1998 and before June 4, 1999, began receiving a retirement annuity calculated at the augmented rate may apply in writing to have the annuity recalculated to reflect the changes to this Section and Section 16-133 that were enacted in Public Act 91-17. The amount of any resulting decrease in the optional contribution shall be refunded to the annuitant, without interest. Any resulting increase in retirement annuity shall take effect on the next annuity payment date following the date of application under this subsection. (Source: P.A. 91-17, eff. 6-4-99; 92-416, eff. 8-17-01.)

(40 ILCS 5/16-133.2) (from Ch. 108 1/2, par. 16-133.2)

Sec. 16-133.2. Early retirement without discount. A member retiring after June 1, 1980 and on or before June 30, 2005, and applying for a retirement annuity within 6 months of the last day of teaching for which retirement contributions were required, may elect at the time of application for a retirement annuity, to make a one time member contribution to the System and thereby avoid the reduction in the retirement annuity for retirement before age 60 specified in paragraph (B) of Section 16-133. The exercise of the election shall also obligate the last employer to make a one time non-refundable contribution to the System. Substitute teachers wishing to exercise this election must teach 85 or more days in one school term with one employer, who shall be deemed the last employer for purposes of this Section. The last day of teaching with that employer must be within 6 months of the date of application for retirement. All substitute teaching credit applied toward the required 85 days must be earned after June 30, 1990.

The one time member and employer contributions shall be a percentage of the retiring member's highest annual salary rate used in the determination of the average salary for retirement annuity purposes. However, when determining the one-time member and employer contributions, that part of a member's salary with the same employer which exceeds the annual salary rate for the preceding year by more than 20% shall be excluded. The member contribution shall be at the rate of 7% for the lesser of the following 2 periods: (1) for each year that the member is less than age 60; or (2) for each year that the member's creditable service is less than 35 years. If a member is at least age 55 and has at least 34 years of creditable service, no member or employer contribution for the early retirement option shall be required. The employer contribution shall be at the rate of 20% for each year the member is under age 60.

Upon receipt of the application and election, the System shall determine the one time employee and employer contributions required. The member contribution shall be credited to the individual account of the member and the employer contribution shall be credited to the Benefit Trust Reserve ~~Employer's Contribution Reserve~~. The provisions of this Section shall not be applicable until the member's contribution, if any, has been received by the System; however, the date such contributions are received shall not be considered in determining the effective date of retirement.

The number of members working for a single employer who may retire under this Section in any year may be limited at the option of the employer to a specified percentage of those eligible, not less than 30%, with the right to participate to be allocated among those applying on the basis of seniority in the service of the employer. (Source: P.A. 90-582, eff. 5-27-98; 91-17, eff. 6-4-99.)

(40 ILCS 5/16-133.3) (from Ch. 108 1/2, par. 16-133.3)

Sec. 16-133.3. Early retirement incentives for State employees. (a) To be eligible for the benefits provided in this Section, a person must:

(1) be a member of this System who, on any day during June, 2002, is (i) in active payroll status as a full-time teacher employed by a department and an active contributor to this System with respect to that employment, or (ii) on layoff status from such a position with a right of re-employment or recall to service, or (iii) receiving a disability benefit under Section 16-149 or 16-149.1, but only if the member has not been receiving that benefit for a continuous period of more than 2 years as of the date of

application;

(2) not have received any retirement annuity under this Article beginning earlier than August 1, 2002;

(3) file with the Board on or before December 31, 2002 a written application requesting the benefits provided in this Section;

(4) terminate employment under this Article no later than December 31, 2002 (or the date established under subsection (d), if applicable);

(5) by the date of termination of service, have at least 8 years of creditable service under this Article, without the use of any creditable service established under this Section;

(6) by the date of termination of service, have at least 5 years of service credit earned while participating in the System as a teacher employed by a department; and

(7) not receive any early retirement benefit under Section 14-108.3 of this Code.

For the purposes of this Section, "department" means a department as defined in Section 14-103.04 that employs a teacher as defined in this Article.

(b) An eligible person may establish up to 5 years of creditable service under this Article by making the contributions specified in subsection (c). In addition, for each period of creditable service established under this Section, a person's age at retirement shall be deemed to be enhanced by an equivalent period.

The creditable service established under this Section may be used for all purposes under this Article and the Retirement Systems Reciprocal Act, except for the computation of final average salary, the determination of salary or compensation under this Article or any other Article of this Code, or the determination of eligibility for or the computation of benefits under Section 16-133.2.

The age enhancement established under this Section may be used for all purposes under this Article (including calculation of a proportionate annuity payable by this System under the Retirement Systems Reciprocal Act), except for purposes of a retirement annuity under Section 16-133(a)(A), a reversionary annuity under Section 16-136, the required distributions under Section 16-142.3, and the determination of eligibility for or the computation of benefits under Section 16-133.2. Age enhancement established under this Section may be used in determining benefits payable under Article 14 of this Code under the Retirement Systems Reciprocal Act (subject to the limitations on the use of age enhancement provided in Section 14-108.3); age enhancement established under this Section shall not be used in determining benefits payable under other Articles of this Code under the Retirement Systems Reciprocal Act.

(c) For all creditable service established under this Section, a person must pay to the System an employee contribution to be determined by the System, equal to 9.0% of the member's highest annual salary rate that would be used in the determination of the average salary for retirement annuity purposes if the member retired immediately after withdrawal, for each year of creditable service established under this Section.

If the member receives a lump sum payment for accumulated vacation, sick leave, and personal leave upon withdrawal from service, and the net amount of that lump sum payment is at least as great as the amount of the contribution required under this Section, the entire contribution must be paid by the employee by payroll deduction. If there is no such lump sum payment, or if it is less than the contribution required under this Section, the member shall make an initial payment by payroll deduction, equal to the net amount of the lump sum payment for accumulated vacation, sick leave, and personal leave, and have the remaining amount due treated as a reduction from the retirement annuity in 24 equal monthly installments beginning in the month in which the retirement annuity takes effect. The required contribution may be paid as a pre-tax deduction from earnings.

(d) In order to ensure that the efficient operation of State government is not jeopardized by the simultaneous retirement of large numbers of key personnel, the director or other head of a department may, for key employees of that department, extend the December 31, 2002 deadline for terminating employment under this Article established in subdivision (a)(4) of this Section to a date not later than April 30, 2003 by so notifying the System in writing by December 31, 2002.

(e) A person who has received any age enhancement or creditable service under this Section and who reenters contributing service under this Article or Article 14 shall thereby forfeit that age enhancement and creditable service, and become entitled to a refund of the contributions made pursuant to this Section.

(f) The System shall determine the amount of the increase in unfunded accrued liability resulting from the granting of early retirement incentives under this Section and shall report that amount to the Governor and the Pension Laws Commission on or before November 15, 2003. The increase in liability reported under this subsection (f) shall not be included in the calculation of the required State contribution under Section 16-158.

(g) The System shall determine the amount of the annual State contribution necessary to amortize on a level dollar-payment basis, over a period of 10 years at 8.5% interest, compounded annually, an amount equal to the increase in unfunded accrued liability determined under subsection (f) minus $1,000,000. The System shall certify the amount of this annual State contribution to the Governor, the State Comptroller, the Bureau of the Budget, and the Pension Laws Commission on or before November 15, 2003.

In addition to the contributions otherwise required under this Article, the State shall appropriate and pay to the System (1) an amount equal to $1,000,000 in State fiscal year 2004 and (2) in each of State fiscal years 2005 through 2013, an amount equal to the annual State contribution certified by the System under this subsection (g).

(h) The Pension Laws Commission shall determine and report to the General Assembly, on or before January 1, 2004 and annually thereafter through the year 2013, its estimate of (1) the annual amount of payroll savings likely to be realized by the State as a result of the early retirement of persons receiving early retirement incentives under this Section and (2) the net annual savings or cost to the State from the program of early retirement incentives created under this Section.

The System, the Department of Central Management Services, the Bureau of the Budget, and all other departments shall provide to the Commission any assistance that the Commission may request with respect to its reports under this Section. The Commission may require departments to provide it with any information that it deems necessary or useful with respect to its reports under this Section, including without limitation information about (1) the final earnings of former department employees who elected to receive benefits under this Section, (2) the earnings of current department employees holding the positions vacated by persons who elected to receive benefits under this Section, and (3) positions vacated by persons who elected to receive benefits under this Section that have not yet been refilled.

(i) The changes made to this Section by this amendatory Act of the 92nd General Assembly do not apply to persons who retired under this Section on or before May 1, 1992.

(j) A teacher who, on any day in June, 2002, was employed by a department on a regular and permanent basis for 4 or more clock hours per day, 4 days per week shall be deemed to have been in payroll status as a full-time teacher for the purposes of subdivision (a)(1)(i) of this Section, notwithstanding Sections 16-106.1 and 16-106.2. Such a teacher who applied for early retirement benefits under this Section in a timely manner, but was rejected by the System for failure to meet the full-time requirement, may re-apply for an early retirement benefit under this Section within the 30 days following the effective date of this amendatory Act of the 93rd General Assembly. For such a person, the December 31, 2002 deadline for terminating employment under this Article, established in subdivision (a)(4) of this Section, is extended to the end of the school year in which the re-application is received by the System, and the application deadline established in subdivision (a)(3) shall be deemed satisfied by the original application. (Source: P.A. 92-566, eff. 6-25-02.)

(40 ILCS 5/16-136.4) (from Ch. 108 1/2, par. 16-136.4)

Sec. 16-136.4. Single-sum retirement benefit. (a) A member who has less than 5 years of creditable service shall be entitled, upon written application to the board, to receive a retirement benefit payable in a single sum upon or after the member's attainment of age 65. However, the benefit shall not be paid while the member is employed as a teacher in the schools included under this Article or Article 17, unless the System is required by federal law to make payment due to the member's age.

(b) The retirement benefit shall consist of a single sum that is the actuarial equivalent of a life annuity consisting of 1.67% of the member's final average salary for each year of creditable service earned before July 1, 1998 and 2.2% of the member's final average salary for each year of creditable service earned after June 30, 1998. In determining the amount of the benefit, a fractional year shall be granted proportional credit.

For the purposes of this Section, final average salary shall be the average salary of the member's highest 4 consecutive years of service as determined under rules of the board. For a member with less than 4 consecutive years of service, final average salary shall be the average salary during the member's entire period of service. In the determination of final average salary for members other than elected officials and their appointees when such appointees are allowed by statute, that part of a member's salary which exceeds the member's annual full-time salary rate with the same employer for the preceding year by more than 20% shall be excluded. The exclusion shall not apply in any year in which the member's creditable earnings are less than 50% of the preceding year's mean salary for downstate teachers as determined by the survey of school district salaries provided in Section 2-3.103 of the School Code.

(c) The retirement benefit determined under this Section shall be available to all members who render teaching service after July 1, 1947 for which member contributions are required.

(d) Upon acceptance of the retirement benefit, all of the member's accrued rights and credits in the System are forfeited. Receipt of a single-sum retirement benefit under this Section does not make a person an "annuitant" for the purposes of this Article, nor a "benefit recipient" for the purposes of Sections 16-153.1 through 16-153.4. (Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/16-149.2) (from Ch. 108 1/2, par. 16-149.2)

Sec. 16-149.2. Disability retirement annuity. (a) A member whose disability benefit has been terminated under the provisions of Section 16-149 may be retired on a disability retirement annuity payable effective the day following such termination provided the member remains disabled under the standard of disability provided in Section 16-149.

The disability retirement annuity shall be payable upon receipt of written certificates from at least 2 licensed physicians designated by the System verifying the continuation of the disability condition. A disability retirement annuity shall not be paid during any period for which the member receives benefits under Section 16-133, Section 16-149, or Section 16-149.1 or has a right to receive a salary as a teacher, or is employed in any capacity as a teacher by the employers included under this System or in an equivalent capacity in any other public or private school, college or university.

(b) The disability retirement annuity shall be equal to the larger of: (1) 35% of the most recent annual contract salary rate or for part-time and substitute members after June 30, 1990, the most recent annualized salary rate; or (2) if disability commences prior to the member's attainment of age 55, the amount computed in accordance with Section 16-133, provided the amount computed under paragraph (B) of Section 16-133 shall be reduced by 1/2 of 1% for each month that the member is less than age 55; or (3) if disability commences after the member's attainment of age 55, and the member is not receiving a retirement annuity under Section 16-133, the amount computed in accordance with Section 16-133.

Prior to July 1, 1990, if the most recent period of service of any member eligible to receive a disability retirement annuity was rendered on a less than full-time but not less than half-time basis, the amount of the disability retirement annuity payable shall be computed on the basis of the salary received by such member for the member's last year of service on a full-time basis if such salary was greater than the member's most recent salary.

(c) If an annuitant receiving a disability retirement annuity under this Section is engaged in or able to engage in gainful employment paying more than the difference between the disability retirement annuity and the salary rate upon which the disability benefit is based, with no salary to be considered less than the minimum prescribed in Section 24-8 of the School Code, the disability retirement annuity shall be reduced to an amount which together with the amount earned by the annuitant, equals the salary rate upon which the disability benefit is based. However, for the purposes of this subsection (c) only, the salary rate upon which the benefit is based shall be deemed to increase by 15% on the tenth anniversary of the commencement of the annuity.

Once each year during the first 5 years following retirement on a disability retirement annuity, and once in every 3-year period thereafter, the System may require an annuitant to undergo a medical examination, by a physician or physicians designated by the System. If the annuitant refuses to submit to such medical examination, the annuity shall be discontinued until such time as the annuitant consents to the examination, and if refusal continues for one year, all the rights to the annuity shall be revoked.

(d) If an annuitant in receipt of a disability retirement annuity returns to active service as a teacher or is no longer disabled, such annuity shall cease and the annuitant shall again become a member of the Retirement System and, if in active service as a teacher, shall make regular contributions. ~~The remaining accumulated contributions shall be transferred to the Members' Contribution Reserve from the Employer's Contribution Reserve.~~ All service for which the annuitant had credit on the date of disability shall be properly reestablished.

An annuitant in receipt of a disability retirement annuity who returns to active service as a teacher and who again becomes disabled shall not be entitled to a recomputation of the disability retirement annuity based on amendments enacted while the annuitant was in receipt of the annuity unless at least one year of creditable service is rendered after the latest re-entry into service.

(e) An annuitant in receipt of a disability retirement annuity may, upon reaching retirement age as specified in Section 16-132, apply for a retirement annuity which is to be calculated as specified in Section 16-133. The disability retirement annuity shall be discontinued upon commencement of the retirement annuity.

(f) The board shall prescribe rules governing the filing, investigation, control, and supervision of disability retirement claims. The rules shall include specific standards to be used when requesting additional medical examinations, hospital records or other data necessary for determining the employment

capacity and condition of the annuitant. Costs incurred by a claimant in connection with completing a claim for disability benefits shall be paid by the claimant.

The changes to this Section made by this amendatory Act of 1991 shall apply not only to persons who on or after its effective date are in service as a teacher under the System, but also to persons whose status as a teacher terminated prior to that date, whether or not the person is an annuitant on that date. (Source: P.A. 86-273; 86-1488; 87-794.)

(40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)

Sec. 16-150. Re-entry. If an annuitant under this System is again employed as a teacher for an aggregate period exceeding that permitted by Section 16-118, his or her retirement annuity shall be terminated and the annuitant shall thereupon be regarded as an active member. ~~The annuitant's remaining accumulated contributions shall be transferred to the Members' Contribution Reserve from the Employer's Contribution Reserve.~~

Such annuitant is not entitled to a recomputation of his or her retirement annuity unless at least one full year of creditable service is rendered after the latest re-entry into service and the annuitant must have rendered at least 3 years of creditable service after last re-entry into service to qualify for a recomputation of the retirement annuity based on amendments enacted while in receipt of a retirement annuity, except when retirement was due to disability.

However, regardless of age, an annuitant in receipt of a retirement annuity may be given temporary employment by a school board not exceeding that permitted under Section 16-118 and continue to receive the retirement annuity.

Unless retirement was necessitated by disability, a retirement shall be considered cancelled and the retirement allowance must be repaid in full if the annuitant is employed as a teacher within the school year during which service was terminated.

An annuitant's retirement which does not include a period of at least one full and complete school year shall be considered cancelled and the retirement annuity must be repaid in full unless such retirement was necessitated by disability. (Source: P.A. 86-273; 87-794.)

(40 ILCS 5/16-151) (from Ch. 108 1/2, par. 16-151)

Sec. 16-151. Refund. Upon termination of employment as a teacher for any cause other than death or retirement, a member shall be paid the following amount upon demand made at least 4 months after ceasing to teach:

(1) from the Benefit Trust Reserve ~~Members' Contribution Reserve~~, the actual total contributions paid by or on behalf of the member for membership service which have not been previously refunded and which are then credited to the member's individual account in the Benefit Trust Reserve ~~Members' Contribution Reserve~~, without interest thereon, and

(2) from the Benefit Trust Reserve ~~Employer's Contribution Reserve~~, the actual contributions not previously refunded, paid by or on behalf of the member for prior service and towards the cost of the automatic annual increase in retirement annuity as provided under Section 16-152, without interest thereon.

Any such amounts may be paid to the member either in one sum or, at the election of the board, in 4 quarterly payments.

Contributions credited to a member for periods of disability as provided in Sections 16-149 and 16-149.1 are not refundable.

Upon acceptance of a refund, all accrued rights and credits in the System are forfeited and may be reinstated only if the refund is repaid together with interest from the date of the refund to the date of repayment at the following rates compounded annually: for periods prior to July 1, 1965, regular interest; for periods from July 1, 1965 to June 30, 1977, 4% per year; for periods on and after July 1, 1977, regular interest. Repayment shall be permitted upon return to membership; however, service credit previously forfeited by a refund and subsequently reinstated may not be used as a basis for the payment of benefits, other than a refund of contributions, prior to the completion of one year of creditable service following the refund, except when repayment is permitted under the provisions of the "Retirement Systems Reciprocal Act" contained in Article 20. (Source: P.A. 90-448, eff. 8-16-97.)

(40 ILCS 5/16-182) (from Ch. 108 1/2, par. 16-182)

Sec. 16-182. Members' Contribution Reserve. (a) On July 1, 2003, the Members' Contribution Reserve is abolished and the remaining balance shall be transferred from that Reserve to the Benefit Trust Reserve. ~~A Members' Contribution Reserve shall be established for the purpose of accumulating with regular interest the contributions of members made prior to retirement.~~

~~This Reserve shall be credited with:~~

~~(1) The total accumulated contributions for membership service, as of the date this reserve is established, exclusive of contributions for annual increases in retirement annuity and survivor benefits.~~

~~(2) The member contributions received under Section 16-133.2.~~

~~(3) The normal contributions under Section 16-128 and Section 16-131.2 together with regular interest.~~

~~(4) The total of all normal contributions for each fiscal year as of the end of the fiscal year.~~

~~(5) The excess of the accumulated contributions of an annuitant at retirement over the retirement annuity payments received, to be computed upon re-entry into service after termination of a retirement annuity as provided in Section 16-150, or after termination of a disability retirement annuity as provided in Section 16-149.2.~~

~~(6) Regular interest on the accumulated contributions in the members' contribution reserve as of the end of the previous fiscal year, credited to the date of retirement or death for those retiring or dying during the fiscal year, and to the end of the fiscal year for all other members.~~

~~(b) This Reserve shall be charged with:~~

~~(1) The accumulated contributions of members retired under the provisions of Sections 16-133, 16-136.4 and 16-149.2.~~

~~(2) The accumulated contributions of members granted a refund under the provisions of Section 16-151.~~

~~(3) The accumulated contributions of deceased members upon payment of a refund as provided in Section 16-138.~~

~~(4) The accumulated contributions together with regular interest as provided in Section 16-131.1.~~

~~(c) Upon the granting of a retirement annuity or the payment of a single sum retirement benefit or a death or refund benefit, all individual accumulated credits of the member concerned shall be terminated.~~

~~(d) Amounts credited to the account of a member under this Reserve shall not be used until such member dies, retires, accepts a refund, or requests a transfer of contributions.~~ (Source: P.A. 87-11.)

(40 ILCS 5/16-184) (from Ch. 108 1/2, par. 16-184)

Sec. 16-184. Supplementary Annuity Reserve. ~~(a) Except as provided in subsection (b), a Reserve to be known as the Supplementary Annuity Reserve is established for the purpose of crediting funds received and charging disbursements made for supplementary annuities under Section 16-135 and Section 16-149.4.~~

~~This Reserve shall be credited with:~~

~~(1) The total of all contributions made by annuitants to qualify for supplementary annuities.~~

~~(2) Amounts contributed to the System by the State of Illinois that are sufficient to assure payment of the supplementary annuities.~~

~~(3) Regular interest computed annually on the average balance in this reserve.~~

~~This Reserve shall be charged with all supplemental annuity payments under Section 16-135 and Section 16-149.4.~~

~~(b)~~ On ~~the~~ July 1, 2003 ~~next occurring after the effective date of this amendatory Act of the 91st General Assembly~~, the Supplemental Annuity Reserve is abolished and any remaining balance shall be transferred from that Reserve to the Benefit Trust Reserve ~~Employer's Contribution Reserve~~. (Source: P.A. 91-887, eff. 7-6-00.)

(40 ILCS 5/16-185) (from Ch. 108 1/2, par. 16-185)

Sec. 16-185. Benefit Trust ~~Employer's Contribution~~ Reserve. (a) On July 1, 2003, the Employer's Contribution Reserve shall be renamed the Benefit Trust Reserve. The Benefit Trust Reserve shall serve as a clearing account for income and expenses of the System as well as transfers to and from the other reserve accounts established under this Article and adjustments thereto.

(b) This Reserve shall be credited with all contributions, investment income, and other income received by the System, except as otherwise required by this Article.~~:~~

~~(1) All amounts contributed by the State, except those credited to other reserve accounts as provided in this Article.~~

~~(2) The total member and employer contributions except those required by other reserve accounts.~~

~~(3) The total income from invested assets of the System, and other miscellaneous income.~~

~~(4) The interest portion of the accumulated contributions of members granted refunds.~~

~~(5) Contributions made by annuitants to qualify for automatic annual increases in annuity, except those required by other reserve accounts.~~

(c) This Reserve shall be charged with all benefits and refunds paid and all other expenses of the System, except as otherwise required under this Article.~~:~~

~~(1) All amounts necessary to be transferred to the Members' Contribution Reserve.~~

~~(2) All retirement annuity, single sum retirement benefit and disability retirement annuity payments, including automatic annual increases in annuities, except as provided by other reserve accounts.~~

~~(3) All amounts necessary to be refunded to withdrawing members except as provided by the Members' Contribution Reserve.~~

~~(4) All benefits paid to temporarily or accidentally disabled members of this System, and all amounts credited to the accounts of such disabled members in lieu of contributions.~~

~~(5) All amounts payable as death benefits except as provided by the Members' Contribution Reserve.~~

~~(6) All amounts necessary for the payment of costs for the health insurance program as provided under this Article.~~

~~(7) All survivor benefit contributions refunded to an annuitant as provided under Section 16-143.2.~~

~~(8) All amounts paid in accordance with Section 16-131.1 except as provided by the Members' Contribution Reserve.~~

~~(9) Interest to be credited to other reserve accounts as specified in this Article.~~

~~(10) Recognition of unrealized gains or losses in market value, upon adoption of generally accepted accounting principles that allow for such recognition.~~

(Source: P.A. 89-235, eff. 8-4-95; 90-448, eff. 8-16-97.)

(40 ILCS 5/16-186.3) (from Ch. 108 1/2, par. 16-186.3)

Sec. 16-186.3. Reserve for minimum retirement annuity. (a) A Minimum Retirement Annuity Reserve is established for the purpose of crediting funds received and charging disbursements for minimum retirement annuity payments under Section 16-136.2 and Section 16-136.3.

This Reserve shall be credited with:

(1) The total of all contributions made by annuitants to qualify for the minimum retirement annuity.

(2) Amounts contributed to the System by the State of Illinois that are sufficient to assure payment of the minimum retirement annuity payments under Section 16-136.2 and Section 16-136.3.

(3) Regular interest computed annually on the average balance in this Reserve.

This Reserve shall be charged with all minimum retirement annuity payments under Section 16-136.2 and Section 16-136.3.

(b) After all minimum retirement annuity payments have been completed, any remaining funds shall be transferred from this Reserve to the Benefit Trust Reserve ~~Employer's Contribution Reserve~~. (Source: P.A. 88-593, eff. 8-22-94.)

(40 ILCS 5/17-116.7 new)

Sec. 17-116.7. Purchase of additional service credit.

(a) This Section applies only to a person who (i) served as a principal for at least 5 years, (ii) left service due to a failure to receive a new contract from the local school council, (iii) elected the early retirement without discount option under Section 17-116.1, (iv) began receiving a retirement pension before 1992, and (v) has more than 30 years of service credit.

(b) An eligible person may apply in writing to the Board to establish an additional 5 years of creditable service in the Fund. The application must be received by the Board within 90 days following the effective date of this Section, and must be accompanied by payment of the amount determined under subsection (c).

(c) For each year of creditable service established under this Section, the applicant must pay to the Fund a contribution consisting of 4% of the highest annual salary rate that was used in the determination of the person's retirement pension. The amount of the employee contribution already paid by the person under Section 17-116.1 shall be credited against the total contribution required under this subsection.

(d) A person who has purchased any creditable service under this Section shall have his or her pension recalculated to reflect the additional service. The resulting increase in pension shall begin to accrue on the first pension payment date following receipt of the required contribution by the Fund.

(e) A person who has purchased any creditable service under this Section and whose pension is suspended or cancelled under Section 17-149 or 17-150 shall thereby forfeit that creditable service. The forfeiture of creditable service under this subsection shall not entitle the person to a refund of the contribution paid under this Section.

(f) A person who received any early retirement incentive under Section 17-116.3, 17-116.4, 17-116.5, or 17-116.6 may not purchase additional creditable service under this Section.

(40 ILCS 5/17-121.1 new)

Sec. 17-121.1. Domestic partner eligibility.

(a) Beginning July 1, 2003, an unmarried teacher may designate a domestic partner by filing a written designation with the Fund in the manner prescribed by the Fund. The Fund may require reasonable

evidence that the person designated meets the qualifications set forth in subsection (c). Such a designation is revocable at any time, but may not be made or changed more than once in any 24-month period. The marriage of a teacher automatically revokes any designation of a domestic partner previously made by that teacher.

(b) The designated domestic partner of a teacher shall be eligible to receive survivor and death benefits under this Article in the same manner and subject to the same conditions as a surviving spouse. For the purposes of determining eligibility for those benefits, the date of designation of a domestic partner shall be deemed the equivalent of the date of marriage, and the revocation or change of a designation shall be deemed the equivalent of termination of the marriage. References in this Article and other applicable Articles of this Code to a surviving spouse shall be deemed to include a surviving designated domestic partner.

(c) "Domestic partner" means an individual of the same gender as an unmarried teacher who (1) is involved with the teacher in a long-term relationship of indefinite duration; (2) has resided together with the teacher at the same address for at least 12 months; (3) is not related to the teacher by blood to a degree of closeness that would prohibit legal marriage in the state in which they legally reside; (4) is not married to any other person; and (5) has an exclusive mutual commitment to the teacher in which they agree to be jointly responsible for each other's common welfare and to share financial obligations.

(40 ILCS 5/17-122) (from Ch. 108 1/2, par. 17-122)

Sec. 17-122. Survivor's and children's pensions - Amount. Upon the death of a teacher who has completed at least 1 1/2 years of contributing service with either this Fund or the State Universities Retirement System or the Teachers' Retirement System of the State of Illinois, provided his death occurred while (a) in active service covered by the Fund or during his first 18 months of continuous employment without a break in service under any other participating system as defined in the Illinois Retirement Systems Reciprocal Act except the State Universities Retirement System and the Teachers' Retirement System of the State of Illinois, (b) on a creditable leave of absence, (c) on a noncreditable leave of absence of no more than one year, or (d) a pension was deferred or pending provided the teacher had at least 10 years of validated service credit, or upon the death of a pensioner otherwise qualified for such benefit, the surviving spouse and unmarried minor children of the deceased teacher under age 18 shall be entitled to pensions, under the conditions stated hereinafter. Such survivor's and children's pensions shall be based on the average of the 4 highest consecutive years of salary in the last 10 years of service or on the average salary for total service, if total service has been less than 4 years, according to the following percentages:

30% of average salary or 50% of the retirement pension earned by the teacher, whichever is larger, subject to the prescribed maximum monthly payment, for a surviving spouse alone on attainment of age 50;

60% of average salary for a surviving spouse and eligible minor children of the deceased teacher.

If no eligible spouse survives, or the surviving spouse remarries, or the parent of the children of the deceased member is otherwise ineligible for a survivor's pension, a children's pension for eligible minor children under age 18 shall be paid to their parent or legal guardian for their benefit according to the following percentages:

30% of average salary for one child;

60% of average salary for 2 or more children.

On January 1, 1981, any survivor or child who was receiving a survivor's or children's pension on or before January 1, 1971, shall have his survivor's or children's pension then being paid increased by 1% for each full year which has elapsed from the date the pension began. On January 1, 1982, any survivor or child whose pension began after January 1, 1971, but before January 1, 1981, shall have his survivor's or children's pension then being paid increased 1% for each full year which has elapsed from the date the pension began. On January 1, 1987, any survivor or child whose pension began on or before January 1, 1977, shall have the monthly survivor's or children's pension increased by $1 for each full year which has elapsed since the pension began.

Beginning January 1, 1990, every survivor's and children's pension shall be increased (1) on each January 1 occurring on or after the commencement of the pension if the deceased teacher died while receiving a retirement pension, or (2) in other cases, on each January 1 occurring on or after the first anniversary of the commencement of the pension, by an amount equal to 3% of the current amount of the pension, including all increases previously granted under this Article, notwithstanding Section 17-157. Such increases shall apply without regard to whether the deceased teacher was in service on or after the effective date of this amendatory Act of 1991, but shall not accrue for any period prior to January 1, 1990.

Subject to the minimum established below, the maximum amount of pension for a surviving spouse alone or one minor child shall be $400 per month, and the maximum combined pensions for a surviving

spouse and children of the deceased teacher shall be $600 per month, with individual pensions adjusted for all beneficiaries pro rata to conform with this limitation. If proration is unnecessary the minimum survivor's and children's pensions shall be $40 per month. The minimum total survivor's and children's pension payable upon the death of a contributor or annuitant which occurs after December 31, 1986, shall be 50% of the earned retirement pension of such contributor or annuitant, calculated without early retirement discount in the case of death in service. Beginning January 1, 2004, the minimum total survivor's pension payable upon the death of a contributor or annuitant that occurred before January 1, 1987 shall be 50% of the earned retirement pension of the contributor or annuitant, calculated without early retirement discount in the case of death in service, and notwithstanding Section 17-157.

On death after retirement, the total survivor's and children's pensions shall not exceed the monthly retirement or disability pension paid to the deceased retirant. Survivor's and children's benefits described in this Section shall apply to all service and disability pensioners eligible for a pension as of July 1, 1981. (Source: P.A. 90-32, eff. 6-27-97; 90-566, eff. 1-2-98.)

Section 90. 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 99. Effective date. This Act takes effect upon becoming law.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 581 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 3553

A bill for AN ACT concerning air pollution.

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. 3553

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 3553 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 9.9 as follows:

(415 ILCS 5/9.9)

Sec. 9.9. Nitrogen oxides trading system. (a) The General Assembly finds:

(1) That USEPA has issued a Final Rule published in the Federal Register on October 27, 1998, entitled "Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone", hereinafter referred to as the "NOx SIP Call", compliance with which will require reducing emissions of nitrogen oxides ("NOx");

(2) That reducing emissions of NOx in the State helps the State to meet the national ambient air quality standard for ozone;

(3) That emissions trading is a cost-effective means of obtaining reductions of NOx emissions.

(b) The Agency shall propose and the Board shall adopt regulations to implement an interstate NOx trading program (hereinafter referred to as the "NOx Trading Program") as provided for in 40 CFR Part 96, including incorporation by reference of appropriate provisions of 40 CFR Part 96 and regulations to address 40 CFR Section 96.4(b), Section 96.55(c), Subpart E, and Subpart I. In addition, the Agency shall propose and the Board shall adopt regulations to implement NOx emission reduction programs for cement kilns and

stationary internal combustion engines.

(c) Allocations of NOx allowances to large electric generating units ("EGUs") and large non-electric generating units ("non-EGUs"), as defined by 40 CFR Part 96.4(a), shall not exceed the State's trading budget for those source categories to be included in the State Implementation Plan for NOx.

(d) In adopting regulations to implement the NOx Trading Program, the Board shall:

(1) assure that the economic impact and technical feasibility of NOx emissions reductions under the NOx Trading Program are considered relative to the traditional regulatory control requirements in the State for EGUs and non-EGUs;

(2) provide that emission units, as defined in Section 39.5(1) of this Act, may opt into the NOx Trading Program;

(3) provide for voluntary reductions of NOx emissions from emission units, as defined in Section 39.5(1) of this Act, not otherwise included under paragraph (c) or (d)(2) of this Section to provide additional allowances to EGUs and non-EGUs to be allocated by the Agency. The regulations shall further provide that such voluntary reductions are verifiable, quantifiable, permanent, and federally enforceable;

(4) provide that the Agency allocate to non-EGUs allowances that are designated in the rule, unless the Agency has been directed to transfer the allocations to another unit subject to the requirements of the NOx Trading Program, and that upon shutdown of a non-EGU, the unit may transfer or sell the NOx allowances that are allocated to such unit; ~~and~~

(5) provide that the Agency shall set aside annually a number of allowances, not to exceed 5% of the total EGU trading budget, to be made available to new EGUs; and ~~.~~

(6) ~~(A)~~ provide that those EGUs that commence commercial operation, as defined in 40 CFR Section 96.2, at a time that is more than half way through the control period in 2003 shall return to the Agency any allowances that were issued to it by the Agency and were not used for compliance in 2004. ~~(B) The Agency may charge EGUs that commence commercial operation, as defined in 40 CFR Section 96.2, on or after January 1, 2003, for the allowances it issues to them.~~

(d-5) The Agency may sell NOx allowances to sources in Illinois that are subject to 35 Ill. Adm. Code 217, either Subpart U or W, as follows:

(1) any unearned Early Reduction Credits set aside for non-EGUs under 35 Ill. Adm. Code 217, Subpart U, but only to those sources that make qualifying early reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the source did not receive an allocation thereunder. If the Agency receives requests to purchase more ERCs than are available for sale, allowances shall be offered for sale to qualifying sources on a pro-rata basis;

(2) any remaining Early Reduction Credits allocated under 35 Ill. Adm. Code 217, Subpart U or W, that could not be allocated on a pro-rata, whole allowance basis, but only to those sources that made qualifying early reductions of NOx in 2003 pursuant to 35 Ill. Adm. Code 217 for which the source did not receive an allocation;

(3) any allowances under 35 Ill. Adm. Code 217, Subpart W, that remain after each 3-year allocation period that could not be allocated on a pro-rata, whole allowance basis pursuant to the provisions of Subpart W; and

(4) any allowances requested from the New Source Set Aside for those sources that commenced operation, as defined in 40 CFR Section 96.2, on or after January 1, 2004.

(d-10) The selling price for ERC allowances shall be 70% of the market price index for 2005 NOx allowances, determined by the Agency as follows:

(1) using the mean of 2 or more published market price indexes for the 2005 NOx allowances as of October 6, 2003; or

(2) if there are not 2 published market price indexes for 2005 NOx allowances as of October 6, 2003, the Agency may use any reasonable indication of market price.

(e) The Agency may adopt procedural rules, as necessary, to implement the regulations promulgated by the Board pursuant to subsections (b) and (d) and to implement subsections (d-5), (d-10), (i), and (j) ~~subsection (i)~~ of this Section.

(f) Notwithstanding any provisions in subparts T, U, and W of Section 217 of Title 35 of the Illinois Administrative Code to the contrary, compliance with the regulations promulgated by the Board pursuant to subsections (b) and (d) of this Section is required by May 31, 2004.

(g) To the extent that a court of competent jurisdiction finds a provision of 40 CFR Part 96 invalid, the corresponding Illinois provision shall be stayed until such provision of 40 CFR Part 96 is found to be valid or is re-promulgated. To the extent that USEPA or any court of competent jurisdiction stays the

applicability of any provision of the NOx SIP Call to any person or circumstance relating to Illinois, during the period of that stay, the effectiveness of the corresponding Illinois provision shall be stayed. To the extent that the invalidity of the particular requirement or application does not affect other provisions or applications of the NOx SIP Call pursuant to 40 CFR 51.121 or the NOx trading program pursuant to 40 CFR Part 96 or 40 CFR Part 97, this Section, and rules or regulations promulgated hereunder, will be given effect without the invalid provisions or applications.

(h) Notwithstanding any other provision of this Act, any source or other authorized person that participates in the NOx Trading Program shall be eligible to exchange NOx allowances with other sources in accordance with this Section and with regulations promulgated by the Board or the Agency.

(i) There is hereby created within the State Treasury an interest-bearing special fund to be known as the NOx Trading System Fund. Moneys generated from the sale of NOx allowances from the New Source Set Aside or the sale of allowances pursuant to subsection (d-5) of this Section shall be deposited into the Fund. This Fund ~~, which~~ shall be used and administered by the Agency for the purposes stated below:

(1) To accept funds from persons who purchase NOx allowances from the New Source Set Aside from the Agency;

(2) To disburse the proceeds of the sale of the NOx allowances from the New Source Set Aside, to the extent that proceeds remain after the Agency has recouped the reasonable costs incurred by the Agency in the administration of the NOx SIP Call Program, ~~sales~~ pro-rata to the owners or operators of the EGUs that received allowances from the Agency but not from the Agency's New Source Set Aside ~~set-aside~~, in accordance with regulations that may be promulgated by the Agency; and

(3) To finance the reasonable costs incurred by the Agency in the administration of the NOx SIP Call Program ~~Trading System~~.

(j) Moneys generated from the sale of early reduction credits shall be deposited into the Clean Air Act Permit Fund created pursuant to Section 39.5(18)(d) of this Act, and the proceeds shall be used and administered by the Agency to finance the costs associated with the Clean Air Act Permit Program. (Source: P.A. 91-631, eff. 8-19-99; 92-12, eff. 7-1-01; 92-279, eff. 8-7-01.)

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 3553 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 719

A bill for AN ACT in relation to vehicles.

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. 719

Senate Amendment No. 2 to HOUSE BILL NO. 719

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 719 by replacing the title with "AN ACT concerning the Secretary of State."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Identification Card Act is amended by changing Section 14 as follows:

(15 ILCS 335/14) (from Ch. 124, par. 34)

Sec. 14. Unlawful use of identification card. (a) It is a violation of this Section for any person:

1. To possess, display, or cause to be displayed any cancelled or revoked identification card;

2. To display or represent as the person's own any identification card issued to another;

3. To allow any unlawful use of an identification card issued to the person;

4. To lend an identification card to another or knowingly allow the use thereof by another;

5. To fail or refuse to surrender to the Secretary of State, the Secretary's agent or any peace officer upon lawful demand, any identification card which has been revoked or cancelled;

6. To possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official Illinois Identification Card or Illinois Disabled Person Identification Card issued by the Secretary of State.

(a-5) As used in this Section "identification card" means any document made or issued by or under the authority of the United States Government, the State of Illinois or any other State or political subdivision thereof, or any governmental or quasi-governmental organization that, when completed with information concerning the individual, is of a type intended or commonly accepted for the purpose of identifying the individual.

(b) Sentence.

1. Any person convicted of a violation of this Section shall be guilty of a Class A misdemeanor and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

2. A person convicted of a second or subsequent violation of this Section shall be guilty of a Class 4 felony.

(c) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof. (Source: P.A. 88-210; 89-283, eff. 1-1-96.)

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-206, 6-301.2, and 6-521 as follows:

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or

privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a police officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the provisions of the Cannabis Control Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the provisions of the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis Control Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code; ~~or~~

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance; ~~or.~~

39. ~~38.~~ Has committed a second or subsequent violation of Section 11-1201 of this Code; or

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to obtain a commercial driver's license under Section 6-507 during the period of a disqualification of commercial driving privileges under Section 6-514.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code. (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff. 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

(625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)

Sec. 6-301.2. Fraudulent driver's license or permit. (a) (Blank).

(b) It is a violation of this Section for any person:

1. To knowingly possess any fraudulent driver's license or permit;

2. To knowingly possess, display or cause to be displayed any fraudulent driver's license or permit for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial

institution or retail mercantile establishment;

3. To knowingly possess any fraudulent driver's license or permit with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction;

4. To knowingly possess any fraudulent driver's license or permit with the intent to commit any other violation of any laws of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided;

5. To knowingly possess any fraudulent driver's license or permit while in unauthorized possession of any document, instrument or device capable of defrauding another;

6. To knowingly possess any fraudulent driver's license or permit with the intent to use the license or permit to acquire any other identification document;

7. To knowingly possess without authority any driver's license-making or permit-making implement;

8. To knowingly possess any stolen driver's license-making or permit-making implement or to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official driver's license or permit issued by the Secretary of State;

9. To knowingly duplicate, manufacture, sell or transfer any fraudulent driver's license or permit;

10. To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent driver's license or permit;

11. To knowingly use any fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier. As used in this Section, "common carrier" means any public or private provider of transportation, whether by land, air, or water;

12. To knowingly possess any fraudulent driver's license or permit if the person has at the time a different driver's license issued by the Secretary of State or another official driver's license agency in another jurisdiction that is suspended or revoked.

(c) Sentence.

1. Any person convicted of a violation of paragraph 1 of subsection (b) of this Section shall be guilty of a Class 4 felony and shall be sentenced to a minimum fine of $500 or 50 hours of community service, preferably at an alcohol abuse prevention program, if available.

2. Any person convicted of a violation of any of paragraphs 2 through 9 or paragraph 11 or 12 of subsection (b) of this Section shall be guilty of a Class 4 felony. A person convicted of a second or subsequent violation shall be guilty of a Class 3 felony.

3. Any person convicted of a violation of paragraph 10 of subsection (b) of this Section shall be guilty of a Class B misdemeanor.

(d) This Section does not prohibit any lawfully authorized investigative, protective, law enforcement or other activity of any agency of the United States, State of Illinois or any other state or political subdivision thereof.

(e) The Secretary may request the Attorney General to seek a restraining order in the circuit court against any person who violates this Section by advertising fraudulent driver's licenses or permits. (Source: P.A. 92-673, eff. 1-1-03.)

(625 ILCS 5/6-521) (from Ch. 95 1/2, par. 6-521)

Sec. 6-521. Rulemaking Authority. (a) The Secretary of State, using the authority to license motor vehicle operators under this Code, may adopt such rules and regulations as may be necessary to establish standards, policies and procedures for the licensing and sanctioning of commercial motor vehicle drivers in order to meet the requirements of the Commercial Motor Vehicle Act of 1986 (CMVSA); subsequent federal rulemaking under 49 C.F.R. Part 383 or Part 1572; and administrative and policy decisions of the U.S. Secretary of Transportation and the Federal Highway Administration. The Secretary may, as provided in the CMVSA, establish stricter requirements for the licensing of commercial motor vehicle drivers than those established by the federal government.

(b) By January 1, 1994, the Secretary of State shall establish rules and regulations for the issuance of a restricted commercial driver's license for farm-related service industries consistent with federal guidelines. The restricted license shall be available for a seasonal period or periods not to exceed a total of 180 days in any 12 month period.

(c) By July 1, 1995, the Secretary of State shall establish rules and regulations, to be consistent with federal guidelines, for the issuance and cancellation or withdrawal of a restricted commercial driver's license that is limited to the operation of a school bus. A driver whose restricted commercial driver's license

has been cancelled or withdrawn may contest the sanction by requesting a hearing pursuant to Section 2-118 of this Code. The cancellation or withdrawal of the restricted commercial driver's license shall remain in effect pending the outcome of that hearing.

(d) By July 1, 1995, the Secretary of State shall establish rules and regulations for the issuance and cancellation of a School Bus Driver's Permit. The permit shall be required for the operation of a school bus as provided in subsection (c), a non-restricted CDL with passenger endorsement, or a properly classified driver's license. The permit will establish that the school bus driver has met all the requirements of the application and screening process established by Section 6-106.1 of this Code. (Source: P.A. 88-450; 88-612, eff. 7-1-95.)

Section 99. Effective date. This Act takes effect June 1, 2003.".

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend House Bill 719, AS AMENDED, with reference to page and line numbers of Senate amendment No. 1, on page 2, by replacing lines 31 and 32 with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-206, 6-301.2, 6-521, and 15-301 and by adding Section 15-308.3 as follows:"; and

on page 16, below line 27, by inserting the following:

"(625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

Sec. 15-301. Permits for excess size and weight. (a) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction may, in their discretion, upon application and good cause being shown therefor, issue a special permit authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Act or otherwise not in conformity with this Act upon any highway under the jurisdiction of the party granting such permit and for the maintenance of which the party is responsible. Applications and permits other than those in written or printed form may only be accepted from and issued to the company or individual making the movement. Except for an application to move directly across a highway, it shall be the duty of the applicant to establish in the application that the load to be moved by such vehicle or combination is composed of a single nondivisible object that cannot reasonably be dismantled or disassembled. For the purpose of over length movements, more than one object may be carried side by side as long as the height, width, and weight laws are not exceeded and the cause for the over length is not due to multiple objects. For the purpose of over height movements, more than one object may be carried as long as the cause for the over height is not due to multiple objects and the length, width, and weight laws are not exceeded. For the purpose of an over width movement, more than one object may be carried as long as the cause for the over width is not due to multiple objects and length, height, and weight laws are not exceeded. No state or local agency shall authorize the issuance of excess size or weight permits for vehicles and loads that are divisible and that can be carried, when divided, within the existing size or weight maximums specified in this Chapter. Any excess size or weight permit issued in violation of the provisions of this Section shall be void at issue and any movement made thereunder shall not be authorized under the terms of the void permit. In any prosecution for a violation of this Chapter when the authorization of an excess size or weight permit is at issue, it is the burden of the defendant to establish that the permit was valid because the load to be moved could not reasonably be dismantled or disassembled, or was otherwise nondivisible.

(b) The application for any such permit shall: (1) state whether such permit is requested for a single trip or for limited continuous operation; (2) state if the applicant is an authorized carrier under the Illinois Motor Carrier of Property Law, if so, his certificate, registration or permit number issued by the Illinois Commerce Commission; (3) specifically describe and identify the vehicle or vehicles and load to be operated or moved except that for vehicles or vehicle combinations registered by the Department as provided in Section 15-319 of this Chapter, only the Illinois Department of Transportation's (IDT) registration number or classification need be given; (4) state the routing requested including the points of origin and destination, and may identify and include a request for routing to the nearest certified scale in accordance with the Department's rules and regulations, provided the applicant has approval to travel on local roads; and (5) state if the vehicles or loads are being transported for hire. No permits for the movement of a vehicle or load for hire shall be issued to any applicant who is required under the Illinois Motor Carrier of Property Law to have a certificate, registration or permit and does not have such certificate, registration or permit.

(c) The Department or local authority when not inconsistent with traffic safety is authorized to issue or withhold such permit at its discretion; or, if such permit is issued at its discretion to prescribe the route or

routes to be traveled, to limit the number of trips, to establish seasonal or other time limitations within which the vehicles described may be operated on the highways indicated, or otherwise to limit or prescribe conditions of operations of such vehicle or vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. The Department shall maintain a daily record of each permit issued along with the fee and the stipulated dimensions, weights, conditions and restrictions authorized and this record shall be presumed correct in any case of questions or dispute. The Department shall install an automatic device for recording applications received and permits issued by telephone. In making application by telephone, the Department and applicant waive all objections to the recording of the conversation.

(d) The Department shall, upon application in writing from any local authority, issue an annual permit authorizing the local authority to move oversize highway construction, transportation, utility and maintenance equipment over roads under the jurisdiction of the Department. The permit shall be applicable only to equipment and vehicles owned by or registered in the name of the local authority, and no fee shall be charged for the issuance of such permits.

(e) As an exception to paragraph (a) of this Section, the Department and local authorities, with respect to highways under their respective jurisdictions, in their discretion and upon application in writing may issue a special permit for limited continuous operation, authorizing the applicant to move loads of sweet corn, soybeans, corn, wheat, milo, other small grains and ensilage during the harvest season only on a 2 axle single vehicle registered by the Secretary of State with axle loads not to exceed 35% above those provided in Section 15-111. Permits may be issued for a period not to exceed 40 days and moves may be made of a distance not to exceed 25 miles from a field to a specified processing plant over any highway except the National System of Interstate and Defense Highways. All such vehicles shall be operated in the daytime except when weather or crop conditions require emergency operation at night, but with respect to such night operation, every such vehicle with load shall be equipped with flashing amber lights as specified under Section 12-215. Upon a declaration by the Governor that an emergency harvest situation exists, a special permit issued by the Department under this Section shall not be required from September 1 through December 31 during harvest season emergencies, provided that the weight does not exceed 20% above the limits provided in Section 15-111. All other restrictions that apply to permits issued under this Section shall apply during the declared time period. With respect to highways under the jurisdiction of local authorities, the local authorities may, at their discretion, waive special permit requirements during harvest season emergencies. This permit exemption shall apply to all vehicles eligible to obtain permits under this Section, including commercial vehicles in use during the declared time period.

(f) The form and content of the permit shall be determined by the Department with respect to highways under its jurisdiction and by local authorities with respect to highways under their jurisdiction. Every permit shall be in written form and carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit and no person shall violate any of the terms or conditions of such special permit. Violation of the terms and conditions of the permit shall not be deemed a revocation of the permit; however, any vehicle and load found to be off the route prescribed in the permit shall be held to be operating without a permit. Any off route vehicle and load shall be required to obtain a new permit or permits, as necessary, to authorize the movement back onto the original permit routing. No rule or regulation, nor anything herein shall be construed to authorize any police officer, court, or authorized agent of any authority granting the permit to remove the permit from the possession of the permittee unless the permittee is charged with a fraudulent permit violation as provided in paragraph (i). However, upon arrest for an offense of violation of permit, operating without a permit when the vehicle is off route, or any size or weight offense under this Chapter when the permittee plans to raise the issuance of the permit as a defense, the permittee, or his agent, must produce the permit at any court hearing concerning the alleged offense.

If the permit designates and includes a routing to a certified scale, the permitee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:

Single axle	2000 pounds
Tandem axle	3000 pounds
Gross	5000 pounds

(g) The Department is authorized to adopt, amend, and to make available to interested persons a policy concerning reasonable rules, limitations and conditions or provisions of operation upon highways under its jurisdiction in addition to those contained in this Section for the movement by special permit of vehicles,

combinations, or loads which cannot reasonably be dismantled or disassembled, including manufactured and modular home sections and portions thereof. All rules, limitations and conditions or provisions adopted in the policy shall have due regard for the safety of the traveling public and the protection of the highway system and shall have been promulgated in conformity with the provisions of the Illinois Administrative Procedure Act. The requirements of the policy for flagmen and escort vehicles shall be the same for all moves of comparable size and weight. When escort vehicles are required, they shall meet the following requirements:

(1) All operators shall be 18 years of age or over and properly licensed to operate the vehicle.

(2) Vehicles escorting oversized loads more than 12-feet wide must be equipped with a rotating or flashing amber light mounted on top as specified under Section 12-215.

The Department shall establish reasonable rules and regulations regarding liability insurance or self insurance for vehicles with oversized loads promulgated under The Illinois Administrative Procedure Act. Police vehicles may be required for escort under circumstances as required by rules and regulations of the Department.

(h) Violation of any rule, limitation or condition or provision of any permit issued in accordance with the provisions of this Section shall not render the entire permit null and void but the violator shall be deemed guilty of violation of permit and guilty of exceeding any size, weight or load limitations in excess of those authorized by the permit. The prescribed route or routes on the permit are not mere rules, limitations, conditions, or provisions of the permit, but are also the sole extent of the authorization granted by the permit. If a vehicle and load are found to be off the route or routes prescribed by any permit authorizing movement, the vehicle and load are operating without a permit. Any off route movement shall be subject to the size and weight maximums, under the applicable provisions of this Chapter, as determined by the type or class highway upon which the vehicle and load are being operated.

(i) Whenever any vehicle is operated or movement made under a fraudulent permit the permit shall be void, and the person, firm, or corporation to whom such permit was granted, the driver of such vehicle in addition to the person who issued such permit and any accessory, shall be guilty of fraud and either one or all persons may be prosecuted for such violation. Any person, firm, or corporation committing such violation shall be guilty of a Class 4 felony and the Department shall not issue permits to the person, firm or corporation convicted of such violation for a period of one year after the date of conviction. Penalties for violations of this Section shall be in addition to any penalties imposed for violation of other Sections of this Act.

(j) Whenever any vehicle is operated or movement made in violation of a permit issued in accordance with this Section, the person to whom such permit was granted, or the driver of such vehicle, is guilty of such violation and either, but not both, persons may be prosecuted for such violation as stated in this subsection (j). Any person, firm or corporation convicted of such violation shall be guilty of a petty offense and shall be fined for the first offense, not less than $50 nor more than $200 and, for the second offense by the same person, firm or corporation within a period of one year, not less than $200 nor more than $300 and, for the third offense by the same person, firm or corporation within a period of one year after the date of the first offense, not less than $300 nor more than $500 and the Department shall not issue permits to the person, firm or corporation convicted of a third offense during a period of one year after the date of conviction for such third offense.

(k) Whenever any vehicle is operated on local roads under permits for excess width or length issued by local authorities, such vehicle may be moved upon a State highway for a distance not to exceed one-half mile without a permit for the purpose of crossing the State highway.

(l) Notwithstanding any other provision of this Section, the Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, may at their discretion authorize the movement of a vehicle in violation of any size or weight requirement, or both, that would not ordinarily be eligible for a permit, when there is a showing of extreme necessity that the vehicle and load should be moved without unnecessary delay.

For the purpose of this subsection, showing of extreme necessity shall be limited to the following: shipments of livestock, hazardous materials, liquid concrete being hauled in a mobile cement mixer, or hot asphalt.

(m) Penalties for violations of this Section shall be in addition to any penalties imposed for violating any other Section of this Code.

(n) The Department with respect to highways under its jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to operate a tow-truck that exceeds the

weight limits provided for in subsection (d) of Section 15-111, provided:

(1) no rear single axle of the tow-truck exceeds 26,000 pounds;

(2) no rear tandem axle of the tow-truck exceeds 50,000 pounds;

(3) neither the disabled vehicle nor the disabled combination of vehicles exceed the weight restrictions imposed by this Chapter 15, or the weight limits imposed under a permit issued by the Department prior to hookup;

(4) the tow-truck prior to hookup does not exceed the weight restrictions imposed by this Chapter 15;

(5) during the tow operation the tow-truck does not violate any weight restriction sign;

(6) the tow-truck is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(7) the tow-truck is specifically designed and licensed as a tow-truck;

(8) the tow-truck has a gross vehicle weight rating of sufficient capacity to safely handle the load;

(9) the tow-truck is equipped with air brakes;

(10) the tow-truck is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles;

(11) the tow distance of the tow does not exceed 50 miles from the point of disablement to a place of repair or safekeeping;

(12) the permit issued to the tow-truck is carried in the tow-truck and exhibited on demand by a police officer; and

(13) the movement shall be valid only on state routes approved by the Department.

(o) The Department, with respect to highways under its jurisdiction, and local authorities, with respect to highways under their jurisdiction, in their discretion and upon application in writing, may issue a special permit for continuous limited operation, authorizing the applicant to transport raw milk that exceeds the weight limits provided for in subsections (b) and (f) subsection of Section 15-111 of this Code, provided:

(1) no single axle exceeds 20,000 pounds;

(2) no gross weight exceeds 80,000 pounds;

(3) permits issued by the state are only good for federal and State highways and are not applicable to interstate highways; and

(4) all road and bridge postings must be obeyed.

(Source: P.A. 90-89, eff. 1-1-98; 90-228, eff. 7-25-97; 90-655, eff. 7-30-98; 90-676, eff. 7-31-98; 91-569, eff. 1-1-00.)

(625 ILCS 5/15-308.3 new)

Sec. 15-308.3 Fees for special permits to transport raw milk. The fee for a special permit to transport raw milk is $12.50 quarterly and $50.00 annually.".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 719 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 2750

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. 2750

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 2750 by replacing everything after the enacting clause with the following:

"ARTICLE 1

Section 1. "AN ACT making appropriations", Public Act 92-538, approved June 10, 2002, is amended by changing Section 4 of Article 32 as follows:

(P.A. 92-538, Art. 32, Sec. 4)

Sec. 4. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to the Department of Central Management Services:

BUREAU OF BENEFITS PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	$ 579,200
For Employee Retirement Contributions	
Paid by Employer	23,300
For State Contributions to State	
Employees' Retirement System	61,500
For State Contributions to Social	
Security	45,000
For Group Insurance and for Payment of Workers' Compensation Act Claims for First Aid, Medical, Surgical	
and Hospital Services	768,683,900
For Contractual Services	111,700
For Travel	9,600
For Commodities.....	9,900
For Printing	4,300
For Equipment	1,700
For Telecommunications Services	13,900

For Operation of Auto Equipment	900		
For payment of claims under the Representation and Indemnification			
in Civil Lawsuits Act		2,120,000	~~1,620,000~~
For payment of Workers' Compensation Act claims and contractual services in connection with said claims			
payments		18,033,800	~~15,738,100~~
For auto liability, adjusting and administration of claims, loss control and prevention			
services, and auto liability claims	1,846,900		
Total	$796,514,400		

The sum of $413,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Central Management Services for payment of attorneys' fees plus interest in the Hope Clinic, et al. v. James Ryan, et al., No 97 C 8702 (U.S.D.C., Northern District of Illinois.

PAYABLE FROM LOCAL GOVERNMENT HEALTH INSURANCE RESERVE FUND

For Personal Services	$ 530,800
For Employee Retirement Contributions	
Paid by Employer	21,300
For State Contributions to State	
Employees' Retirement System	56,300
For State Contributions to Social	
Security	40,700
For Group Insurance	111,600
For Contractual Services	169,500
For Travel	19,000
For Commodities.....	10,000
	140,000

For Printing	
For Equipment	17,700
For Electronic Data Processing	47,000
For Telecommunications Services	18,400
For Operation of Auto Equipment	6,500
Total	$1,188,800

For the Local Governments Contribution Under Program of Group Life, Dental, Hospital, And Surgical And Medical Insurance For Persons Serving Local Governments .....$ 147,000,000

PAYABLE FROM ROAD FUND

For Group Insurance .....$ 92,194,600
For payment of claims and claims administration under the Workers' Compensation Act .....$ 7,255,500 ~~$4,864,400~~

PAYABLE FROM GROUP INSURANCE PREMIUM FUND

For expenses of Cost Containment Program .....$ 288,000

For Life Insurance Coverage As Elected By Members Per The State Employees Group Insurance Act .....$ 73,710,800

PAYABLE FROM HEALTH INSURANCE RESERVE FUND

For Expenses of a Cost Containment Program .....$ 158,900

For Provisions of Health Care Coverage As Elected by Eligible Members Per State Employees Group Insurance Act .....$1,316,781,200 ~~$1,281,781,200~~

PAYABLE FROM WORKERS' COMPENSATION REVOLVING FUND

For administrative costs of claims services
and payment of temporary total
disability claims of any state agency
or university employee .....$ 650,000

Expenditures from appropriations for treatment and expense may be made after the Department of Central Management Services has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person.

Expenditures for this purpose may be made by the Department of Central Management Services without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

PAYABLE FROM STATE EMPLOYEES DEFERRED COMPENSATION FUND

For expenses related to the administration
of the State Employees Deferred
Compensation Plan.....$ 1,856,900

+n(Source: P.A. 92-538, eff. 7-1-02.)@n

Section 3. "AN ACT making appropriations", Public Act 92-538, approved June 10, 2002, is amended by changing Section 6 of Article 47 as follows:

(P.A. 92-538, Art. 47, Sec. 6)

Sec. 6. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE

Payable from the General Revenue Fund:
For Skilled and Intermediate
Long Term Care ..... $ 0
Payable from Care Provider Fund for Persons
With A Developmental Disability:
For Administrative Expenditures $ 137,400

Payable from Long Term Care Provider Fund:
For Skilled and Intermediate
Long Term Care .....$718,228,300 ~~$643,228,300~~

For Administrative Expenditures 1,536,700

Total $644,765,000

+n(Source: P.A. 92-538, eff. 7-1-02.)@n

Section 4. "AN ACT making appropriations", Public Act 92-538, approved June 10, 2002, is amended by changing Section 4 of Article 53 as follows:

(P.A. 92-538, Art. 53, Sec. 4)

Sec. 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Veterans' Affairs for the objects and purposes hereinafter named:

ILLINOIS VETERANS' HOME AT QUINCY

Payable from General Revenue Fund:

For Personal Services	$ 12,761,700	
For Employee Retirement Contributions		
Paid by Employer	510,400	
For State Contributions to the State		
Employees' Retirement System	1,352,700	
For State Contributions to		
Social Security	976,300	
For Contractual Services	5,100	
For Commodities	100	
For Electronic Data Processing	100	
For Maintenance and Travel for		
Aided Persons	1,300	
Total	$15,607,700	

Payable from Quincy Veterans' Home Fund:

For Personal Services	$ 10,823,400	~~$ 11,040,200~~
For Member Compensation	25,000	
For Employee Retirement Contributions		
Paid by Employer	433,000	~~441,600~~

For State Contributions to the State			
Employees' Retirement System		1,147,300	~~1,170,300~~
For State Contributions to			
Social Security		828,000	~~844,600~~
For Contractual Services	2,008,000		
For Contractual Services - Repair and			
Maintenance	200,000		
For Travel	9,000		
For Commodities		4,218,700	~~3,953,700~~
For Printing	23,700		
For Equipment	172,500		
For Electronic Data Processing	110,000		
For Telecommunications Services	71,000		
For Operation of Auto Equipment	60,000		
For Refunds	42,200		
Total	$20,171,800		

+n(Source: P.A. 92-538, eff. 7-1-02.)@n

Section 5. "AN ACT making appropriations", Public Act 92-717, approved July 24, 2002, is amended by changing Section 8 of Article 1 as follows:

(P.A. 92-717, Art. 1, Sec. 8)

Sec. 8. The following named amounts, or so much thereof as may be necessary, are appropriated from the Capital Development Fund to the Capital Development Board for the Department of Natural Resources for the projects hereinafter enumerated:

STATEWIDE

For replacing/repairing the roofing systems

at the following locations at the approximate

costs set forth below ..... $ 240,000

Jubilee College State
Park-Peoria County 45,000
Starved Rock State Park & amp;
Lodge-LaSalle County 60,000
Kaskaskia River Fish & amp; Wildlife
Area-Randolph County 25,000
Pyramid State Park-
Perry County 55,000
Region V Office (Benton)
Franklin County 55,000

For rehabilitating dams and bridges 1,000,000

EAGLE CREEK STATE PARK - SHELBY COUNTY

For constructing lake access boat

docks at resort 2,000,000

FOX RIDGE STATE PARK - COLES COUNTY

For replacing spillway 160,000

GOOSE LAKE PRAIRIE NATURAL AREA - GRUNDY COUNTY

For replacing floating boardwalk 485,000

HENNEPIN CANAL PARKWAY STATE PARK

For rehabilitating/repairing railroad
bridges, in addition to funds

previously appropriated 900,000

I & amp; M CANAL - CHANNAHON STATE PARK - WILL COUNTY ~~ILLIANA HEIGHTS SWAMP - KANKAKEE COUNTY~~

For improving DuPage River Spillway 110,000

KANKAKEE WILDLIFE CONSERVATION AREA - KANKAKEE COUNTY

For planning and constructing new
lodge, in addition to funds

previously appropriated 3,500,000

KICKAPOO STATE PARK - VERMILLION COUNTY

For replacing stairway to Long Pond 230,000

RED HILLS STATE PARK - LAWRENCE COUNTY

For miscellaneous improvements 850,000

SAM PARR STATE PARK - JASPER COUNTY

For renovating recreational facilities 1,915,000

SILOAM SPRINGS STATE PARK - ADAMS COUNTY

For rehabilitating office/service

area 1,200,000

SNAKEDEN HOLLOW FISH AND WILDLIFE AREA - KNOX COUNTY

For rehabilitating the Spillway, in addition to funds previously

appropriated 100,000

SPRING LAKE CONSERVATION AREA - TAZEWELL COUNTY

For stabilizing levee and

shoreline 500,000

WELDON SPRINGS STATE PARK - DE WITT COUNTY

For upgrading residence utilities 40,000

WHITE PINES FOREST STATE PARK - OGLE COUNTY

For planning and beginning sewer system

replacement 100,000

Total $13,330,000

+n(Source: P.A. 92-717, eff. 7-1-02.)@n

Section 10. "AN ACT regarding appropriations", Public Act 92-538, approved June 10, 2002, is amended by changing Sections 1, 2, and 4 of Article 36 as follows:

(P.A. 92-538, Art. 36, Sec. 1)

Sec. 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 following divisions of the Department of Corrections.

FOR OPERATIONS GENERAL OFFICE

For Personal Services ..... $ 18,181,400

~~For Personal Services ..... $ 20,956,400~~

For Employee Retirement Contributions

Paid by Employer	1,059,700
For State Contributions to State Employees' Retirement System	1,729,100
~~Employees' Retirement System .....~~	~~2,138,200~~
For State Contributions to Social Security	1,226,800
~~Social Security ..... ~~	~~1,529,400~~
For Contractual Services	11,806,000
For Travel	595,000
For Commodities	733,900
For Printing	143,400
For Equipment	441,500
For Electronic Data Processing	10,006,000
For Telecommunications Services	3,327,200
For Operation of Auto Equipment	223,200
For Sheriffs' Fees for Conveying Prisoners	390,500
For support costs associated with the Criminal Law and Corrections Task Force.....	500,000
For payment of claims as provided by the "Workers' Compensation Act" or the "Workers' Occupational Diseases Act", including Treatment, Expenses and Benefits Payable for Total Temporary Incapacity for Work	7,939,600

Expenditures from appropriations for treatment and expense may be made after the Department of Corrections has certified that the injured person was employed and that the nature of the injury is compensable in accordance with the provisions of the Workers' Compensation Act or the Workers' Occupational Diseases Act, and then has determined the amount of such compensation to be paid to the injured person. Expenditures for this purpose may be made by the Department of Corrections

without regard to the fiscal year in which benefit or service was rendered or cost incurred as allowable or provided by the Workers' Compensation Act or the Workers' Occupational Diseases Act.

For Tort Claims	490,000
For the State's share of Assistant State's Attorneys' salaries - reimbursement to counties pursuant to Chapter 53 of the Illinois	
Revised Statutes	435,600
For Repairs, Maintenance and Other	
Capital Improvements	3,412,800
Total	$66,128,400

SCHOOL DISTRICT

For Personal Services	$ 18,862,300
~~For Personal Services .....~~	~~$ 26,396,500~~
For Employee Retirement Contributions	
Paid by Employer	983,100
~~Paid by Employer .....~~	~~1,326,800~~
For Student, Member and Inmate	
Compensation	59,400
For State Contributions to State	
Employees' Retirement System	1,822,100
~~Employees' Retirement System .....~~	~~2,625,900~~
For State Contributions to Teachers'	
Retirement System	6,500
For State Contributions to Social Security	1,176,900
~~For State Contributions to Social Security .....~~	~~1,623,400~~
	7,605,600

For Contractual Services	
~~For Contractual Services .....~~	~~7,584,700~~
For Travel	88,500
For Commodities	949,400
For Printing	107,200
For Equipment	1,156,400
For Telecommunications Services	6,500
For Operation of Auto Equipment	13,800
Total	$41,945,000

FIELD SERVICES

For Personal Services	$ 42,089,100
~~For Personal Services .....~~	~~$ 44,248,400~~
For Employee Retirement Contributions	
Paid by Employer	2,004,800
~~Paid by Employer .....~~	~~2,228,600~~
For Student, Member and Inmate	
Compensation	174,200
For State Contributions to State	
Employees' Retirement System	4,047,900
~~Employees' Retirement System .....~~	~~4,513,700~~
For State Contributions to	
Social Security	2,908,700
~~Social Security .....~~	~~3,259,300~~
For Contractual Services	32,200,600
~~For Contractual Services .....~~	~~29,919,300~~

For Travel	627,100
Travel and Allowance for Prisoners.....	1,600
For Commodities	1,292,000
For Printing	20,800
For Equipment	1,686,700
For Telecommunications Services	7,989,200
For Operation of Auto Equipment	1,730,200
Total	$97,691,100

+n(Source: P.A. 92-538, eff. 7-1-02.)@n

(P.A. 92-538, Art. 36, Sec. 2)

Sec. 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections for:

STATEVILLE CORRECTIONAL CENTER

For Personal Services	$ 62,061,400
~~For Personal Services .....~~	~~$ 66,591,000~~
For Employee Retirement Contributions	
Paid by Employer	3,330,400
~~Paid by Employer .....~~	~~3,515,600~~
For Student, Member and Inmate	
Compensation	376,400
For State Contributions to State	
Employees' Retirement System	6,238,700
~~Employees' Retirement System .....~~	~~6,869,900~~
For State Contributions to	
Social Security	4,508,600

~~Social Security .....~~	~~4,981,900~~
For Contractual Services	18,877,200
~~For Contractual Services .....~~	~~20,906,500~~
For Travel	153,000
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	36,600
For Commodities	3,339,200
For Printing	87,200
For Equipment	340,200
For Telecommunications Services	398,700
For Operation of Auto Equipment	545,800
Total	$108,142,000

THOMSON CORRECTIONAL CENTER

For Personal Services	$ 10,472,500
For Employee Retirement Contributions	
Paid by Employer	618,800
For Student, Member and Inmate	
Compensation	32,100
For State Contributions to State	
Employees' Retirement System	1,191,700
For State Contributions to	
Social Security	839,700
For Contractual Services	1,056,300
For Travel	16,500

For Travel and Allowances for Committed, Paroled and	
Discharged Prisoners	3,300
For Commodities	291,800
For Printing	10,700
For Equipment	355,000
For Telecommunications Services	93,500
For Operation of Auto Equipment	18,100
Total	$15,000,000

DECATUR WOMEN'S CORRECTIONAL CENTER

For Personal Services	$ 12,373,900
For Employee Retirement Contributions	
Paid by Employer	648,400
~~Paid by Employer .....~~	~~621,300~~
For Student, Member and Inmate	
Compensation	90,400
For State Contributions to State	
Employees' Retirement System	1,270,300
For State Contributions to	
Social Security	924,000
For Contractual Services	3,222,100
~~For Contractual Services .....~~	~~3,452,700~~
For Travel	36,000
For Travel and Allowances for Committed, Paroled and	
Discharged Prisoners	25,900

For Commodities	732,900
~~For Commodities .....~~	~~351,500~~
For Printing	25,000
For Equipment	237,100
For Telecommunications Services	62,700
For Operation of Auto Equipment	37,500
Total	$19,508,300

DWIGHT CORRECTIONAL CENTER

For Personal Services	$ 20,058,900
~~For Personal Services .....~~	~~$ 18,904,800~~
For Employee Retirement Contributions	
Paid by Employer	1,080,100
~~Paid by Employer .....~~	~~986,400~~
For Student, Member and Inmate	
Compensation	194,400
For State Contributions to State	
Employees' Retirement System	2,060,000
~~Employees' Retirement System .....~~	~~1,955,500~~
For State Contributions to	
Social Security	1,460,800
~~Social Security .....~~	~~1,403,100~~
For Contractual Services	7,310,200
~~For Contractual Services .....~~	~~8,626,800~~
For Travel	87,900
For Travel and Allowances for Committed,	66,100

Paroled and Discharged Prisoners .....

For Commodities 2,008,600

~~For Commodities ..... 1,153,000~~

For Printing 35,800

For Equipment 220,800

For Telecommunications Services 175,600

For Operation of Auto Equipment 233,700

Total $34,043,900

LINCOLN CORRECTIONAL CENTER

For Personal Services ..... $ 11,929,700

~~For Personal Services ..... $ 11,023,800~~

For Employee Retirement Contributions

Paid by Employer 612,600

~~Paid by Employer ..... 575,700~~

For Student, Member and Inmate

Compensation 250,000

For State Contributions to State

Employees' Retirement System 1,170,000

~~Employees' Retirement System ..... 1,147,300~~

For State Contributions to

Social Security 819,700

For Contractual Services 5,056,800

~~For Contractual Services ..... 5,611,600~~

For Travel 13,600

For Travel and Allowances for Committed,

Paroled and Discharged Prisoners 60,100

For Commodities	1,204,600
~~For Commodities .....~~	~~582,000~~
For Printing	15,100
For Equipment	65,700
For Telecommunications Services	61,200
For Operation of Auto Equipment	81,000
Total	$20,306,800

DIXON CORRECTIONAL CENTER

For Personal Services	$ 27,082,000
~~For Personal Services .....~~	~~$ 24,725,400~~
For Employee Retirement Contributions	
Paid by Employer	1,406,400
~~Paid by Employer .....~~	~~1,338,500~~
For Student, Member and Inmate	
Compensation	553,100
For State Contributions to State	
Employees' Retirement System	2,582,300
For State Contributions to	
Social Security	1,893,500
~~Social Security .....~~	~~1,847,100~~
For Contractual Services	9,729,600
~~For Contractual Services .....~~	~~10,570,200~~
For Travel	46,400
For Travel and Allowances for Committed,	39,200

Paroled and Discharged Prisoners	
For Commodities	2,219,400
~~For Commodities .....~~	~~772,000~~
For Printing	39,900
For Equipment	142,600
For Telecommunications Services	190,800
For Operation of Auto Equipment	218,500
Total	$43,066,000

EAST MOLINE CORRECTIONAL CENTER

For Personal Services	$ 13,438,100
~~For Personal Services .....~~	~~$ 12,978,400~~
For Employee Retirement Contributions	
Paid by Employer	711,800
For Student, Member and Inmate	
Compensation	300,000
For State Contributions to State	
Employees' Retirement System	1,354,100
For State Contributions to	
Social Security	945,200
For Contractual Services	4,004,300
~~For Contractual Services .....~~	~~4,732,100~~
For Travel	33,000
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	41,800
For Commodities	810,600
~~For Commodities .....~~	~~379,700~~

For Printing	13,600
For Equipment	124,300
For Telecommunications Services	108,400
For Operation of Auto Equipment	95,200
Total	$21,817,600

HILL CORRECTIONAL CENTER

For Personal Services	$ 15,588,800
~~For Personal Services .....~~	~~$ 14,268,200~~
For Employee Retirement Contributions	
Paid by Employer	828,900
~~Paid by Employer .....~~	~~789,700~~
For Student, Member and Inmate	
Compensation	371,500
For State Contributions to State	
Employees' Retirement System	1,546,600
~~Employees' Retirement System .....~~	~~1,494,300~~
For State Contributions to Social Security	1,109,200
~~For State Contributions to Social Security .....~~	~~1,066,800~~
For Contractual Services	5,864,700
~~For Contractual Services .....~~	~~6,424,800~~
For Travel	34,700
For Travel and Allowance for Committed, Paroled	
and Discharged Prisoners	29,300
For Commodities	2,241,400
~~For Commodities .....~~	~~770,500~~ 26,300

For Printing .....

For Equipment 70,000

For Telecommunications Services 48,600

For Operation of Auto Equipment 61,800

Total $25,456,500

ILLINOIS RIVER CORRECTIONAL CENTER

For Personal Services ..... $ 19,000,600

~~For Personal Services ..... $ 16,820,400~~

For Employee Retirement Contributions

Paid by Employer 1,002,700

~~Paid by Employer ..... 898,300~~

For Student, Member and Inmate

Compensation 536,200

For State Contributions to State

Employees' Retirement System 1,902,400

~~Employees' Retirement System ..... 1,774,900~~

For State Contributions to Social Security 1,367,100

~~For State Contributions to Social Security ..... 1,266,500~~

For Contractual Services 6,039,000

~~For Contractual Services ..... 5,124,000~~

For Travel 34,700

For Travel and Allowance for Committed, Paroled

and Discharged Prisoners 82,500

For Commodities 1,642,200

~~For Commodities ..... 614,200~~

For Printing 24,300

For Equipment	92,500
For Telecommunications Services	98,100
For Operation of Auto Equipment	25,000
For the Hanna City work camp	5,794,000
Total	$33,185,600

DANVILLE CORRECTIONAL CENTER

For Personal Services	$ 17,770,000
For Employee Retirement Contributions Paid by Employer	936,900
For Student, Member and Inmate Compensation	486,900
For State Contributions to State Employees' Retirement System	1,843,500
For State Contributions to Social Security	1,319,000
For Contractual Services	5,366,800
~~For Contractual Services .....~~	~~6,689,800~~
For Travel	58,400
For Travel and Allowances for Committed, Paroled and Discharged Prisoners	37,100
For Commodities	2,024,100
~~For Commodities .....~~	~~911,000~~
For Printing	36,600
For Equipment	114,100 97,100

For Telecommunications Services .....

For Operation of Auto Equipment 175,800

For the Ed Jenison work camp in Paris 5,263,100

Total $35,739,300

JACKSONVILLE CORRECTIONAL CENTER

For Personal Services ..... $ 21,599,500

~~For Personal Services ..... $ 19,209,900~~

For Employee Retirement Contributions

Paid by Employer 1,145,100

~~Paid by Employer ..... 1,031,900~~

For Student, Member and Inmate Compensation 461,000

For State Contributions to State

Employees' Retirement System 2,161,500

~~Employees' Retirement System ..... 2,005,100~~

For State Contributions to

Social Security 1,544,300

~~Social Security ..... 1,418,400~~

For Contractual Services 3,425,800

For Travel 39,400

For Travel and Allowance for Committed,

Paroled and Discharged Prisoners 77,600

For Commodities 1,981,600

~~For Commodities ..... 679,600~~

For Printing 32,100

For Equipment 72,200

For Telecommunications Services 98,900

For Operation of Auto Equipment	123,300
For the Greene County Impact	
Incarceration Program	4,795,800
Total	$33,471,000

LOGAN CORRECTIONAL CENTER

For Personal Services	$ 19,691,800
~~For Personal Services .....~~	~~$ 20,353,100~~
For Employee Retirement Contributions	
Paid by Employer	1,058,900
For Student, Member and Inmate	
Compensation	497,100
For State Contributions to State	
Employees' Retirement System	2,111,400
For State Contributions to	
Social Security	1,504,500
For Contractual Services	5,146,800
~~For Contractual Services .....~~	~~5,345,500~~
For Travel	26,400
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	103,000
For Commodities	2,238,100
~~For Commodities .....~~	~~1,064,400~~
For Printing	36,600
For Equipment	113,700
For Telecommunications Services	167,400 256,500

For Operation of Auto Equipment .....

Total $32,638,500

PONTIAC CORRECTIONAL CENTER

For Personal Services ..... $ 34,451,700

~~For Personal Services ..... $ 32,044,400~~

For Employee Retirement Contributions

Paid by Employer 1,831,400

~~Paid by Employer ..... 1,668,900~~

For Student, Member and Inmate

Compensation 189,800

For State Contributions to State

Employees' Retirement System 3,439,400

~~Employees' Retirement System ..... 3,319,100~~

For State Contributions to

Social Security 2,475,300

~~Social Security ..... 2,358,100~~

For Contractual Services 8,929,000

~~For Contractual Services ..... 9,446,400~~

For Travel 74,600

For Travel and Allowances for Committed,

Paroled and Discharged Prisoners 19,500

For Commodities 2,227,200

~~For Commodities ..... 1,042,700~~

For Printing 49,800

For Equipment 157,900

For Telecommunications Services 200,000

For Operation of Auto Equipment	86,900
Total	$50,658,100

WESTERN ILLINOIS CORRECTIONAL CENTER

For Personal Services	$ 19,078,600
~~For Personal Services .....~~	~~$ 17,348,500~~
For Employee Retirement Contributions	
Paid by Employer	1,023,900
~~Paid by Employer .....~~	~~944,800~~
For Student, Member and Inmate	
Compensation	406,600
For State Contributions to State	
Employees' Retirement System	1,915,900
~~Employees' Retirement System .....~~	~~1,812,800~~
For State Contributions to	
Social Security	1,370,800
~~Social Security .....~~	~~1,293,100~~
For Contractual Services	5,758,600
~~For Contractual Services .....~~	~~6,687,500~~
For Travel	33,300
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	70,200
For Commodities	1,768,500
~~For Commodities .....~~	~~727,400~~
For Printing	29,800
For Equipment	113,100 58,400

For Telecommunications Services	
For Operation of Auto Equipment	110,800
Total	$29,636,300

CENTRALIA CORRECTIONAL CENTER

For Personal Services	$ 18,793,000
~~For Personal Services .....~~	~~$ 18,119,200~~
For Employee Retirement Contributions	
Paid by Employer	966,400
For Student, Member and Inmate	
Compensation	318,700
For State Contributions to State	
Employees' Retirement System	1,884,100
For State Contributions to	
Social Security	1,342,200
For Contractual Services	5,087,700
~~For Contractual Services .....~~	~~5,829,100~~
For Travel	55,400
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	97,500
For Commodities	1,167,700
~~For Commodities .....~~	~~431,400~~
For Printing	26,500
For Equipment	133,500
For Telecommunications Services	66,600
For Operation of Auto Equipment	87,900

Total	$29,358,500

GRAHAM CORRECTIONAL CENTER

For Personal Services	$ 21,555,400
~~For Personal Services .....~~	~~$ 20,610,100~~
For Employee Retirement Contributions	
Paid by Employer	1,138,500
~~Paid by Employer .....~~	~~1,068,000~~
For Student, Member and Inmate	
Compensation	312,100
For State Contributions to State	
Employees' Retirement System	2,143,600
For State Contributions to	
Social Security	1,534,700
For Contractual Services	7,098,900
~~For Contractual Services .....~~	~~8,517,800~~
For Travel	55,700
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	41,700
For Commodities	1,873,600
~~For Commodities .....~~	~~637,200~~
For Printing	40,800
For Equipment	196,000
For Telecommunications Services	99,000
For Operation of Auto Equipment	101,400
Total	$35,358,100

MENARD CORRECTIONAL CENTER

For Personal Services	$ 42,595,000
~~For Personal Services .....~~	~~$ 41,261,500~~
For Employee Retirement Contributions Paid by Employer	2,195,800
For Student, Member and Inmate Compensation	475,900
For State Contributions to State Employees' Retirement System	4,294,300
For State Contributions to Social Security	3,051,100
For Contractual Services	11,559,700
~~For Contractual Services .....~~	~~12,857,100~~
For Travel	84,400
For Travel and Allowances for Committed, Paroled and Discharged Prisoners	69,800
For Commodities	2,480,100
~~For Commodities .....~~	~~1,478,200~~
For Printing	34,200
For Equipment	183,900
For Telecommunications Services	179,000
For Operation of Auto Equipment	167,700
Total	$66,332,900

PINCKNEYVILLE CORRECTIONAL CENTER

For Personal Services	$ 19,568,800
~~For Personal Services .....~~	~~$ 18,486,100~~

For Employee Retirement Contributions	
Paid by Employer	1,059,800
~~Paid by Employer .....~~	~~980,100~~
For Student, Member and Inmate	
Compensation	377,800
For State Contributions to State	
Employees' Retirement System	2,105,600
~~Employees' Retirement System .....~~	~~1,925,800~~
For State Contributions to	
Social Security	1,421,400
~~Social Security .....~~	~~1,369,700~~
For Contractual Services	6,251,400
~~For Contractual Services .....~~	~~7,695,600~~
For Travel	37,300
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	84,300
For Commodities	1,985,600
~~For Commodities .....~~	~~560,000~~
For Printing	27,100
For Equipment	61,700
For Telecommunications Services	97,800
For Operation of Auto Equipment	51,300
Total	$31,754,600

SOUTHWESTERN ILLINOIS CORRECTIONAL CENTER

For Personal Services	$ 11,816,100
~~For Personal Services .....~~	~~$ 10,858,100~~

For Employee Retirement Contributions	
Paid by Employer	639,900
~~Paid by Employer .....~~	~~582,700~~
For Student, Member and Inmate	
Compensation	160,300
For State Contributions to State	
Employees' Retirement System	1,199,000
~~Employees' Retirement System .....~~	~~1,134,800~~
For State Contributions to	
Social Security	862,900
~~Social Security .....~~	~~809,200~~
For Contractual Services	4,017,900
~~For Contractual Services .....~~	~~4,772,400~~
For Travel	15,900
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	11,100
For Commodities	655,900
~~For Commodities .....~~	~~309,900~~
For Printing	11,600
For Equipment	50,000
For Telecommunications Services	36,500
For Operation of Auto Equipment	51,000
Total	$18,803,500

TAYLORVILLE CORRECTIONAL CENTER

For Personal Services	$ 12,798,600
	~~$ 11,675,900~~

~~For Personal Services .....~~

For Employee Retirement Contributions

Paid by Employer 686,000

~~Paid by Employer ..... 601,900~~

For Student, Member and Inmate Compensation 251,500

For State Contributions to State

Employees' Retirement System 1,276,400

~~Employees' Retirement System ..... 1,219,300~~

For State Contribution to

Social Security 918,600

~~Social Security ..... 869,400~~

For Contractual Services 4,797,700

~~For Contractual Services ..... 4,981,000~~

For Travel 20,400

For Travel and Allowance for Committed, Paroled and Discharged

Prisoners..... 43,500

For Commodities 878,800

~~For Commodities ..... 400,100~~

For Printing 14,700

For Equipment 34,700

For Telecommunications Services 68,500

For Operation of Automotive Equipment 80,600

Total $20,261,500

VANDALIA CORRECTIONAL CENTER

For Personal Services ..... $ 21,000,900

~~$ 20,676,400~~

~~For Personal Services .....~~

For Employee Retirement Contributions

Paid by Employer 1,108,900

For Student, Member and Inmate

Compensation 415,700

For State Contributions to State

Employees' Retirement System 2,154,300

For State Contributions to

Social Security 1,532,300

For Contractual Services 5,313,400

~~For Contractual Services ..... 6,317,200~~

For Travel 26,200

For Travel and Allowances for Committed,

Paroled and Discharged Prisoners 80,400

For Commodities 2,062,600

~~For Commodities ..... 787,000~~

For Printing 23,900

For Equipment 126,400

For Telecommunications Services 102,400

For Operation of Auto Equipment 132,700

Total $33,483,800

BIG MUDDY RIVER CORRECTIONAL CENTER

For Personal Services ..... $ 19,345,400

~~For Personal Services ..... $ 17,894,600~~

For Employee Retirement Contributions

Paid by Employer	1,042,000
~~Paid by Employer .....~~	~~961,800~~
For Student, Member and Inmate	
Compensation	411,900
For State Contributions to State	
Employees' Retirement System	1,948,300
~~Employees' Retirement System .....~~	~~1,844,100~~
For State Contributions to	
Social Security	1,395,600
~~Social Security .....~~	~~1,336,100~~
For Contractual Services	7,471,100
~~For Contractual Services .....~~	~~8,655,100~~
For Travel	40,200
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	77,100
For Commodities	1,670,400
~~For Commodities .....~~	~~757,900~~
For Printing	24,700
For Equipment	176,600
For Telecommunications Services	141,500
For Operation of Auto Equipment	108,100
Total	$32,429,700

LAWRENCE CORRECTIONAL CENTER

For Personal Services	$ 16,414,000
~~For Personal Services .....~~	~~$ 26,176,800~~

For Employee Retirement Contributions	
Paid by Employer	943,500
~~Paid by Employer .....~~	~~1,189,000~~
For Student, Member and Inmate	
Compensation	241,900
For State Contributions to State	
Employees' Retirement System	1,727,300
~~Employees' Retirement System .....~~	~~2,704,900~~
For State Contributions to	
Social Security	1,242,900
~~Social Security .....~~	~~1,945,100~~
For Contractual Services	5,901,200
~~For Contractual Services .....~~	~~7,181,200~~
For Travel	50,200
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	43,100
For Commodities	1,522,800
~~For Commodities .....~~	~~479,100~~
For Printing	29,800
For Equipment	364,300
For Telecommunications Services	133,400
For Operation of Auto Equipment	46,300
Total	$40,585,100

ROBINSON CORRECTIONAL CENTER

For Personal Services	$ 11,567,600
~~For Personal Services .....~~	~~$ 9,365,600~~

For Employee Retirement Contributions	
Paid by Employer	617,100
~~Paid by Employer .....~~	~~493,100~~
For Student, Member and	
Inmate Compensation	241,600
For State Contributions to State	
Employees' Retirement System	1,146,100
~~Employees' Retirement System .....~~	~~955,100~~
For State Contribution to	
Social Security	815,400
~~Social Security .....~~	~~678,200~~
For Contractual Services	2,942,700
~~For Contractual Services .....~~	~~2,419,000~~
For Travel	43,500
For Travel and Allowances for Committed, Paroled and Discharged	
Prisoners	31,300
For Commodities	1,036,300
~~For Commodities .....~~	~~516,500~~
For Printing	23,300
For Equipment	61,100
For Telecommunications Services	53,200
For Operation of Automotive Equipment	71,800
Total	$14,953,300

SHAWNEE CORRECTIONAL CENTER

For Personal Services	$ 17,871,800

~~For Personal Services ..... $ 17,225,100~~

For Employee Retirement Contributions

Paid by Employer 911,800

For Student, Member and

Inmate Compensation 433,600

For State Contributions to State

Employees' Retirement System 1,803,000

For State Contributions to

Social Security 1,287,900

For Contractual Services 6,068,400

~~For Contractual Services ..... 7,471,400~~

For Travel 42,800

For Travel and Allowances for Committed,

Paroled and Discharged Prisoners 152,400

For Commodities 1,275,900

~~For Commodities ..... 852,600~~

For Printing 25,600

For Equipment 139,000

For Telecommunications Services 107,100

For Operation of Auto Equipment 115,900

Total $30,568,200

TAMMS CORRECTIONAL CENTER

For Personal Services ..... $ 17,767,400

~~For Personal Services ..... $ 17,734,500~~

For Employee Retirement Contributions

959,500

Paid by Employer	
~~Paid by Employer .....~~	~~927,900~~
For Student, Member and Inmate	
Compensation	140,300
For State Contributions to State	
Employees' Retirement System	2,054,500
~~Employees' Retirement System .....~~	~~1,831,800~~
For State Contributions to	
Social Security	1,305,300
For Contractual Services	4,658,200
~~For Contractual Services .....~~	~~5,543,200~~
For Travel	50,700
For Travel and Allowance for Committed,	
Paroled and Discharged Prisoners	5,400
For Commodities	716,500
~~For Commodities .....~~	~~247,700~~
For Printing	14,500
For Equipment	184,200
For Telecommunications Services	140,600
For Operation of Auto Equipment	81,900
Total	$28,208,000

VIENNA CORRECTIONAL CENTER

For Personal Services	$ 17,216,100
~~For Personal Services .....~~	~~$ 15,659,100~~
For Employee Retirement Contributions	
Paid by Employer	857,800

~~Paid by Employer .....~~	~~799,100~~
For Student, Member and Inmate	
Compensation	243,400
For State Contributions to State	
Employees' Retirement System	1,642,600
For State Contributions to	
Social Security	1,278,800
For Contractual Services	4,094,100
~~For Contractual Services .....~~	~~4,503,900~~
For Travel	20,300
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	75,700
For Commodities	2,444,200
~~For Commodities .....~~	~~1,056,200~~
For Printing	17,100
For Equipment	148,400
For Telecommunications Services	89,900
For Operation of Auto Equipment	112,600
Total	$25,647,100

SHERIDAN CORRECTIONAL CENTER

For Personal Services	$ 17,334,200
For Employee Retirement Contributions	
Paid by Employer	953,400

For Student, Member and Inmate Compensation	306,200
For State Contributions to State Employees' Retirement System	1,837,400
For State Contributions to Social Security	1,255,000
For Contractual Services	5,477,500
For Travel	34,300
For Travel and Allowances for Committed, Paroled and Discharged Prisoners	41,100
For Commodities	883,700
For Printing	25,900
For Equipment	147,300
For Telecommunications Services	112,000
For Operation of Auto Equipment	177,300
For Ordinary and Contingent Expenses	2,608,000
Total	$31,193,300

+n(Source: P.A. 92-538, eff. 7-1-02.)@n

(P.A. 92-538, Art. 36, Sec. 4)

Sec. 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Corrections:

ILLINOIS YOUTH CENTER - CHICAGO

For Personal Services	$ 4,079,000
For Employee Retirement Contributions Paid by Employer	225,900

~~Paid by Employer ..... 202,900~~

For Student, Member and Inmate

Compensation 11,400

For State Contributions to State

Employees' Retirement System 421,100

For State Contributions to

Social Security 304,600

For Contractual Services 3,051,100

For Travel 24,000

For Travel and Allowances for Committed,

Paroled and Discharged Prisoners 1,000

For Commodities 83,500

For Printing 3,400

For Equipment 64,800

For Telecommunications Services 29,800

For Operation of Auto Equipment 20,000

Total $8,296,600

ILLINOIS YOUTH CENTER - HARRISBURG

For Personal Services ..... $ 12,278,400

~~For Personal Services ..... $ 12,596,000~~

For Employee Retirement Contributions

Paid by Employer 665,700

For Student, Member and Inmate

Compensation 88,800

For State Contributions to State

1,298,900

Employees' Retirement System	
For State Contributions to	
Social Security	921,100
For Contractual Services	2,423,100
~~For Contractual Services .....~~	~~3,309,800~~
For Travel	15,300
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	2,800
For Commodities	287,000
For Printing	17,700
For Equipment	86,200
For Telecommunications Services	68,200
For Operation of Auto Equipment	68,600
Total	$19,426,100

ILLINOIS YOUTH CENTER - JOLIET

For Personal Services	$ 11,533,700
~~For Personal Services .....~~	~~$ 11,437,500~~
For Employee Retirement Contributions	
Paid by Employer	611,000
~~Paid by Employer .....~~	~~582,300~~
For Student, Member and Inmate	
Compensation	58,200
For State Contributions to State	
Employees' Retirement System	1,179,000
For State Contributions to	
Social Security	853,200

For Contractual Services	2,342,500
~~For Contractual Services .....~~	~~2,584,700~~
For Travel	14,200
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	800
For Commodities	324,300
~~For Commodities .....~~	~~117,900~~
For Printing	12,000
For Equipment	48,600
For Telecommunications Services	47,800
For Operation of Auto Equipment	52,600
Total	$16,988,800

ILLINOIS YOUTH CENTER - KEWANEE

For Personal Services	$ 8,892,500
~~For Personal Services .....~~	~~$ 13,355,200~~
For Employee Retirement Contributions	
Paid by Employer	542,100
For Student Member and Inmate	
Compensation	33,000
For State Contributions to State	
Employees' Retirement System	953,700
~~Employees' Retirement System .....~~	~~1,372,900~~
For State Contributions to	
Social Security	697,300
~~Social Security .....~~	~~999,200~~
	3,888,200

For Contractual Services .....

For Travel 24,300

For Travel Allowances for Committed,

Paroled and Discharged Prisoners 900

For Commodities 521,400

~~For Commodities ..... 330,400~~

For Printing 15,000

For Equipment 301,400

For Telecommunications Services 72,000

For Operation of Auto Equipment 60,700

Total $20,995,300

ILLINOIS YOUTH CENTER - MURPHYSBORO

For Personal Services ..... $ 5,932,600

~~For Personal Services ..... $ 5,709,600~~

For Employee Retirement Contributions

Paid by Employer 323,400

~~Paid by Employer ..... 301,200~~

For Student Member and Inmate

Compensation 33,100

For State Contributions to State

Employees' Retirement System 598,400

For State Contributions to

Social Security 431,600

For Contractual Services 1,397,900

~~For Contractual Services ..... 1,664,100~~

For Travel 20,200

For Travel Allowances for Committed,	
Paroled and Discharged Prisoners	5,200
For Commodities	294,800
~~For Commodities .....~~	~~157,900~~
For Printing	9,000
For Equipment	29,600
For Telecommunications Services	42,400
For Operation of Auto Equipment	21,100
Total	$9,023,400

ILLINOIS YOUTH CENTER - PERE MARQUETTE

For Personal Services	$ 2,303,800
~~For Personal Services .....~~	~~$ 2,129,200~~
For Employee Retirement Contributions	
Paid by Employer	125,300
~~Paid by Employer .....~~	~~115,100~~
For Student, Member and Inmate	
Compensation	18,100
For State Contributions to State	
Employees' Retirement System	223,400
For State Contributions to	
Social Security	167,100
~~Social Security .....~~	~~156,700~~
For Contractual Services	677,800
For Travel	8,700
For Travel and Allowances for Committed,	1,700

Paroled and Discharged Prisoners	
For Commodities	157,500
~~For Commodities .....~~	~~66,100~~
For Printing	5,600
For Equipment	16,700
For Telecommunications Services	36,000
For Operation of Auto Equipment	17,900
Total	$3,473,000

ILLINOIS YOUTH CENTER - RUSHVILLE

For Personal Services.....	$ 2,956,100
For Personal Services.....	$ 2,956,100
For Employee Retirement Contributions	
Paid by Employer.....	$167,400
For Student, Member, and Inmate	
Compensation	5,500
For State Contribution to State	
Employees' Retirement System.....	314,300
For State Contributions to	
Social Security.....	233,300
For Contractual Services.....	1,535,900
For Travel.....	6,900
For Travel Allowance for Committed,	
Paroled and Discharged Prisoners.....	200
For Commodities.....	167,800
For Printing.....	6,900
For Equipment.....	301,400

For Telecommunications.....	7,800
For Operation of Auto Equipment.....	10,900
For Deposit into Travel and Allowance	
Revolving Fund.....	10,000
Total	$5,724,400

ILLINOIS YOUTH CENTER - ST. CHARLES

For Personal Services	$ 16,424,900
~~For Personal Services .....~~	~~$ 15,656,700~~
For Employee Retirement Contributions	
Paid by Employer	869,600
~~Paid by Employer .....~~	~~810,300~~
For Student, Member and Inmate	
Compensation	71,200
For State Contributions to State	
Employees' Retirement System	1,639,000
~~Employees' Retirement System .....~~	~~1,628,800~~
For State Contributions to	
Social Security	1,184,600
~~Social Security .....~~	~~1,170,200~~
For Contractual Services	3,494,000
~~For Contractual Services .....~~	~~4,014,100~~
For Travel	73,000
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	600
For Commodities	440,800 20,000

For Printing	
For Equipment	46,700
For Telecommunications Services	126,000
For Operation of Auto Equipment	148,400
Total	$24,206,800

ILLINOIS YOUTH CENTER - VALLEY VIEW

For Personal Services	$ 8,061,000
For Employee Retirement Contributions	
Paid by Employer	443,400
For Student, Member and Inmate	
Compensation	460,000
For State Contributions to State	
Employees' Retirement System	854,500
For State Contributions to	
Social Security	580,400
For Contractual Services	1,690,900
For Travel	17,200
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	700
For Commodities	133,300
For Printing	9,500
For Equipment	76,700
For Telecommunications Services	72,600
For Operation of Auto Equipment	72,500
For Ordinary and Contingent Expenses	1,781,800
Total	$14,244,500

ILLINOIS YOUTH CENTER - WARRENVILLE

For Personal Services	$ 5,474,400
~~For Personal Services .....~~	~~$ 5,152,700~~
For Employee Retirement Contributions	
Paid by Employer	301,800
~~Paid by Employer .....~~	~~268,400~~
For Student, Member and Inmate	
Compensation	27,400
For State Contributions to State	
Employees' Retirement System	565,300
~~Employees' Retirement System .....~~	~~535,600~~
For State Contributions to	
Social Security	410,900
~~Social Security .....~~	~~387,300~~
For Contractual Services	1,648,500
For Travel	30,000
For Travel and Allowances for Committed,	
Paroled and Discharged Prisoners	100
For Commodities	137,300
For Printing	11,000
For Equipment	21,700
For Telecommunications Services	42,900
For Operation of Auto Equipment	41,900
Total	$8,304,800

+n(Source: P.A. 92-538, eff. 7-1-02.)@n

Section 15. "AN ACT regarding appropriations", Public Act 92-538, approved June 10, 2002, as amended by Public Act 92-856, is amended by changing Sections 20, 24, and 25 of Article 1 as follows:

(P.A. 92-538, Article 1, Section 20)

Sec. 20. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from State funds to the Illinois State Board of Education for the fiscal year beginning July 1, 2002:

-GENERAL OFFICE-

From General Revenue Fund:

For Personal Services.....	$5,734,800
For Employee Retirement Paid by Employer.....	201,500
For Retirement Contributions.....	234,000
For Social Security Contributions.....	232,100
For Contractual.....	693,000
For Travel.....	105,500
For Commodities.....	9,500
Total	$7,210,400

-EDUCATION SERVICES-

For Personal Services.....	$4,418,800
For Employee Retirement Paid by Employer.....	177,700
For Retirement Contributions.....	166,200
For Social Security Contributions.....	161,400
For Contractual.....	96,000
For Travel.....	101,200
For Commodities.....	10,000
Total	$5,131,300

-FINANCE AND ADMINISTRATION-

From General Revenue Fund:

For Personal Services.....	9,630,200
For Employee Retirement Paid by Employer.....	362,900
For Retirement Contributions.....	315,200
For Social Security Contributions.....	320,000
For Contractual.....	2,425,700
For Travel.....	153,000
For Commodities.....	95,500
For Printing.....	178,000
For Equipment.....	134,000
For Telecommunications.....	386,700
For Operation of Auto.....	15,200
Total	$14,016,400

From Driver Education Fund:

For Personal Services.....	$250,000
For Employee Retirement Paid by Employer.....	12,000
For Retirement Contributions.....	5,000
For Social Security Contributions.....	5,000
For Insurance.....	40,000
For Contractual	253,200
For Travel	30,000
For Commodities	10,100
For Printing	22,000
For Equipment	57,700
For Telecommunications	15,000
For Grants.....	15,750,000

Total	$16,450,000
From General Revenue Fund:	
For the Technology for Success Program for the purpose of implementing the use of computer technology in the classroom as follows:	
For Personal Services.....	$600,000
For Employee Retirement Paid by Employer.....	25,000
For Retirement Contributions.....	18,000
For Social Security Contributions.....	19,000
For Other Operations.....	7,100,000
For Grants.....	17,263,000
Total	$25,025,000
For Mathematics Statewide:	
For Personal Services.....	$188,100
For Employee Retirement Paid by Employer.....	8,700
For Retirement Contributions.....	6,300
For Social Security Contributions.....	6,300
For Other Mathematics Statewide Operations.....	610,600
Total	$820,000
For the Academic Early Warning List (AEWL) and Other At-Risk Schools:	
For Personal Services.....	$168,800
For Employee Retirement Paid by Employer.....	7,700
For Retirement Contributions.....	1,400
For Social Security Contributions.....	1,400
For Other AEWL Operations.....	350,000
	3,088,300

For Grants.....	
Total	$3,617,600
For the Reading Improvement Statewide Program:	
For Personal Services.....	$193,000
For Employee Retirement Paid by Employer.....	7,700
For Retirement Contributions.....	6,800
For Social Security Contributions.....	6,800
For Other Reading Improvement	
Statewide Program Operations.....	3,210,400
Total	$3,424,700
For Family Literacy:	
For Operations	$241,200
Total	$241,200
For Regional and Local Optional Education Programs for Dropouts, those at Risk of Dropping Out, and Alternative Education Programs for Chronic Truants:	
For Personal Services.....	$73,000
For Employee Retirement Paid by Employer.....	3,400
For Retirement Contributions.....	1,000
For Social Security Contributions.....	2,000
For Other Truants/Alternative/	
Optional Operations.....	249,000
For Grants.....	18,628,100
Total	$18,956,500
For the Summer Bridge Program:	
For Personal Services.....	$135,000

For Employee Retirement Paid by Employer.....	7,700
For Retirement Contributions.....	7,300
For Social Security Contributions.....	7,700
For Other Summer Bridge Program Operations.....	131,100
For Grants.....	24,764,600
Total	$25,053,400

For the Parental Involvement/Solid Foundation Program:

For Personal Services.....	$33,800
For Employee Retirement Paid by Employer.....	2,000
For Retirement Contributions.....	3,900
For Social Security Contributions.....	2,900

For Other Parental Involvement/Solid Foundation

Operations.....	5,800
For Grants.....	916,300
Total	$964,700

For Career Awareness and Development Programs:

For Personal Services.....	$115,000
For Employee Retirement Paid by Employer.....	5,500
For Retirement Contributions.....	13,000
For Social Security Contributions.....	9,500

For Other Career Awareness and

Development Operations.....	32,000
For Grants.....	7,067,700
Total	$7,242,700

For Teacher Education Programs:	
For Other Teacher Education Operations.....	$1,405,000
For Grants.....	3,335,000
Total	$4,740,000
For Standards, Assessment, and Accountability Programs:	
For Personal Services.....	$2,074,100
For Employee Retirement Paid by Employer.....	87,300
For Retirement Contributions.....	46,300
For Social Security Contributions.....	47,800
For Other Standards, Assessment, and Accountability Operations.....	17,650,000
For Grants.....	7,009,700
Total	$26,915,200
For Student At-Risk Programs:	
For Contractual Services.....	$100,000
For Grants.....	2,432,000
Total	$2,532,000
For Illinois State Board of Education (ISBE) Regional Services:	
For Personal Services.....	$413,600
For Employee Retirement Paid by Employer.....	17,300
For Retirement Contributions.....	10,400
For Social Security Contributions.....	9,000
For Other ISBE Regional Services Operations.....	821,300
For Grants.....	1,344,300
Total	$2,615,900

For Reading Improvement Block Grant:	
For Personal Services.....	$217,000
For Employer Retirement Paid by Employer.....	9,700
For Retirement Contributions.....	6,300
For Social Security Contributions.....	7,700
For Other Reading Improvement	
Block Grant Operations.....	132,300
For Grants.....	80,025,100
Total	$80,398,100
For Scientific Literacy, Mathematics, and the Center for Scientific Literacy:	
For Personal Services.....	$300,000
For Employee Retirement Paid by Employer.....	13,500
For Retirement Contributions.....	12,000
For Social Security Contributions.....	9,700
For Other Scientific Literacy Operations.....	1,208,900
For Grants.....	5,385,400
Total	$6,929,500
For the Substance Abuse and Violence Prevention Programs:	
For Personal Services.....	$154,400
For Employee Retirement Paid by Employer.....	9,700
For Retirement Contributions.....	20,300
For Social Security Contributions.....	12,600
For Substance Abuse and Violence	
Prevention Operations.....	68,400

For Grants.....	2,146,400
Total	$2,411,800
For the Early Childhood Block Grant:	
For Personal Services.....	$428,000
For Employee Retirement Paid by Employer.....	19,800
For Retirement Contributions.....	13,500
For Social Security Contributions.....	14,000
For Other Early Childhood Block	
Grant Operations.....	190,800
For Grants.....	183,505,700
Total	$184,171,800
For the Board of Education Technology Program:	
For ISBE Technology Operations.....	$245,000
Total	$245,000
For Parental Guardian Programs under the transportation provisions of Section 29-5.2 of the School Code:	
For Personal Services.....	$97,500
For Employee Retirement Paid by Employer.....	5,300
For Retirement Contributions.....	2,900
For Social Security Contributions.....	3,400
For Other Parental Guardian Operations.....	6,800
Grants.....	14,470,400
Total	$14,586,300
For Alternative Learning Opportunities Programs:	
For Travel.....	$14,500

For Grants.....	$0
~~For Grants.....~~	~~950,000~~
Total	$14,500
~~Total~~	~~$964,500~~
For Alternative Education/Regional Safe Schools:	
For Personal Services.....	$65,600
For Employee Retirement Paid by Employer.....	2,000
For Retirement Contributions.....	6,800
For Social Security Contributions.....	5,800
For Other Early Childhood Block Grant Operations.....	16,300
For Grants.....	16,160,900
Total	$16,257,400
For Residential Services Authority (RSA) for Behavior Disorders and Severely Emotionally Disturbed Children and Adolescents:	
For Personal Services.....	$352,100
For Employee Retirement Paid by Employer.....	15,500
For Retirement Contributions.....	20,000
For Social Security Contributions.....	16,400
For Other RSA Operations.....	68,700
Total	$472,700
For the Charter Schools Program:	
For Personal Services.....	$159,200
For Employee Retirement Paid by Employer.....	6,800
For Retirement Contributions.....	12,100

For Social Security Contributions.....	8,700
For Other Charter Schools Operations.....	319,600
For deposit into the Charter Schools	
Revolving Loan Fund.....	650,000
For Grants.....	6,271,800
Total	$7,428,200
For all costs associated with career and	
Technical education programs.....	$51,834,500
Total	$51,834,500
For all costs associated with providing the loan of textbooks to Students under	
Section 18-17 of the School Code.....	$29,126,500
For all costs associated with Mentoring,	
Induction and Recruitment Program.....	8,100,000
For all costs associated with a mentoring and induction initiative for school	
administrators	450,000
For payment to the Early Intervention Revolving Fund for costs associated with Early Intervention Program at the Department of Human Services. Payments shall be made in 12 equal amounts on or about the 15th	
of each month.....	65,098,300
Total	$103,724,800
From the Charter Schools Revolving Loan Fund:	
For Charter Schools Loans.....	$2,000,000

From Teacher Certificate Fee Revolving Fund:

For costs associated with the issuing of teachers' certificates:

For Personal Services.....	175,000
For Employee Retirement Paid by Employer.....	7,500
For Retirement Contributions.....	20,000
For Social Security Contributions.....	9,000
For Insurance.....	37,000
For Other Teacher Certificate Operations.....	951,500
Total	$3,200,000

From the Private Business and Vocational Schools Fund:

For administrative costs associated with the Private Business and Vocational Schools Act:

For Personal Services.....	$40,000
For Employee Retirement Paid by Employer.....	1,800
For Retirement Contributions.....	5,000
For Social Security Contributions.....	5,000
For Other Private Business and Vocational Schools Operations.....	148,200
Total	$200,000

(Source: P.A. 92-538, eff. 7-1-02.)

(P.A. 92-538, Article 1, Section 24)

Sec. 24. The amount of $7,228,000 ~~$4,528,000~~, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the State Board of Education for deposit into the School District Emergency Financial Assistance Fund. (Source: P.A. 92-538, eff. 7-1-02; 92-856, eff. 12-6-02.)

(P.A. 92-538, Article 1, Section 25)

Sec. 25. The following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for Grants-In-Aid and loans:

From the General Revenue Fund:

For orphanage tuition claims and State owned housing claims as provided under Section

$13,988,200

18-3 of the School Code.....	
For financial assistance to Local Education Agencies for the Philip J. Rock Center and School as provided by Section 14-11.02	
of the School Code	2,855,500
For financial assistance to Local Education Agencies for the purpose of maintaining an educational materials coordinating unit as provided for by Section 14-11.01	
of the School Code.....	1,121,000
For Reimbursement to School Districts for Services and Materials for Programs Under	
Section 14A-5 of the School Code.....	19,000,600
For tuition of disabled children attending schools under Section	
14-7.02 of the School Code.....	47,134,400
For reimbursement to school districts for extraordinary special education and facilities under Section 14-7.02a	
of the School Code.....	225,712,000
For reimbursement to school districts for services and materials used in programs for disabled children under Section 14-13.01 of the	
School Code.....	303,506,900
For reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally impaired or behaviorally disordered as provided under Section	
14-7.03 of the School Code.....	104,763,200
For Financial Assistance to Local Education Agencies with over 500,000 Population to	

Meet the Needs of those Children who come from Environments where the Dominant Language is other than English under Section 34-18.2 of the School Code.....	33,792,800
For Financial Assistance to Local Education Agencies with under 500,000 Population to meet the Needs of those Children who come from Environments where the Dominant Language is other than English under Section 10-22.38a of the School Code.....	26,551,500
For reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils.....	219,908,500
For reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code.....	218,097,000
For reimbursement to school districts for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act.....	20,741,200
For the Tax-equivalent Grants pursuant to Section 18-4.4 of the School Code	222,600
For the Block Grants to School Districts for School Safety and Educational Improvement Programs Pursuant to Section 2-3.51.5 of the School Code.....	67,529,400
For Grants Associated with the School Breakfast	
Incentive Program.....	473,500
~~Incentive Program.....~~	~~723,500~~

For grants for Reading for blind and dyslexic persons for programs and services in support of Illinois citizens with visual and reading impairments..... 168,800

For Grants to the Local Education Agencies to Conduct Agricultural Education Programs..... 1,881,200

For grants associated with the Illinois Economic Education program..... 144,700

For a grant to the Illinois Learning Partnership program..... 385,900

For the Association of Illinois Middle-Level Schools Program..... 72,400

For Metro East Consortium for Child Advocacy..... 217,100

For the Regional Offices of Education, including, but not limited to, ROE School Bus Driver Training, ROE School Services, and ROE Supervisory Expense..... 12,070,400

For the Transition of Minority Students..... 578,800

For the Golden Apple/Illinois Scholars Program..... 2,914,300

For Teachers' Academy for Math and Science..... 5,307,700

For Supplementary Payments (General State Aid - Hold Harmless) to School Districts under Subsection (J) of Section 18-8.05 of the

School Code..... 64,200,000

~~School Code.....~~ ~~65,700,000~~

For summer school payments as provided

by Section 18-4.3 of the

School Code..... 5,830,400

For costs associated with Teach for

America 450,000

For all costs associated with the supplementary payments to school districts as provided in Section 18-8.2, Section 18-8.3, Section 18-8.5, and Section

18-8.05(I) of the School Code..... 1,669,400

For all costs associated with a

Universal preschool program 5,220,000

From the Common School Fund:

For compensation of Regional Superintendents of Schools and Assistants under Section

18-5 of the School Code..... 7,850,000

For payment of one-time employer's contribution to Teachers' Retirement system as provided in the Early Retirement Option under Section 16-133.2 of the Illinois Pension Code,

including prior year claims 300,000

For general apportionment (General State Aid) as provided by Section 18-8.05

of the School Code..... 2,657,100,000

~~of the School Code..... 2,635,300,000~~

From the School District Emergency Financial Assistance Fund:

For emergency financial assistance pursuant to Sections 1B-8 and 1F-62

of the School Code..... $8,033,000

~~$5,333,000~~

~~of the School Code.....~~

For the following purposes:
For a loan to the Hazel Crest School
District No. 152 1/2 School Finance

Authority..... $4,528,000

For school district emergency financial

assistance..... $3,505,000

~~assistance.....~~ ~~$805,000~~

From the Education Assistance Fund:

For general apportionment (General State
Aid) as provided by Section

18-8.05 of the School Code 485,000,000

From the School Technology Revolving Fund:

For the Statewide Educational Network..... 500,000

From the Temporary Relocation Expenses Revolving Grant Fund:
For temporary relocation expenses as provided

in Section 2-3.77 of the School Code..... 1,130,000

From the State Board of Education Fund:
For expenses as provided in Section

2-3.126 of the School Code..... 800,000

From the State Board of Education Special Purpose Trust Fund:

For expenses as provided in Section 2-3.127

of the School Code..... 700,000

In addition to the amount appropriated in Section 25 of this Act, the sum of $33,428,200, or so much thereof as may be necessary, is appropriated to the State Board of Education for additional expenses incurred in connection with the following purposes: for orphanage tuition claims and State owned housing claims as provided under Section 18-3 of the School Code, for tuition of disabled children attending schools under Section 14-7.02 of the School Code, for reimbursement to school districts for extraordinary special education and facilities under Section 14-7.02a of the School Code, for reimbursement to school districts for services and materials used in programs for disabled children under Section 14-13.01 of the School Code, for reimbursement on a current basis only to school districts that provide for education of handicapped orphans from residential institutions as well as foster children who are mentally inpaired or behaviorally disordered as provided under Section 14-7.03 of the School Code, for reimbursement to school districts qualifying under Section 29-5 of the School Code for a portion of the cost of transporting common school pupils, for reimbursement to

school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code, for reimbursement to school districts for providing free lunch and breakfast programs under the provision of the School Breakfast and Lunch Program Act, and for summer school payments as provided by Section 18-4.3 of the School Code.

(Source: P.A. 92-538, eff. 7-1-02; 92-856, eff. 12-6-02.) ARTICLE 4

Section 1. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 93-CC-3001, J.C. Thomas. Personal Injury, against the Department of Corrections..... $5,850.00

No. 94-CC-1203, Therese Marie Benkowski, and the Estate of David Benkowski, by its personal representative, Therese Benkowski. Personal Injury and Wrongful Death, against the Department of Natural Resources.. $501,311.70

No. 95-CC-0329, Marlon R., Lamore W., by their next friend Patrick Murphy, Cook County Public Guardian, and Patrick Murphy, Cook County Public Guardian and Marie Williams, Co-Administrators of the Estate of Siaonnia Bolden. Wrongful Death and Personal Injury, against the Department of Children and Family Services..... $45,000.00

No. 96-CC-0209, Glenda Netter. Personal Injury, against the Department of Corrections..... $6,000.00

No. 96-CC-4265, Judith A. Herrmann. Tort, against the Department of Public Health..... $71,789.55

No. 98-CC-4890, Sharon Curry. Litigation Expenses, against the Department of Children and Family Services..... $15,840.13

No. 99-CC-0716, William Kappenhagen. Tort, against the Department of Human Services..... $45,000.00

No. 99-CC-1583, Melinda Medina. Personal Injury, against Northeastern University..... $75,000.00

No. 99-CC-2080, Charlene Amos. Personal Injury and Property Damage, against the State Police..... $51,360.00

No. 99-CC-4884, Tonya Willmore, Et Al. Personal Injury against the SIU Board of Trustees..... $62,500.00

No. 00-CC-0599, John Wiggins. Personal Injury, against the Department of Natural Resources..... $7,500.00

No. 00-CC-3206, Health Professionals, LTD. Contract, against the Department of Corrections..... $19,770.40

No. 01-CC-0450, Aisha Payne. Personal Injury, against Northern Illinois University..... $20,000.00

No. 01-CC-2609, Kimberly Colbert. Personal Injury, against the Department of Corrections..... $22,000.00

No. 01-CC-3974, Wexford Health Sources, Inc. Debt, against the Department of Corrections..... $1,638,701.00

No. 01-CC-4402, Douglas Schaufelberger. Personal Injury, against the Department of Natural Resources..... $6,000.00

No. 02-CC-0487, Crum & amp; Forster Insurance. Property Damage, against the Department of Corrections..... $5,029.66

No. 02-CC-1247, Drena M. Brown. Personal Injury, against the Department of Corrections..... $12,750.00

No. 03-CC-1999, Rush Alzheimer's Disease Center. Debt, against the Department of Public Health..... $872,297.52

No. 03-CC-3568, David Gray. Illegal Incarceration, against the Department of Corrections..... $143,578.05

No. 03-CC-3577, Aaron Patterson. Illegal Incarceration against the Department of Corrections..... $161,005.24

No. 03-CC-3612, Rolando Cruz. Illegal Incarceration, against the Department of Corrections..... $120,300.00

Section 2. The following named amounts are appropriated to the Court of Claims from the Education Assistance Fund 007, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $7,000.00

Section 3. The following named amounts are appropriated to the Court of Claims from the Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 99-CC-1782, LTC Properties, LTD. Contract, against the Department of Transportation..... $9,805.00

No. 00-CC-0848, Jeffery Smith, Alisha Smith and Logan Smith, a minor. Personal Injury, against the Department of Transportation..... $6,000.00

Section 4. The following named amounts are appropriated to the Court of Claims from State Fund 012, Motor Fuel Tax Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $818.63

Section 5. The following named amounts are appropriated to the Court of Claims from State Fund 013, Alcoholism and Substance Abuse Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $10,500.00

Section 6. The following named amounts are appropriated to the Court of Claims from State Fund 014, Food and Drug Safety Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $255.64

Section 7. The following named amounts are appropriated to the Court of Claims from State Fund 016, Teacher Certificate Fee Revolving Loan Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $416.95

Section 8. The following named amounts are appropriated to the Court of Claims from State Fund 018, Transportation Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $5,000.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $239.40

Section 9. The following named amounts are appropriated to the Court of Claims from State Fund 021, Financial Institution Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $1,441.48

Section 10. The following named amounts are appropriated to the Court of Claims from State Fund 022, General Professions Dedicated Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $13,097.00

Section 11. The following named amounts are appropriated to the Court of Claims from State Fund 026, Live and Learn Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $149.37

Section 12. The following named amounts are appropriated to the Court of Claims from State Fund 039, State Boating Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $2,715.99

Section 13. The following named amounts are appropriated to the Court of Claims from State Fund 040, State Parks Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $12,205.70

Section 14. The following named amounts are appropriated to the Court of Claims from State Fund 041, Wildlife and Fish Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $1,417.04

Section 15. The following named amounts are appropriated to the Court of Claims from State Fund 044, Lobbyist Registration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $861.30

Section 16. The following named amounts are appropriated to the Court of Claims from State Fund 045, Agricultural Premium Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $886.96

Section 17. The following named amounts are appropriated to the Court of Claims from State Fund 047, Fire Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $2,063.11

Section 18. The following named amounts are appropriated to the Court of Claims from Federal Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $40,346.78

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $36,705.09

Section 19. The following named amounts are appropriated to the Court of Claims from State Fund 054, State Pensions Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $3,629.87

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $567.24

Section 20. The following named amounts are appropriated to the Court of Claims from State Fund 059, Public Utility Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $1,826.00

Section 21. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $37,922.87

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $14,535.15

Section 22. The following named amounts are appropriated to the Court of Claims from Federal Fund 065, Environmental Protection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $13,787.53

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $4,279.92

Section 23. The following named amounts are appropriated to the Court of Claims from State Fund 072, Underground Storage Tank Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $416.00

Section 24. The following named amounts are appropriated to the Court of Claims from State Fund 078, Solid Waste Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $13,477.67

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $607.98

Section 25. The following named amounts are appropriated to the Court of Claims from State Fund 085, Illinois Gaming Law Enforcement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $68.50

Section 26. The following named amounts are appropriated to the Court of Claims from State Fund 091, Clean Air Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $18.79

Section 27. The following named amounts are appropriated to the Court of Claims from State Fund 093, Illinois State Medical Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $2,647.00

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $740.75

Section 28. The following named amounts are appropriated to the Court of Claims from State Fund 094, DCFS Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $8,938.87

Section 29. The following named amounts are appropriated to the Court of Claims from State Fund 129, State Gaming Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $1,044.42

Section 30. The following named amounts are appropriated to the Court of Claims from Federal Fund 131, Council on Developmental Disabilities Federal Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $3,780.84

Section 31. The following named amounts are appropriated to the Court of Claims from State Fund 141, Capital Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $5,979.82

Section 32. The following named amounts are appropriated to the Court of Claims from State Fund 151, Registered CPA Administration and Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $34.86

Section 33. The following named amounts are appropriated to the Court of Claims from State Fund 153, Agrichemical Incident Response Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $235.97

Section 34. The following named amounts are appropriated to the Court of Claims from State Fund 156, Motor Vehicle Theft Prevention Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $262.12

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 163, Weights and Measures Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $97.81

Section 36. The following named amounts are appropriated to the Court of Claims from State Fund 173, Emergency Planning and Training Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $131.70

Section 37. The following named amounts are appropriated to the Court of Claims from State Fund 175, Illinois School Asbestos Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $271.73

Section 38. The following named amounts are appropriated to the Court of Claims from State Fund 215, Capital Development Board Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $3,821.61

Section 39. The following named amounts are appropriated to the Court of Claims from State Fund 218, Professional Indirect Cost Fund, to pay claims in conformity with awards and

recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $644.33

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $7,489.75

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 244, Savings and Residential Finance Regulatory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $2,154.82

Section 41. The following named amounts are appropriated to the Court of Claims from State Fund 258, Nursing Dedicated and Professional Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $427.70

Section 42. The following named amounts are appropriated to the Court of Claims from State Fund 262, Mandatory Arbitration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $190.91

Section 43. The following named amounts are appropriated to the Court of Claims from State Fund 270 Water Pollution Control Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $406.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $31.27

Section 44. The following named amounts are appropriated to the Court of Claims from State Fund 273 Anna Veterans' Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $809.00

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 274 Self Insurers Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $149.00

Section 46. The following named amounts are appropriated to the Court of Claims from State Fund 276 Drunk and Drugged Driving Prevention Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $3,055.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $405.00

Section 47. The following named amounts are appropriated to the Court of Claims from State Fund 288, Community Water Supply Laboratory Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $566.11

Section 48. The following named amounts are appropriated to the Court of Claims from State Fund 294 Used Tire Management Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $32.06

Section 49. The following named amounts are appropriated to the Court of Claims from State Fund 295 SOS Interagency Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $12.78

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 301, Working Capital Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $322.90

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $5,203.84

Section 51. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $12,181.83

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $1,503.82

Section 52. The following named amounts are appropriated to the Court of Claims from State Fund 312, Communications Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $27,740.88

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $13,878.56

Section 53. The following named amounts are appropriated to the Court of Claims from State Fund 325, Community MH/DD Service Provider Participation Fee Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $2,525.00

Section 54. The following named amounts are appropriated to the Court of Claims from Federal Fund 343, Federal National Community Services Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $17,010.22

Section 55. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with a Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $109,155.67

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $252,350.81

Section 56. The following named amounts are appropriated to the Court of Claims from State Fund 363, Division of Corporations Special Operations Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $59.00

Section 57. The following named amounts are appropriated to the Court of Claims from State Fund 372, Plumbing Licensure and Program Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $217.22

Section 58. The following named amounts are appropriated to the Court of Claims from State Fund 374, Secretary of State Evidence Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $353.00

Section 59. The following named amounts are appropriated to the Court of Claims from State Fund 386, Appraisal Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $3,200.00

Section 60. The following named amounts are appropriated to the Court of Claims from Federal Fund 408 Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $17,337.60

Section 61. The following named amounts are appropriated to the Court of Claims from State Fund 421 Public Aid Recoveries Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $44.00

Section 62. The following named amounts are appropriated to the Court of Claims from State Fund 438, Illinois State Fair Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $926.43

Section 63. The following named amounts are appropriated to the Court of Claims from Federal Fund 476 Wholesome Meat Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $729.86

Section 64. The following named amounts are appropriated to the Court of Claims from Federal Fund 488, Criminal Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 03-CC-1520, County of Kankakee. Debt, against the Criminal Justice

Information Authority..... $113,413.00

For payments of awards for lapsed appropriation claims less than $50,000..... $53,784.10

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $7,113.14

Section 65. The following named amounts are appropriated to the Court of Claims from Federal Fund 495, Old Age Survivors Insurance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $2,390.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $7,798.47

Section 66. The following named amounts are appropriated to the Court of Claims from Federal Fund 497, Federal Civil Preparedness Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $525.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $496.98

Section 67. The following named amounts are appropriated to the Court of Claims from State Fund 502, Early Intervention Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $8,060.68

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $13,764.15

Section 68. The following named amounts are appropriated to the Court of Claims from State Fund 514, State Asset Forfeiture Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $760.10

Section 69. The following named amounts are appropriated to the Court of Claims from State Fund 524, Health Facility Plan Review Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $247.00

Section 70. The following named amounts are appropriated to the Court of Claims from State Fund 536, LEADS Maintenance Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $457.95

Section 71. The following named amounts are appropriated to the Court of Claims from State Fund 538, Illinois Historic Site Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $211.23

Section 72. The following named amounts are appropriated to the Court of Claims from State Fund 549, Illinois Charity Bureau Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $4,147.50

Section 73. The following named amounts are appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $571.92

Section 74. The following named amounts are appropriated to the Court of Claims from Federal Fund 566, DCFS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $197.35

Section 75. The following named amounts are appropriated to the Court of Claims from State Fund 576, Pesticide Control Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $163.90

Section 76. The following named amounts are appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-1725, Cook County State's Attorney's Office. Debt, against the Criminal Justice Information Authority..... $509,925.67

Section 77. The following named amounts are appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $1,633.00

Section 78. The following named amounts are appropriated to the Court of Claims from Federal Fund 607, Special Projects Division Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $159.11

Section 79. The following named amounts are appropriated to the Court of Claims from State Fund 614, Capital Litigation Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $20,921.47

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $12,224.33

Section 80. The following named amounts are appropriated to the Court of Claims from Federal Fund 618, Services for Older Americans Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $576.65

Section 81. The following named amounts are appropriated to the Court of Claims from State Fund 619, Quincy Veterans' Home Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $3,000.00

Section 82. The following named amounts are appropriated to the Court of Claims from State Fund 622, Motor Vehicle License Plate Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $31,316.52

Reimburse the General Revenue Fund for payments of awards pursuant to

P.A. 92-357..... $5,196.95

Section 83. The following named amounts are appropriated to the Court of Claims from State

Fund 632, Horse Racing Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $624.00

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $170.03

Section 84. The following named amounts are appropriated to the Court of Claims from Federal Fund 664, Student Loan Operating Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $1,967.53

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $2,643.21

Section 85. The following named amounts are appropriated to the Court of Claims from Federal Fund 689, Agriculture Pesticide Control Act Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $155.81

Section 86. The following named amounts are appropriated to the Court of Claims from Federal Fund 700, USDA Women, Infants and Children Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $137.75

Section 87. The following named amounts are appropriated to the Court of Claims from State Fund 708, Illinois Standardbred Breeders Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $16.44

Section 88. The following named amounts are appropriated to the Court of Claims from State Fund 709, Illinois Thoroughbred Breeders Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $1,006.00

Section 89. The following named amounts are appropriated to the Court of Claims from State Fund 711, State Lottery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $5,716.53

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $1,353.86

Section 90. The following named amounts are appropriated to the Court of Claims from State Fund 718, Community Mental Health Medicaid Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 03-CC-1150, Residential Options, Inc. Debt, against the Department of Human Services..... $72,829.98

For payments of awards for lapsed appropriation claims less than $50,000..... $462,098.53

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $11,195.87

Section 91. The following named amounts are appropriated to the Court of Claims from Federal Fund 726, Federal Industrial Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $212.59

Section 92. The following named amounts are appropriated to the Court of Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 03-CC-3147, University of Chicago. Debt, against the Department of Human Services..... $215,154.48

For payments of awards for lapsed appropriation claims less than $50,000..... $12,887.43

Reimburse the General Revenue Fund for payments of awards pursuant to P.A. 92-357..... $2,262.50

Section 93. The following named amounts are appropriated to the Court of Claims from State Fund 755, State Employees Deferred Compensation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to P.A. 92-357..... $1,060.00

Section 94. The following named amounts are appropriated to the Court of Claims from State Fund 795, Bank and Trust Company Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $695.00

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $7,100.41

Section 95. The following named amounts are appropriated to the Court of Claims from State Fund 796, Nuclear Safety Emergency Preparedness Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $721.43

Section 96. The following named amounts are appropriated to the Court of Claims from Federal Fund 821, Dram Shop Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than
$50,000..... $224.62

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $759.75

Section 97. The following named amounts are appropriated to the Court of Claims from State Fund 823, Illinois State Dental Disciplinary Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $1,006.94

Section 98. The following named amounts are appropriated to the Court of Claims from State Fund 828, Hazardous Waste Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than
$50,000..... $8,599.36

Section 99. The following named amounts are appropriated to the Court of Claims from State Fund 835, State Fair Promotional Activities Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $236.88

Section 100. The following named amounts are appropriated to the Court of Claims from State Fund 850, Real Estate License Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than
$50,000..... $3,208.06

Section 101. The following named amounts are appropriated to the Court of Claims from State Fund 865, Domestic Violence Shelter and Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $719.36

Section 102. The following named amounts are appropriated to the Court of Claims from Federal Fund 870, Low Income Home Energy Assistance Block Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $20.00

Section 103. The following named amounts are appropriated to the Court of Claims from Federal Fund 883, Intra-Agency Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $39.73

Section 104. The following named amounts are appropriated to the Court of Claims from State Fund 886, Criminal Justice Information Systems Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $38.78

Section 105. The following named amounts are appropriated to the Court of Claims from State Fund 888, Design Professionals Administration and Investigation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $600.00

Section 106. The following named amounts are appropriated to the Court of Claims from State Fund 906, State Police Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $295.44

Section 107. The following named amounts are appropriated to the Court of Claims from State Fund 909, Illinois Wildlife Preservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $1,257.00

Section 108. The following named amounts are appropriated to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $6,543.00

Section 109. The following named amounts are appropriated to the Court of Claims from State Fund 920, Metabolic Screening and Treatment Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than

$50,000..... $8,227.54

Section 110. The following named amounts are appropriated to the Court of Claims from State Fund 922, Insurer Producer Administration Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $330.30

Section 111. The following named amounts are appropriated to the Court of Claims from Federal Fund 923, Law Enforcement Officers Training Board Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $397.23

Section 112. The following named amounts are appropriated to the Court of Claims from State Fund 940, Self-Insurers Security Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $48.90

Section 113. The following named amounts are appropriated to the Court of Claims from State Fund 944, Environmental Protection Permit and Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to

P.A. 92-357..... $408.00

Section 114. The following named amounts are appropriated to the Court of Claims from State Fund 957, Child Support Enforcement Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 03-CC-3752, Xerox Corporation. Debt, against the Department of Public

Aid..... $50,000.00

For payments of awards for lapsed appropriation claims less than
$50,000..... $12,723.75

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $18,488.99

Section 115. The following named amounts are appropriated to the Court of Claims from State Fund 962, Park and Conservation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than
$50,000..... $5,383.40

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $391.70

Section 116. The following named amounts are appropriated to the Court of Claims from State Fund 963, Vehicle Inspection Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of awards pursuant to
P.A. 92-357..... $11.98

Section 117. The following named amounts are appropriated to the Court of Claims from State Fund 971, Build Illinois Bond Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than
$50,000..... $495.50

Section 118. The following named amounts are appropriated to the Court of Claims from Federal Fund 988, Attorney General Federal Grant Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $625.00

Section 119. The following named amounts are appropriated to the Court of Claims from Federal Fund 991, Abandoned Mined Lands Reclamation Council Federal Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $4,441.58

Section 120. The following named amounts are appropriated to the Court of Claims from State Fund 997, Insurance Financial Regulation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

Reimburse the General Revenue Fund for payments of award pursuant to
P.A. 92-357..... $347.00

ARTICLE 5

Section 15. The following named amounts are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 93-CC-0159, Edward Faircloth. Personal Injury, against the Department of Corrections..... $10,000.00

No. 96-CC-1138, Cynthia Lewis. Personal Injury, against Governor's State University..... $14,985.00

No. 96-CC-2900, Patricia Sako, individually and as Administrator of the Estate of Joseph J. Sako, deceased. Wrongful Death, against the Department of Corrections..... $100,000.00

No. 99-CC-0567, Behavioral Service Providers, INC. Contract, against the Department of Human Services and Public Aid..... $1,517,509.00

No. 00-CC-0437, Cassandra Santoyo. Personal Injury, against the University of Illinois..... $15,000.00

No. 00-CC-2010, Danny Montley. Personal Injury, against the Department of Corrections..... $43,724.58

No. 01-CC-4654, Jashu Patel. Discrimination, against Chicago State University..... $100,000.00

No. 02-CC-5182, Metropolitan Family Services. Debt, against the Department of Children and Family Services..... $214,589.00

No. 03-CC-0429, Xavier Catron. Illegal Incarceration, against the Department of Corrections..... $120,300.00

No. 03-CC-0766, Carl Lawson. Illegal Incarceration, against the Department of Corrections..... $127,786.76

No. 03-CC-1595, Omar Saunders. Illegal Incarceration, against the Department of Corrections..... $154,153.43

No. 03-CC-1596, Calvin Ollins. Illegal Incarceration, against the Department of Corrections..... $154,153.43

No. 03-CC-1597, Larry Ollins. Illegal Incarceration, against the Department of Corrections..... $154,153.43

No. 03-CC-1598, Marcelia Bradford. Illegal Incarceration, against the Department of Corrections..... $120,300.00

No. 03-CC-1666, Steven Smith. Illegal Incarceration, against the Department of Corrections..... $125,035.97

No. 03-CC-2110, Algie Crivens. Illegal Incarceration, against the Department of Corrections..... $125,035.97

Section 20. The following named amount is appropriated to the Court of Claims from the Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 96, David Kim and Chin Kim. Personal Injury, against the Department of Transportation..... $5,991.00

Section 25. The following named amounts are appropriated to the Court of Claims from Federal

Fund 052, Title III Social Security and Employment Service Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 03-CC-0238, Anvan Midwest Realty. Debt, against the Department of Employment Security..... $60,287.97

No. 03-CC-0239, Anvan Midwest Realty. Debt, against the Department of Employment Security..... $169,502.52

For payments of awards for lapsed appropriation claims less than $50,000 ..... $59,585.14

Section 30. The following named amounts are appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-5002, City of Rockford. Debt, against the Department of Public Health..... $54,926.00

For payments of awards for lapsed appropriation claims less than $50,000..... $49,671.90

Section 35. The following named amounts are appropriated to the Court of Claims from State Fund 141, Capital Development Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $15,310.00

Section 40. The following named amounts are appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-1205, IBM Corporation. Debt, against the Department of Central Management Services..... $115,000.30

Section 45. The following named amounts are appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with a Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-4926, Lancing Assn. For Retarded Citizens. Debt, against the Department of Human Services..... $94,262.08

No. 02-CC-4961, Charleston Transitional Facility. Debt, against the Department of Human Services..... $61,872.66

For payments of awards for lapsed appropriation claims less than $50,000..... $175,740.53

Section 50. The following named amounts are appropriated to the Court of Claims from State Fund 360, Lead Poisoning, Screening, Prevention and Abatement Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 02-CC-4776, Chicago Department of Public Health. Debt, against the Department of Public Health..... $241,174.25

Section 55. The following named amount is appropriated to the Court of Claims from Federal Fund 561, SBE Federal Department of Education Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $48,728.19

Section 60. The following named amount is appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $19,621.19

Section 65. The following named amount is appropriated to the Court of Claims from Federal Fund 592, DHS Federal Projects Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $30,524.37

Section 70. The following named amount is appropriated to the Court of Claims from Federal Fund 646, Alcoholism and Substance Abuse Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $33,500.00

Section 75. The following named amount is appropriated to the Court of Claims from State Fund 733, Tobacco Settlement Recovery Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

For payments of awards for lapsed appropriation claims less than $50,000..... $13,805.00

ARTICLE 6

Section 13. The amount of $500,000, or so much of that amount as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of awards solely as a result of the lapsing of an appropriation originally made from any funds held by the State Treasurer.

Section 15. The following named amounts, or so much thereof as may be necessary, are appropriated to the Court of Claims for payment of claims as follows:

For claims under the Crime Victims Compensation Act:
Payable from General Revenue Fund..... $24,000,000

For claims other than Crime Victims: Payable from the General	
Revenue Fund.....	10,000,000
Payable from the Road Fund.....	1,000,000
Payable from the DCFS Children's	
Services Fund.....	1,500,000
Payable from the State Garage	
Revolving Fund.....	50,000
Payable from the Traffic and	
Criminal Conviction Surcharge Fund.....	100,000
Payable from the Vocational	
Rehabilitation Fund.....	125,000
Total	$36,775,000

ARTICLE 10

Section 5. The sum of $144,700, or so much of that amount as may be necessary, is appropriated to the Illinois State Board of Education for grants associated with the Illinois Economic Education program.

Section 10. The sum of $892,400, or as much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Public Utilities Act and fund headcount as needed.

Section 15. The sum of $89,200 or as much of thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in implementing the Illinois Commercial Transportation Law and fund headcount as needed.

Section 20. In addition to any amounts heretofore appropriated for such purpose, the sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for Grants, Contracts and Administrative Expenses for the Industrial Training Program, pursuant to 20 ILCS 605/605-800

and 20 ILCS 605/605-802, including prior year costs.

Section 25. The sum of $5,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Services for grants to units of local government, not for profit organizations, community organizations and educational facilities for all costs associated with operational expenses and infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses and for all costs associated with economic development programs, educational and training programs, social service programs, and public health and safety programs.

Section 30. The sum of $1,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants to units of local government, not for profit organizations and educational facilities for all costs associated with infrastructure improvements including but not limited to planning, construction, reconstruction, renovation, equipment, vehicles, other capital and related expenses and for all costs associated with economic development programs, educational training and programs, public health programs and public safety programs.

Section 40. In addition to any other amounts heretofore appropriated for such purpose, $63,200,000, or so much thereof as may be necessary, is appropriated from the Efficiency Initiatives Revolving Fund to the Department of Central Management Services for costs associated with the efficiency initiatives authorized by Section 405-292 of the Department of Central Management Services Law of the Civil Administrative Code of Illinois.

Section 45. In addition to any other amounts heretofore appropriated for such purpose, $500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Higher Education for distribution as grants authorized by the Higher Education Cooperation Act under Access and Diversity.

Section 50. The sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Environmental Protection Agency for funding Green Illinois programs.

Section 55. In addition to any amounts heretofore appropriated for such purpose, the sum of $1,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Environmental Protection Agency for conducting a household hazardous waste collection program, including costs from prior years.

Section 60. In addition to any amounts heretofore appropriated for such purpose, the sum of $28,000,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Revenue for payments under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act, including prior year costs.

Section 65. In addition to any other amounts appropriated, the following named sums, or so much thereof as may be necessary, are appropriated from the Title III Social Security and Employment Service Fund to the Department of Employment Security for the following purposes:

Office of the Director

For State Contributions to State Employees Retirement System.....$187,600

Section 70. In addition to any other amounts appropriated, the following named sums, or so much thereof as may be necessary, are appropriated from the Title III Social Security and Employment Service Fund to the Department of Employment Security for the following purposes:

Finance and Administration Bureau

For State Contributions to State Employees Retirement System.....$379,200

Section 75. In addition to any other amounts appropriated, the following named sums, or so much thereof as may be necessary, are appropriated from the Title III Social Security and Employment Service Fund to the Department of Employment Security for the following purposes:

Information Service Bureau

For State Contributions to State Employees Retirement System.....$185,500

Section 80. In addition to any other amounts appropriated, the following named sums, or so much thereof as may be necessary, are appropriated from the Title III Social Security and Employment Service Fund to the Department of Employment Security for the following purposes:

Operations

For State Contributions to State Employees Retirement System.....$131,900

Section 85. In addition to any other amounts appropriated, the following named sums, or so much thereof as may be necessary, are appropriated from the Title III Social Security and Employment Service Fund to the Department of Employment Security for the following purposes:

Workforce Development

For State Contributions to State Employees Retirement System.....$1,463,400

Section 90. In addition to any other amounts appropriated, the following named sums, or so much thereof as may be necessary, are appropriated from the Title III Social Security and Employment Service Fund to the Department of Employment Security for the following purposes:

Unemployment Insurance Revenue

For State Contributions to State Employees Retirement System.....$632,400

Section 95. In addition to any amounts heretofore appropriated for such purpose, the sum of $10,000,000, or so much thereof as may be necessary, is appropriated from the Title III Social Security and Employment Service Fund to the Department of Employment Security for grants.

Section 100. The following amounts, or so much of those amounts as may be necessary,

respectively, for the objects and purposes named, are appropriated to the Illinois State Board of Education for Grants In Aid:

For block grants to school districts for school safety and educational improvement programs pursuant to Section 2-3.51.5 of School Code.....$42,841,000

Section 105. In addition to any amounts heretofore appropriated for such purpose, the sum of $31,140,000, or so much thereof as may be necessary, is appropriated to the Illinois State Board of Education for reimbursement to school districts for services and materials used in programs for disabled children under Section 14-13.01 of the School Code.

Section 110. In addition to any amounts heretofore appropriated for such purpose, the sum of $26,019,000, or so much thereof as may be necessary, is appropriated to the Illinois State Board of Education for reimbursement to school districts for a portion of the cost of transporting disabled students under subsection (b) of Section 14-13.01 of the School Code.

Section 115. In addition to all other amounts appropriated for these purposes, the following amounts, or so much of those amounts as may be necessary, respectively, for the objects and purposes named, are appropriated from the General Revenue Fund to the Department of Human Services:

For a 4% cost of living adjustment for providers serving individuals with developmental disabilities.....$35,153,308

For a 4% cost of living adjustment for providers serving individuals with mental illness.....$11,859,052

For a 4% cost of living adjustment for Center for Independent Living providers.....$259,200

Section 220. "AN ACT making appropriations", House Bill 2716 of the 93rd General Assembly, is amended, if and only if that bill becomes law, by changing Section 120 of Article 2 as follows:

+j(93HB2716enr, Article 2, Section 120)@j

Sec. 120. 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 Human Services:

ADDICTION TREATMENT GRANTS-IN-AID

Payable from the General Revenue Fund:

For Costs Associated with Addiction Treatment Services For Special Populations..... $ 8,743,600

For costs associated with Community Based Addiction Treatment to Medicaid 42,069,600

eligible and KidCare clients .....

For Addiction Treatment Services for

Medicaid eligible DCFS clients 3,643,900

For costs associated with Community

Based Addiction Treatment Services 81,483,700

For Addiction Treatment Services for

DCFS clients 11,688,300

For Grants and Administrative Expenses
Related to the Welfare Reform

Pilot Project 2,797,900

Payable from State Gaming Fund:
For Costs Associated with Treatment
of Individuals who are Compulsive

Gamblers 960,000

Total $151,387,000

For Addiction Treatment and Related Services:
Payable from Prevention and Treatment
of Alcoholism and Substance Abuse

Block Grant Fund $57,500,000

Payable from Drug Treatment Fund 5,000,000

Payable from Youth Drug Abuse

Prevention Fund 530,000

Total $63,030,000

For underwriting the cost of housing
for groups of recovering individuals:
Payable from Group Home Loan
Revolving Fund $100,000
For Grants and Administrative Expenses
Related to the Domestic Violence and
Substance Abuse Demonstration Project:
Payable from General Revenue Fund $641,800
For Grants and Administrative Expenses
Related to Addiction Treatment and
Related Services:

Payable from Drunk and Drugged Driving Prevention Fund 3,095,200
Payable from Alcoholism and Substance Abuse Fund 10,111,600

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

Section 225. In addition to any other amounts appropriated for that purpose, the sum of $3,500,000, or so much thereof as may be necessary, is appropriated to the Department of Central Management Services for education technology, including operating and administrative costs.

Section 230. "AN ACT making appropriations", House Bill 2700 of the 93rd General Assembly, is amended, if and only if that bill becomes law, by changing Section 70 of Article 2 as follows:

+j(93HB2700enr, Article 2, Section 70)@j

Sec. 70. 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 Department of Central Management Services:

OFFICE OF INTERNAL SECURITY AND INVESTIGATIONS PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	$ 2,364,900
For Employee Retirement Contributions	
Paid by Employer	130,100
For State Contributions to State	
Employees' Retirement System	317,900
For State Contributions to Social	
Security	39,200
For Contractual Services	786,200
For Travel	13,900
For Commodities.....	36,000
For Equipment	2,100
For Telecommunications Services	34,700
For Operation of Auto Equipment	51,500

For Office of the Inspector General	$0 ~~1,126,000~~
For Ethics Training	$0 ~~1,500,000~~
Total	$6,402,500

Section 235. "AN ACT making appropriations", House Bill 2716 of the 93rd General Assembly, is amended, if and only if that bill becomes law, by changing Sections 10 and 30 of Article 1 as follows:

+n(93HB2716enr, Article 1, Section 10)@n

Sec. 10. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE
AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from General Revenue Fund:

For Physicians.....	$ 513,590,700
For Dentists.....	88,590,800
For Optometrists.....	11,319,800
For Podiatrists.....	2,367,200
For Chiropractors.....	1,300,600
For Hospital In-Patient, Disproportionate	
Share and Ambulatory Care.....	2,258,373,200
For Skilled, Intermediate, and Other	
Related Long Term Care Services	825,704,000
~~Related Long Term Care Services .....~~	~~901,304,000~~
For Community Health Centers.....	109,485,500
For Hospice Care	35,202,300
For Independent Laboratories.....	25,364,100
For Home Health Care, Therapy, and	
Nursing Services.....	49,940,300

For Appliances.....	54,936,000
For Transportation.....	78,392,700
For Other Related Medical Services and for development, implementation, and operation of managed care and children's health programs including operating and administrative costs and related distributive purposes.....	65,654,700
For Medicare Part A Premiums.....	8,700,000
For Medicare Part B Premiums.....	121,300,000
For Medicare Part B Premiums for Qualified Individuals under the Federal Balanced Budget Act of 1997	6,633,700
For Health Maintenance Organizations and Managed Care Entities	182,223,600
For Division of Specialized Care for Children.....	51,620,900
Total	$4,566,300,100

In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for Medical Assistance under the Illinois Public Aid Code and the Children's Health Insurance Program Act for Prescribed Drugs, including costs associated with the implementation and operation of the SeniorCare program:

Payable from:

General Revenue Fund	$ 915,258,000
~~General Revenue Fund .....~~	~~$ 943,258,000~~
Drug Rebate Fund	405,000,000
Tobacco Settlement Recovery Fund	298,652,900
Medicaid Buy-In Program Revolving Fund	100,000
	$1,647,010,900

Total

The following named amounts, or so much thereof as may be necessary, are appropriated to the Department of Public Aid for the purposes hereinafter named:

FOR MEDICAL ASSISTANCE

Payable from General Revenue Fund:
For Grants for Medical Care for Persons

Suffering from Chronic Renal Disease ..... $ 1,214,300

For Grants for Medical Care for Persons

Suffering from Hemophilia 4,553,600

For Grants for Medical Care for Sexual

Assault Victims 657,800

For Grants to Altgeld Clinic..... 400,000

Total $6,825,700

The Department, with the consent in writing from the Governor, may reapportion not more than two percent of the total General Revenue Fund appropriations in Section 2 above among the various purposes therein enumerated.

In addition to any amounts heretofore appropriated, the amount of $8,507,300, or so much thereof as may be necessary, is appropriated to the Department of Public Aid from the General Revenue Fund for expenses relating to the Children's Health Insurance Program Act, including payments under Section 25 (a)(1) of that Act, and related operating and administrative costs.

+n(93HB2716enr, Article 1, Section 30)@n

Sec. 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE

Payable from Care Provider Fund for Persons
With A Developmental Disability:
For Administrative Expenditures $ 149,700

Payable from Long Term Care Provider Fund:
For Skilled and Intermediate

Long Term Care 821,328,300

~~Long Term Care ..... 745,728,300~~

For Administrative Expenditures 1,523,000

Total $747,401,000

Section 240. The sum of $2,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses associated with Entrepreneurship Centers, including prior year costs.

Section 245. In addition to any amounts heretofore appropriated for such purpose, the sum of $110,000,000, or so much thereof as may be necessary, is appropriated from the Federal Workforce Training Fund to the Department of Commerce and Economic Opportunity for grants, contracts, and administrative expenses associated with the Workforce Investment Act and other workforce training programs, including prior year costs.

Section 250. In addition to any amounts heretofore appropriated for such purpose, the sum of $50,000,000 or so much thereof as may be necessary, is appropriated from the Federal Civil Preparedness Administrative Fund to the Illinois Emergency Management Agency for Terrorism Preparedness and Training costs in the current and prior years.

Section 255. In addition to any amounts heretofore appropriated for such purpose, the sum of $362,200, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Illinois Emergency Management Agency for the State Share of Individual and Family Grant Program for Disaster Declarations, in prior years.

Section 260. In addition to any amounts heretofore appropriated for such purpose, the sum of $1,466,300, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Transportation for funding the State's share of intercity rail passenger service and making necessary expenditures for services and other program improvements.

Section 265. In addition to any amounts heretofore appropriated for such purpose, the sum of $4,126,000 or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Office of Inspector General for its ordinary and contingent expenses. ARTICLE 99.

Section 99. Effective date. This Article and Articles 1, 4, and 5, take effect upon becoming law. Articles 6 and 10 take effect on July 1, 2003.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 2750 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 569

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. 569

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 3

AMENDMENT NO. 3____. Amend House Bill 569 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 31-1a as follows:

(720 ILCS 5/31-1a) (from Ch. 38, par. 31-1a)

Sec. 31-1a. Disarming a peace officer or correctional institution employee. A person who, without the consent of a peace officer or correctional institution employee as defined in subsection (b) of Section 31-1, takes or attempts to take a weapon from ~~knowingly disarms~~ a person known to him or her to be a peace officer or correctional institution employee, while the peace officer or correctional institution employee is engaged in the performance of his or her official duties ~~by taking a firearm from the person of the peace officer~~ or from an area within the peace officer's or correctional institution employee's immediate presence is ~~without the peace officer's consent shall be~~ guilty of a Class 2 felony. (Source: P.A. 84-181.)

Section 10. The Unified Code of Corrections is amended by changing Sections 3-3-2 and 5-5-5 and adding Article 5.5 to Chapter V as follows:

(730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

Sec. 3-3-2. Powers and Duties. (a) The Parole and Pardon Board is abolished and the term "Parole and Pardon Board" as used in any law of Illinois, shall read "Prisoner Review Board." After the effective date of this amendatory Act of 1977, the Prisoner Review Board shall provide by rule for the orderly transition of all files, records, and documents of the Parole and Pardon Board and for such other steps as may be necessary to effect an orderly transition and shall:

(1) hear by at least one member and through a panel of at least 3 members decide, cases of prisoners who were sentenced under the law in effect prior to the effective date of this amendatory Act of 1977, and who are eligible for parole;

(2) hear by at least one member and through a panel of at least 3 members decide, the conditions of parole and the time of discharge from parole, impose sanctions for violations of parole, and revoke parole for those sentenced under the law in effect prior to this amendatory Act of 1977; provided that the decision to parole and the conditions of parole for all prisoners who were sentenced for first degree murder or who received a minimum sentence of 20 years or more under the law in effect prior to February 1, 1978 shall be determined by a majority vote of the Prisoner Review Board;

(3) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, impose sanctions for violations of mandatory supervised release, and revoke mandatory supervised release for those sentenced under the law in effect after the effective date of this amendatory Act of 1977;

(4) hear by at least 1 member and through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for alleged violation of Department rules with respect to good conduct credits pursuant to Section 3-6-3 of this Code in which the Department seeks to revoke good conduct credits, if the amount of time at issue exceeds 30 days or when, during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In such cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of thirty days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit for any prisoner or to increase any penalty beyond the length requested by the Department;

(5) hear by at least one member and through a panel of at least 3 members decide, the release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(6) hear by at least one member and through a panel of at least 3 members decide, all requests for pardon, reprieve or commutation, and make confidential recommendations to the Governor;

(7) comply with the requirements of the Open Parole Hearings Act; ~~and~~

(8) hear by at least one member and, through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for court dismissal of a frivolous lawsuit pursuant to Section 3-6-3(d) of this Code in which the Department seeks to revoke up to 180 days of good conduct credit, and if the prisoner has not accumulated 180 days of good conduct credit at the time of the dismissal, then all good conduct credit accumulated by the prisoner shall be revoked; and~~.~~

(9) hear by at least 3 members, and, through a panel of at least 3 members, decide whether to grant certificates of relief from disabilities or certificates of good conduct as provided in Article 5.5 of Chapter V.

(a-5) The Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall implement a pilot project in 3 correctional institutions providing for the conduct of hearings under paragraphs (1) and (4) of subsection

(a) of this Section through interactive video conferences. The project shall be implemented within 6 months after the effective date of this amendatory Act of 1996. Within 6 months after the implementation of the pilot project, the Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall report to the Governor and the General Assembly regarding the use, costs, effectiveness, and future viability of interactive video conferences for Prisoner Review Board hearings.

(b) Upon recommendation of the Department the Board may restore good conduct credit previously revoked.

(c) The Board shall cooperate with the Department in promoting an effective system of parole and mandatory supervised release.

(d) The Board shall promulgate rules for the conduct of its work, and the Chairman shall file a copy of such rules and any amendments thereto with the Director and with the Secretary of State.

(e) The Board shall keep records of all of its official actions and shall make them accessible in accordance with law and the rules of the Board.

(f) The Board or one who has allegedly violated the conditions of his parole or mandatory supervised release may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation or hearing. The Chairman of the Board may sign subpoenas which shall be served by any agent or public official authorized by the Chairman of the Board, or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses, and the production of documentary evidence, may be required from any place in the State to a hearing location in the State before the Chairman of the Board or his designated agent or agents or any duly constituted Committee or Subcommittee of the Board. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the State, and witnesses whose depositions are taken and the persons taking those depositions are each entitled to the same fees as are paid for like services in actions in the circuit courts of the State. Fees and mileage shall be vouchered for payment when the witness is discharged from further attendance.

In case of disobedience to a subpoena, the Board may petition any circuit court of the State for an order requiring the attendance and testimony of witnesses or the production of documentary evidence or both. A copy of such petition shall be served by personal service or by registered or certified mail upon the person who has failed to obey the subpoena, and such person shall be advised in writing that a hearing upon the petition will be requested in a court room to be designated in such notice before the judge hearing motions or extraordinary remedies at a specified time, on a specified date, not less than 10 nor more than 15 days after the deposit of the copy of the written notice and petition in the U.S. mails addressed to the person at his last known address or after the personal service of the copy of the notice and petition upon such person. The court upon the filing of such a petition, may order the person refusing to obey the subpoena to appear at an investigation or hearing, or to there produce documentary evidence, if so ordered, or to give evidence relative to the subject matter of that investigation or hearing. Any failure to obey such order of the circuit court may be punished by that court as a contempt of court.

Each member of the Board and any hearing officer designated by the Board shall have the power to administer oaths and to take the testimony of persons under oath.

(g) Except under subsection (a) of this Section, a majority of the members then appointed to the Prisoner Review Board shall constitute a quorum for the transaction of all business of the Board.

(h) The Prisoner Review Board shall annually transmit to the Director a detailed report of its work for the preceding calendar year. The annual report shall also be transmitted to the Governor for submission to the Legislature. (Source: P.A. 90-14, eff. 7-1-97; 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

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

Sec. 5-5-5. Loss and Restoration of Rights. (a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or

revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license specified in subsection (i) of this Section granted under the authority of this State shall be denied by reason of an eligible offender who has obtained a certificate of relief from disabilities, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only for a license or certification issued under the following Acts:

(1) the Animal Welfare Act; except that a certificate of relief from disabilities may not be granted to provide for the issuance or restoration of a license under the Animal Welfare Act for any person convicted of violating Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane Care for Animals Act or Section 26-5 of the Criminal Code of 1961;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Professional Boxing Act;

(6) the Illinois Certified Shorthand Reporters Act of 1984;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Interior Design Title Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Illinois Landscape Architecture Act of 1989;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing Act;

(14) the Real Estate License Act of 2000; and

(15) the Illinois Roofing Industry Licensing Act.

(Source: P.A. 86-558.) (730 ILCS 5/Chap. V, Art. 5.5 heading new)

ARTICLE 5.5. DISCRETIONARY RELIEF FROM FORFEITURES AND DISABILITIES

AUTOMATICALLY IMPOSED BY LAW

(730 ILCS 5/5-5.5-5 new)

Sec. 5-5.5-5. Definitions and rules of construction. In this Article:

"Eligible offender" means a person who has been convicted of a crime or of an offense that is not a crime of violence as defined in Section 2 of the Crime Victims Compensation Act, a Class X or a nonprobationable offense, or a violation of Article 11 or Article 12 of the Criminal Code of 1961, but who has not been convicted more than once of a felony.

"Felony" means a conviction of a felony in this State, or of an offense in any other jurisdiction for which a sentence to a term of imprisonment in excess of one year, was authorized.

For the purposes of this Article the following rules of construction apply:

(i) two or more convictions of felonies charged in separate counts of one indictment or information shall be deemed to be one conviction;

(ii) two or more convictions of felonies charged in 2 or more indictments or informations, filed in the same court prior to entry of judgment under any of them, shall be deemed to be one conviction; and

(iii) a plea or a verdict of guilty upon which a sentence of probation, conditional discharge, or supervision has been imposed shall be deemed to be a conviction.

(730 ILCS 5/5-5.5-10 new)

Sec. 5-5.5-10. Certificate of relief from disabilities.

(a) A certificate of relief from disabilities does not, however, in any way prevent any judicial proceeding, administrative, licensing, or other body, board, or authority from relying upon the conviction specified in the certificate as the basis for the exercise of its discretionary power to suspend, revoke, or refuse to issue or refuse to renew any license, permit, or other authority or privilege.

(b) A certificate of relief from disabilities shall not limit or prevent the introduction of evidence of a prior conviction for purposes of impeachment of a witness in a judicial or other proceeding where otherwise authorized by the applicable rules of evidence.

(730 ILCS 5/5-5.5-15 new)

Sec. 5-5.5-15. Certificates of relief from disabilities issued by courts.

(a) Any circuit court of this State may, in its discretion, issue a certificate of relief from disabilities to an eligible offender for a conviction that occurred in that court if the court imposed a sentence other than one executed by commitment to an institution under the Department of Corrections. The certificate may be issued (i) at the time sentence is pronounced, in which case it may grant relief from disabilities, or (ii) at any time thereafter, in which case it shall apply only to disabilities.

(b) The certificate may not be issued by the court unless the court is satisfied that:

(1) the person to whom it is to be granted is an eligible offender, as defined in Section 5-5.5-5;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(3) the relief to be granted by the certificate is consistent with the public interest.

(c) If a certificate of relief from disabilities is not issued at the time sentence is pronounced it shall only be issued thereafter upon verified application to the court. The court may, for the purpose of determining whether the certificate shall be issued, request the probation or court services department to conduct an investigation of the applicant. Any probation officer requested to make an investigation under this Section shall prepare and submit to the court a written report in accordance with the request.

(d) Any court that has issued a certificate of relief from disabilities may at any time issue a new certificate to enlarge the relief previously granted provided that the provisions of clauses (1) through (3) of subsection (b) of this Section apply to the issuance of any such new certificate.

(e) Any written report submitted to the court under this Section is confidential and may not be made available to any person or public or private agency except if specifically required or permitted by statute or upon specific authorization of the court. However, it shall be made available by the court for examination by the applicant's attorney, or the applicant himself or herself, if he or she has no attorney. In its discretion, the court may except from disclosure a part or parts of the report that are not relevant to the granting of a certificate, or sources of information which have been obtained on a promise of confidentiality, or any other portion of the report, disclosure of which would not be in the interest of justice. The action of the court excepting information from disclosure shall be subject to appellate review. The court, in its discretion, may hold a conference in open court or in chambers to afford an applicant an opportunity to controvert or to comment upon any portions of the report. The court may also conduct a summary hearing at the conference on any matter relevant to the granting of the application and may take testimony under

oath.

(730 ILCS 5/5-5.5-20 new)

Sec. 5-5.5-20. Certificates of relief from disabilities issued by the Prisoner Review Board.

(a) The Prisoner Review Board shall have the power to issue a certificate of relief from disabilities to:

(1) any eligible offender who has been committed to an institution under the jurisdiction of the Department of Corrections. The certificate may be issued by the Board at the time the offender is released from the institution under the conditions of parole or mandatory supervised release or at any time thereafter; or

(2) any eligible offender who resides within this State and whose judgment of conviction was rendered by a court in any other jurisdiction.

(b) If the Prisoner Review Board has issued a certificate of relief from disabilities, the Board may at any time issue a new certificate enlarging the relief previously granted.

(c) The Prisoner Review Board may not issue any certificate of relief from disabilities under subsections (a) or (b), unless the Board is satisfied that:

(1) the person to whom it is to be granted is an eligible offender, as defined in Section 5-5.5-5;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(3) the relief to be granted by the certificate is consistent with the public interest.

(d) Any certificate of relief from disabilities issued by the Prisoner Review Board to an eligible offender, who at time of the issuance of the certificate is under the conditions of parole or mandatory supervised release established by the Board, shall be deemed to be a temporary certificate until such time as the eligible offender is discharged from parole or mandatory supervised release, and, while temporary, the certificate may be revoked by the Board for violation of the conditions of parole or mandatory supervised release. Revocation shall be upon notice to the parolee or releasee, who shall be accorded an opportunity to explain the violation prior to a decision on the revocation of the certificate. If the certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the offender's parole or mandatory supervised release term.

(e) In granting or revoking a certificate of relief from disabilities, the action of the Prisoner Review Board shall be by unanimous vote of the members authorized to grant or revoke parole or mandatory supervised release.

(f) The certificate may be limited to one or more enumerated disabilities or bars, or may relieve the individual of all disabilities and bars.

(730 ILCS 5/5-5.5-25 new)

Sec. 5-5.5-25. Certificate of good conduct.

(a) A certificate of good conduct may be granted as provided in this Section to an eligible offender as defined in Section 5-5.5-5 of this Code who has demonstrated that he or she has been a law-abiding citizen and is fully rehabilitated.

(b) (i) A certificate of good conduct may not, however, in any way prevent any judicial proceeding, administrative, licensing, or other body, board, or authority from considering the conviction specified in the certificate.

(ii) A certificate of good conduct shall not limit or prevent the introduction of evidence of a prior conviction for purposes of impeachment of a witness in a judicial or other proceeding where otherwise authorized by the applicable rules of evidence.

(730 ILCS 5/5-5.5-30 new)

Sec. 5-5.5-30. Issuance of certificate of good conduct.

(a) The Prisoner Review Board, or any 3 members of the Board by unanimous vote, shall have the power to issue a certificate of good conduct to any eligible offender previously convicted of a crime in this State, when the Board is satisfied that:

(1) the applicant has conducted himself or herself in a manner warranting the issuance for a minimum period in accordance with the provisions of subsection (c) of this Section;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the applicant; and

(3) the relief to be granted is consistent with the public interest.

(b) The Prisoner Review Board, or any 3 members of the Board by unanimous vote, shall have the power to issue a certificate of good conduct to any person previously convicted of a crime in any other jurisdiction, when the Board is satisfied that the provisions of paragraphs (1), (2), and (3) of subsection (a) of this Section have been met.

(c) The minimum period of good conduct by the individual referred to in paragraph (1) of subsection (a) of this Section, shall be as follows: if the most serious crime of which the individual was convicted is a misdemeanor, the minimum period of good conduct shall be one year; if the most serious crime of which the individual was convicted is a Class 1, 2, 3, or 4 felony, the minimum period of good conduct shall be 3 years. Criminal acts committed outside the State shall be classified as acts committed within the State based on the maximum sentence that could have been imposed based upon the conviction under the laws of the foreign jurisdiction. The minimum period of good conduct by the individual shall be measured either from the date of the payment of any fine imposed upon him or her, or from the date of his or her release from custody by parole, mandatory supervised release or commutation or termination of his or her sentence. The Board shall have power and it shall be its duty to investigate all persons when the application is made and to grant or deny the same within a reasonable time after the making of the application.

(d) If the Prisoner Review Board has issued a certificate of good conduct, the Board may at any time issue a new certificate enlarging the relief previously granted.

(e) Any certificate of good conduct by the Prisoner Review Board to an individual who at the time of the issuance of the certificate is under the conditions of parole or mandatory supervised release imposed by the Board shall be deemed to be a temporary certificate until the time as the individual is discharged from the terms of parole or mandatory supervised release, and, while temporary, the certificate may be revoked by the Board for violation of the conditions of parole or mandatory supervised release. Revocation shall be upon notice to the parolee or releasee, who shall be accorded an opportunity to explain the violation prior to a decision on the revocation. If the certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the offender's parole or mandatory supervised release term.

(730 ILCS 5/5-5.5-35 new)

Sec. 5-5.5-35. Effect of revocation; use of revoked certificate.

(a) If a certificate of relief from disabilities is deemed to be temporary and the certificate is revoked, disabilities and forfeitures thereby relieved shall be reinstated as of the date upon which the person to whom the certificate was issued receives written notice of the revocation. Any such person shall upon receipt of the notice surrender the certificate to the issuing court or Board.

(b) A person who knowingly uses or attempts to use a revoked certificate of relief from disabilities in order to obtain or to exercise any right or privilege that he or she would not be entitled to obtain or to exercise without a valid certificate is guilty of a Class A misdemeanor.

(730 ILCS 5/5-5.5-40 new)

Sec. 5-5.5-40. Forms and filing.

(a) All applications, certificates, and orders of revocation necessary for the purposes of this Article shall be upon forms prescribed under an agreement among the Director of Corrections and the Chairman of the Prisoner Review Board and the Chief Justice of the Supreme Court or his or her designee. The forms relating to certificates of relief from disabilities shall be distributed by the Director of the Division of Probation Services and forms relating to certificates of good conduct shall be distributed by the Chairman of the Prisoner Review Board.

(b) Any court or board issuing or revoking any certificate under this Article shall immediately file a copy of the certificate or of the order of revocation with the Director of State Police.

(730 ILCS 5/5-5.5-45 new)

Sec. 5-5.5-45. Certificate not to be deemed to be a pardon. Nothing contained in this Article shall be deemed to alter or limit or affect the manner of applying for pardons to the Governor, and no certificate issued under this Article shall be deemed or construed to be a pardon.

(730 ILCS 5/5-5.5-50 new)

Sec. 5-5.5-50. Report. The Department of Professional Regulation shall report to the General Assembly by November 30 of each year, for each occupational licensure category, the number of licensure applicants with felony convictions, the number of applicants with certificates of relief from disabilities, the number of licenses awarded to applicants with felony convictions, the number of licenses awarded to applicants with certificates of relief from disabilities, the number of applicants with felony convictions denied licenses, and the number of applicants with certificates of relief from disabilities denied licenses.

Section 99. Effective date. This Act takes effect January 1, 2004.".

The foregoing message from the Senate reporting Senate Amendment No. 3 to HOUSE BILL 569 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 577

A bill for AN ACT concerning the death penalty.

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. 577

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 577 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 full time certified law enforcement officer of a law enforcement agency in the course of its duties as an investigative aid in a criminal investigation. Law enforcement users of a voice stress analyzer shall be trained in a manner approved by the Illinois Law Enforcement Training Standards Board. The use of a voice stress analyzer shall be conducted only with the prior written consent of the subject of such investigation. Surreptitious use of a voice stress analyzer is prohibited. 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. A voice stress analyzer is prohibited for use in pre-employment screening and for internal investigations. For the purposes of this subsection (b), "voice stress analyzer" means an investigative tool that records voice stress factors related to frequency modulations in the human voice. (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. 1 to HOUSE BILL 577 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 948

A bill for AN ACT concerning audits.

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. 948

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 948 by replacing the title with the following:

"AN ACT concerning audits."; and

by replacing everything after the enacting clause with the following:

"Section 5. If and only if House Bill 3402 of the 93rd General Assembly becomes law as it passed the Senate, the Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field.

The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General of the State of Illinois shall annually conduct or cause to be conducted a financial and compliance audit of the books and records of any county water commission organized pursuant to the Water Commission Act of 1985 and shall file a copy of the report of that audit with the Governor and the Legislative Audit Commission. The filed audit shall be open to the public for inspection. The cost of the audit shall be charged to the county water commission in accordance with Section 6z-27 of the State Finance Act. The county water commission shall make available to the Auditor General its books and records and any other documentation, whether in the possession of its trustees or other parties, necessary to conduct the audit required. These audit requirements apply only through July 1, 2007.

~~The Auditor General must conduct an annual audit of the water fund of a county water commission organized pursuant to the Water Commission Act of 1985.~~ (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00; 91-935, eff. 6-1-01; 93HB3402enr.)

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 948 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 1070

A bill for AN ACT in relation to gaming.

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. 1070

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 1070 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Section 7 as follows:

(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners Licenses. (a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $25,000 license fee for the first year of operation and a $5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. A person, firm or corporation is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or

substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant, or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of riverboat gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;

(4) the good faith affirmative action plan of each applicant to recruit, train and upgrade minorities in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat; and

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule.

(c) Each owners license shall specify the place where riverboats shall operate and dock.

(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat is docked on the effective date of this amendatory Act of the 93rd Assembly, in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on the effective date of this amendatory Act of the 93rd General Assembly, has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis~~, and one of which shall authorize riverboat gambling on the Mississippi River or in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2) on the effective date of this amendatory Act of the 92nd General Assembly has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act~~. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision.

The Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license

revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.

(j) The Board may issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas. (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)

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 1070 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 1458

A bill for AN ACT concerning agriculture.

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. 1458

Passed the Senate, as amended, May 30, 2003.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend House Bill 1458 by replacing everything after the enacting clause with the following:

"Section 5. The Grain Code is amended by changing Sections 1-5, 1-10, 1-15, 1-20, 1-25, 5-5, 5-10, 5-15, 5-20, 5-25, 5-30, 10-5, 10-10, 10-15, 10-20, 15-15, 15-20, 15-30, 15-35, 15-40, 15-45, 20-10, 20-15, 20-20, 25-5, 25-10, 25-20, 30-5, and 30-10 and by adding Section 30-25 and Article 35 as follows:

(240 ILCS 40/1-5)

Sec. 1-5. Purpose. ~~The Illinois grain industry comprises a significant and vital part of the State's economy. The grain industry can function to its fullest competitive and profitable potential, thus contributing to the economic health of this State, when it operates under a coordinated and integrated structure. The purpose of this Code is to provide a single system of governmental regulation of the Illinois grain industry.~~ It is ~~also~~ the primary purpose of this Code to promote the State's welfare by improving the economic stability of agriculture through the existence of the Illinois Grain Insurance Fund in order to protect producers in the event of the failure of a licensed grain dealer or licensed warehouseman and to ensure the existence of an adequate resource so that persons holding valid claims may be compensated for losses occasioned by the failure of a licensed grain dealer or licensed warehouseman. To that end, this Code shall be liberally construed and liberally administered in favor of claimants.

In addition, the Illinois grain industry comprises a significant and vital part of the State's economy and as such can function to its fullest competitive and profitable potential, thus contributing to the economic health of this State, when it operates under a coordinated and integrated regulatory structure. Thus, a further purpose of this Code is to provide a single system of governmental regulation of the Illinois grain industry. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/1-10)

Sec. 1-10. Definitions. As used in this Act:

"Board" means the governing body of the Illinois Grain Insurance Corporation.

"Certificate" means a document, other than the license, issued by the Department that certifies that a grain dealer's license has been issued and is in effect.

"Claimant" means:

(a) a person, including, without limitation, a lender:

(1) who possesses warehouse receipts issued from an Illinois location covering grain owned or stored by a failed warehouseman; or

(2) who has other written evidence of a storage obligation of a failed warehouseman issued from an Illinois location in favor of the holder, including, but not limited to, scale tickets, settlement sheets, and ledger cards; or

(3) who has loaned money to a warehouseman and was to receive a warehouse receipt issued from an Illinois location as security for that loan, who surrendered warehouse receipts as part of a grain sale at an Illinois location, or who delivered grain out of storage with the warehouseman as part of a grain sale at an Illinois location; and

(i) the grain dealer or warehouseman failed within 21 days after the loan of money, the surrender of warehouse receipts, or the delivery of grain, as the case may be, and no warehouse receipt was issued or payment in full was not made on the grain sale, as the case may be; or

(ii) written notice was given by the person to the Department within 21 days after the loan of money, the surrender of warehouse receipts, or the delivery of grain, as the case may be, stating that no warehouse receipt was issued or payment in full made on the grain sale, as the case may be; or

(b) a producer not included in item (a)(3) in the definition of "Claimant" who possesses evidence of the sale at an Illinois location of grain delivered to a failed grain dealer, or its designee in Illinois and who was not paid in full.

"Class I warehouseman" means a warehouseman who is authorized to issue negotiable and non-negotiable warehouse receipts.

"Class II warehouseman" means a warehouseman who is authorized to issue only non-negotiable warehouse receipts.

"Code" means this ~~the~~ Grain Code.

"Collateral" means:

(a) irrevocable letters of credit;

(b) certificates of deposit;

(c) cash or a cash equivalent; or

(d) any other property acceptable to the Department to the extent there exists equity in that property. For the purposes of this item (d), "equity" is the amount by which the fair market value of the property exceeds the amount owed to a creditor who has a valid, prior, perfected security interest in or other valid, prior, perfected lien on the property.

"Corporation" means the Illinois Grain Insurance Corporation.

"Daily position record" means a grain inventory accountability record maintained on a daily basis that includes an accurate reflection of changes in grain inventory, storage obligations, company-owned

inventory by commodity, and other information that is required by the Department.

"Daily grain transaction report" means a record of the daily transactions of a grain dealer showing the amount of all grain received and shipped during each day and the amount on hand at the end of each day.

"Date of delivery of grain" means:

(a) the date grain is delivered to a grain dealer, or its designee in Illinois, for the purpose of sale;

(b) the date grain is delivered to a warehouseman, or its designee in Illinois for the purpose of storage; or

(c) in reference to grain in storage with a warehouseman, the date a warehouse receipt representing stored grain is delivered to the issuer of the warehouse receipt for the purpose of selling the stored grain or, if no warehouse receipt was issued:

(1) the date the purchase price for stored grain is established; or

(2) if sold by price later contract, the date of the price later contract.

"Department" means the Illinois Department of Agriculture.

"Depositor" means a person who has evidence of a storage obligation from a warehouseman.

"Director", unless otherwise provided, means the Illinois Director of Agriculture, or the Director's designee.

"Electronic document" means a document that is generated, sent, received, or stored by electrical, digital, magnetic, optical electromagnetic, or any other similar means, including, but not limited to, electronic data interchange, electronic mail, telegram, telex, or telecopy.

"Electronic warehouse receipt" means a warehouse receipt that is issued or transmitted in the form of an electronic document.

"Emergency storage" means space measured in bushels and used for a period of time not to exceed 3 months for storage of grain as a consequence of an emergency situation.

"Equity assets" means:

(a) The equity in any property of the licensee or failed licensee, other than grain assets. For purposes of this item (a):

(1) "equity" is the amount by which the fair market value of the property exceeds the amount owed to a creditor who has a valid security interest in or other valid lien on the property that was perfected before the date of failure of the licensee;

(2) a creditor is not deemed to have a valid security interest or other valid lien on property if (i) the property can be directly traced as being from the sale of grain by the licensee or failed licensee; (ii) the security interest was taken as additional collateral on account of an antecedent debt owed to the creditor; and (iii) the security interest or other lien was perfected (A) on or within 90 days before the date of failure of the licensee or (B) when the creditor is a related person, within one year of the date of failure of the licensee.

"Failure" means, in reference to a licensee:

(a) a formal declaration of insolvency;

(b) a revocation of a license;

(c) a failure to apply for license renewal, leaving indebtedness to claimants;

(d) a denial of license renewal, leaving indebtedness to claimants; or

(e) a voluntary surrender of a license, leaving indebtedness to claimants.

"Federal warehouseman" means a warehouseman licensed by the United States government under the United States Warehouse Act (7 U.S.C. 241 et seq.).

"Fund" means the Illinois Grain Insurance Fund.

"Grain" means corn, soybeans, wheat, oats, rye, barley, grain sorghum, canola, buckwheat, flaxseed, edible soybeans, and other like agricultural commodities that may be designated by rule.

"Grain assets" means:

(a) all grain owned and all grain stored by a licensee or failed licensee, wherever located, including redeposited grain of a licensee or failed licensee;

(b) (blank) ~~redeposited grain of a licensee or failed licensee~~;

(c) identifiable proceeds, including, but not limited to, insurance proceeds, received by or due to a licensee or failed licensee resulting from the sale, exchange, destruction, loss, or theft of grain, or other disposition of grain by the licensee or failed licensee; or

(d) assets in hedging or speculative margin accounts held by commodity or security exchanges on behalf of a licensee or failed licensee and any moneys due or to become due to a licensee or failed licensee, less any secured financing directly associated with those assets or moneys, from any transactions on those exchanges.

For purposes of this Act, storage charges, drying charges, price later contract service charges, and other grain service charges received by or due to a licensee or failed licensee shall not be deemed to be grain assets, nor shall such charges be deemed to be proceeds from the sale or other disposition of grain by a licensee or a failed licensee, or to have been directly or indirectly traceable from, to have resulted from, or to have been derived in whole or in part from, or otherwise related to, the sale or other disposition of grain by the licensee or failed licensee.

"Grain dealer" means a person who is licensed by the Department to engage in the business of buying grain from producers.

"Grain Indemnity Trust Account" means a trust account established by the Director under Section 205-410 of the Department of Agriculture Law (20 ILCS 205/205-410) that is used for the receipt and disbursement of moneys paid from the Fund and proceeds from the liquidation of and collection upon grain assets, equity assets, collateral, and ~~or~~ guarantees of or relating to failed licensees. The Grain Indemnity Trust Account shall be used to pay valid claims, authorized refunds from the Fund, and expenses incurred in preserving, liquidating, and collecting upon grain assets, equity assets, collateral, and guarantees relating to failed licensees.

"Guarantor" means a person who assumes all or part of the obligations of a licensee to claimants.

"Guarantee" means a document executed by a guarantor by which the guarantor assumes all or part of the obligations of a licensee to claimants.

"Incidental grain dealer" means a grain dealer who purchases grain only in connection with a feed milling operation and whose total purchases of grain from producers during the grain dealer's fiscal year do not exceed $100,000.

"Licensed storage capacity" means the maximum grain storage capacity measured in bushels approved by the applicable licensing agency for use by a warehouseman.

"Licensee" means a grain dealer or warehouseman who is licensed by the Department and a federal warehouseman that is a participant in the Fund, under subsection (c) of Section 30-10.

"Official grain standards" means the official grade designations as adopted by the United States Department of Agriculture under the United States Grain Standards Act and regulations adopted under that Act (7 U.S.C. 71 et seq. and 7 CFR 810.201 et seq.).

"Permanent storage capacity" means the capacity of permanent structures available for storage of grain on a regular and continuous basis, ~~and~~ measured in bushels.

"Person" means any individual or entity, including, but not limited to, a sole proprietorship, a partnership, a corporation, a cooperative, an association, a limited liability company, an estate, ~~or~~ a trust, or a governmental agency.

"Price later contract" means a written contract for the sale of grain whereby any part of the purchase price may be established by the seller after delivery of the grain to a grain dealer according to a pricing formula contained in the contract. Title to the grain passes to the grain dealer at the time of delivery. The precise form and the general terms and conditions of the contract shall be established by rule.

"Producer" means the owner, tenant, or operator of land who has an interest in and receives all or part of the proceeds from the sale of the grain produced on the land.

"Producer protection holding corporation" means a holding corporation to receive, hold title to, and liquidate assets of or relating to a failed licensee, including assets in reference to collateral or guarantees relating to a failed licensee.

"Regulatory Fund" means the fund created under Article 35.

"Related persons" means affiliates of a licensee, key persons of a licensee, owners of a licensee, and persons who have control over a licensee. For the purposes of this definition:

(a) "Affiliate" means a person who has direct or indirect control of a licensee, is controlled by a licensee, or is under common control with a licensee.

(b) "Key person" means an officer, a director, a trustee, a partner, a proprietor, a manager, a managing agent, or the spouse of a licensee. An officer or a director of an entity organized or operating as a cooperative, however, shall not be considered to be a "key person".

(c) "Owner" means the holder of: over 10% of the total combined voting power of a corporation or over 10% of the total value of shares of all classes of stock of a corporation; over a 10% interest in a partnership; over 10% of the value of a trust computed actuarially; or over 10% of the legal or beneficial interest in any other business, association, endeavor, or entity that is a licensee. For purposes of computing these percentages, a holder is deemed to own stock or other interests in a business entity whether the ownership is direct or indirect.

(d) "Control" means the power to exercise authority over or direct the management or policies of a

business entity.

(e) "Indirect" means an interest in a business held by the holder not through the holder's actual holdings in the business, but through the holder's holdings in another business or other businesses.

(f) Notwithstanding any other provision of this Act, the term "related person" does not include a lender, secured party, or other lien holder solely by reason of the existence of the loan, security interest, or lien, or solely by reason of the lender, secured party, or other lien holder having or exercising any right or remedy provided by law or by agreement with a licensee or a failed licensee.

"Reserve Fund" means a separate and discrete fund of up to $2,000,000 held by the Corporation as set forth in Section 30-25.

"Successor agreement" means an agreement by which a licensee succeeds to the grain obligations of a former licensee.

"Temporary storage space" means space measured in bushels and used for 6 months or less for storage of grain on a temporary basis due to a need for additional storage in excess of permanent storage capacity.

"Trust account" means the Grain Indemnity Trust Account.

"Valid claim" means a request for payment under the provisions of this Code ~~claim~~, submitted by a claimant, the ~~whose~~ amount and category of which have been determined by the Department, to the extent that determination is not subject to further administrative review or appeal. Each grain sale transaction and each storage obligation shall be considered a separate and discrete request for payment even though one or more requests are contained on one claim form or are filed with the Department in one document.

"Warehouse" means a building, structure, or enclosure in which grain is stored for the public for compensation, whether grain of different owners is commingled or whether identity of different lots of grain is preserved.

"Warehouse receipt" means a receipt for the storage of grain issued by a warehouseman.

"Warehouseman" means a person who is licensed:

(a) by the Department to engage in the business of storing grain for compensation; or

(b) under the United States Warehouse Act but ~~who~~ participates in the Fund under subsection (c) of Section 30-10.

(Source: P.A. 91-213, eff. 7-20-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(240 ILCS 40/1-15)

Sec. 1-15. Powers and duties of Director. The Director has all powers necessary and proper to fully and effectively execute the provisions of this Code and has the general duty to implement this Code. The Director's powers and duties include, but are not limited to, the following:

(1) The Director may, upon application, issue or refuse to issue licenses under this Code, and the Director may extend, renew, reinstate, suspend, revoke, or accept voluntary surrender of licenses under this Code.

(2) The Director shall examine and inspect each licensee at least once each calendar year. The examination shall cover all aspects of the grain operations of the licensee, including but not necessarily limited to options trades and programs and farmer marketing programs.

The Department shall perform one of 3 types of examinations of licensees.

(A) Basic Examination. The basic examination shall be performed when the licensee's merchandising and trade practices involve minimal market risk, which might include those situations in which the licensee uses cash back-to-back contracts, traditional hedges with the Chicago Board of Trade, and price later contracts. The specific components and guidelines of the basic examination are to be as provided by rule, but shall at a minimum include verification of grain quality and quantity, reconciliation of records with grain transactions, computation of current ratios, and checking of posting procedures for accuracy.

(B) Intermediate Examination. The intermediate examination shall be performed when the licensee's merchandising and trade practices involve an increased amount of risk, which might include those situations in which the licensee uses guaranteed minimum price contracts, purchases options, or writes options. This examination shall include all those things performed as part of the basic examination. In addition, the specific components and guidelines of the intermediate examination are to be as provided by rule, but shall at a minimum include verification of grain quality and quantity, reconciliation of records with grain transactions, and checking of posting procedures for accuracy.

(C) Advanced Examination. The advanced examination shall be performed when the licensee's merchandising and grain trading practices involve the most risk, which might include those situations in which the licensee has discretionary trading authority from producers, uses premium offer type contracts, or has contracts with producers that cover multiple crop years. This examination shall include

all those things performed as part of the basic examination and the intermediate examination. In addition, the specific components and guidelines of the advanced examination are to be provided by rule, but shall at a minimum include grain market risk evaluation and appropriate levels thereof for the licensee and adequacy of internal controls.

Using these guidelines, the Department shall determine the level of examination to be applied to each licensee. In addition, the Department may, in its sole discretion, engage the services of accounting experts, grain risk management experts, or both as part of any intermediate or advanced examination. The Regulatory Fund may be used as a source of payment for the services of accounting experts, grain risk management experts, or both.

The Director may inspect the premises used by a licensee at any time. The books, accounts, records, and papers of a licensee are at all times during business hours subject to inspection by the Director. Each licensee may also be required to make reports of its activities, obligations, and transactions that are deemed necessary by the Director to determine whether the interests of producers and the holders of warehouse receipts are adequately protected and safeguarded. The Director may take action or issue orders that in the opinion of the Director are necessary to prevent fraud upon or discrimination against producers or depositors of grain by a licensee. The sole and exclusive means of halting the warehouse and grain dealer business activities of a licensee, however, are set forth in Section 15-40 relating to suspension and revocation of licenses.

(3) The Director may, upon his or her initiative or upon the written verified complaint of any person setting forth facts that if proved would constitute grounds for a refusal to issue or renew a license or for a suspension or revocation of a license, investigate the actions of any person applying for, holding, or claiming to hold a license or any related party of that person.

(4) The Director (but not the Director's designee) may issue subpoenas and bring before the Department any person and take testimony either at an administrative hearing or by deposition with witness fees and mileage fees and in the same manner as prescribed in the Code of Civil Procedure. The Director or the Director's designee may administer oaths to witnesses at any proceeding that the Department is authorized by law to conduct. The Director (but not the Director's designee) may issue subpoenas duces tecum to command the production of records relating to a licensee, guarantor, related business, related person, or related party. Subpoenas are subject to the rules of the Department.

(5) Notwithstanding other judicial remedies, the Director may file a complaint and apply for a temporary restraining order or preliminary or permanent injunction restraining or enjoining any person from violating or continuing to violate this Code or its rules.

(6) The Director shall act as Trustee for the Trust Account, act as Trustee over all collateral, guarantees, grain assets, and equity assets held by the Department for the benefit of claimants, and exercise certain powers and perform related duties under Section 20-5 of this Code and Section 205-410 of the Department of Agriculture Law (20 ILCS 205/205-410), except that the provisions of the Trust and Trustees Act do not apply to the Trust Account or any other trust created under this Code.

(7) The Director shall personally serve as president of the Corporation.

(8) The Director shall collect and deposit all monetary penalties, printer registration fees, funds, and assessments authorized under this Code into the Fund.

(9) The Director may initiate any action necessary to pay refunds from the Fund. The Director may initiate refunds for errors of assessments that do not exceed $2,000 per licensee, lender, or grain seller without authorization by the Board.

(10) The Director shall maintain a holding corporation to receive, hold title to, and liquidate assets of or relating to a failed licensee, including assets in reference to collateral or guarantees, and deposit the proceeds into the Fund.

(11) The Director may initiate, participate in, or withdraw from any proceedings to liquidate and collect upon grain assets, equity assets, collateral, and guarantees relating to a failed licensee, including, but not limited to, all powers needed to carry out the provisions of Section 20-15.

(12) The Director, as Trustee or otherwise, may take any action that may be reasonable or appropriate to enforce this Code and its rules. (Source: P.A. 91-213, eff. 7-20-99; 91-239, eff. 1-1-00; 92-16, eff. 6-28-01.)

(240 ILCS 40/1-20)

Sec. 1-20. Administrative review and venue. Final administrative decisions of the Department are subject to judicial review under Article III of the Code of Civil Procedure and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. An action to review a final administrative decision under this Code may be commenced in the Circuit Court of any county in

which any part of the transaction occurred that gave rise to the claim that was the subject of the proceedings before the Department. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/1-25)

Sec. 1-25. Rules. The Department may promulgate rules that are necessary for the implementation and administration of this Code.

The Department shall adopt rules governing electronic systems under which electronic warehouse receipts may be issued and transferred. Licensees shall not be required, however, to issue or use electronic warehouse receipts. These rules shall be adopted after the United States Department of Agriculture adopts regulations concerning an electronic receipt transfer system pursuant to 7 U.S.C. 242, 250. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/5-5)

Sec. 5-5. Licenses required; applications; exemptions.

(a) Except as provided in subsection (e), a person may not engage in the business of buying grain from producers, or storing grain for compensation, ~~as a grain dealer, an incidental grain dealer, or a warehouseman~~ in the State of Illinois without a license issued by the Department, or in the case of a federal warehouseman, by the United States government.

(b) An application for a license shall be filed with the Department, shall be in a form prescribed by the Department, and shall set forth the name of the applicant, the directors and officers if the applicant is a corporation, the partners if the applicant is a partnership, the members of the governing body and all persons with management or supervisory authority if the applicant is an entity other than a corporation or partnership, the location of the principal office or place of business of the applicant, the location of the principal office or place of business of the applicant in Illinois, and the location or locations in Illinois at which the applicant proposes to engage in business as a licensee, the fiscal year of the applicant, the kind of grain that the applicant proposes to buy, handle, or store, the type of business that the applicant proposes to conduct, and additional information that the Department may require by rule.

(c) The application for a warehouseman shall state whether the applicant proposes to store grain only for others or for the applicant and for others and shall also state the storage capacity for which the applicant desires to be licensed.

(d) If an applicant has been engaged in business as a grain dealer for one year or more, the application shall state the aggregate dollar amount paid to producers for grain during the applicant's last completed fiscal year. If the applicant has been engaged in business for less than one year or has not engaged in the business of buying grain from producers ~~as a grain dealer~~, the application shall state the estimated aggregate dollar amount to be paid by the applicant to producers for grain purchased from producers during the applicant's first fiscal year.

(e) The following persons are exempt from being licensed as a grain dealer or incidental grain dealer:

(1) A person purchasing grain from producers only for resale as agricultural seed.

(2) A producer purchasing grain from producers only for its own use as seed or feed.

(Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/5-10)

Sec. 5-10. Financial statement and fee requirements to obtain or amend a license.

(a) Applications for a new license to operate as a Class I warehouseman or grain dealer shall be accompanied by each of the following:

(1) A financial statement made within 90 days after the applicant's fiscal year end and prepared in conformity with generally accepted accounting principles following an examination conducted in accordance with generally accepted auditing standards that has attached the unqualified opinion, or a qualified opinion if the qualification, in the sole discretion of the Department, does not unduly diminish the financial stability of the licensee or applicant, ~~, or other opinion acceptable to the Department,~~ of an independent certified public accountant licensed under Illinois law or an entity permitted to engage in the practice of public accounting under item (b)(3) of Section 14 of the Illinois Public Accounting Act.

(A) If the applicant has been engaged in business prior to the application, the financial statement shall set forth the financial position and results in operations for the most recent fiscal year of the applicant. The financial statement shall consist of a balance sheet, statement of income, statement of retained earnings, statement of cash flows, notes to financial statements, and other information as required by the Department.

(B) If the applicant has not been engaged in business prior to the application, the financial statement shall consist of a balance sheet, notes to financial statements, and other information as required by the Department.

(2) An application fee of $200 ~~$100~~ for each license, $100 of which shall be deposited into the General Revenue Fund and the balance of which shall be deposited into the Regulatory Fund.

(3) A fee for each required certificate. The amount of the fee for each certificate shall be established by rule. Fees shall be deposited into the Regulatory Fund.

(b) Applications for a new license to operate as a Class II warehouseman or incidental grain dealer shall be accompanied by:

(1) A financial statement prepared in accordance with the requirements of item (a)(1) of Section 5-10 or, instead, a financial statement made within 90 days of the date of the application prepared or certified by an independent accountant and verified under oath by the applicant. The financial statement shall set forth the balance sheet and other information with respect to the financial resources of the applicant that the Department may require. If the applicant has been engaged in business prior to the application, the financial statement shall also set forth a statement of income of the applicant.

(2) An application fee of $150 ~~$100~~ for each license, $100 of which shall be deposited into the General Revenue Fund and the balance of which shall be deposited into the Regulatory Fund.

(3) A fee for each required certificate. The amount of the fee for each certificate shall be established by rule. Fees shall be deposited into the Regulatory Fund.

(c) Applications to amend a warehouseman's licensed storage capacity, including applications in reference to temporary storage and emergency storage or to otherwise amend a license, shall be accompanied by a filing fee of $100, $50 of which shall be deposited into the General Revenue Fund and the balance of which shall be deposited into the Regulatory Fund ~~$50~~. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/5-15)

Sec. 5-15. Renewal of license. (a) The application for renewal of a license shall be filed with the Department annually within 90 days after the licensee's fiscal year end. The Department may, upon request of the licensee, payment of an extension fee of $100 ~~$50~~, $50 of which shall be deposited into the General Revenue Fund and the balance of which shall be deposited into the Regulatory Fund, and delivery to the Department of a preliminary financial statement compiled ~~reviewed~~ by an independent certified public accountant licensed under Illinois law or an entity permitted to engage in the practice of public accounting under item (b)(3) of Section 14 of the Illinois Public Accounting Act or, in the case of a Class II warehouseman or incidental grain dealer, a preliminary financial statement reviewed by an independent accountant that meets the financial requirements of subsection (b) of Section 5-25, extend, for up to but not exceeding 30 days, the period of time during which the application for renewal of a license may be filed. The Department, however, may provide by rule for reducing the filing period for an application for renewal of a license to no less than 60 days after the licensee's fiscal year end if the Department determines that an applicant has financial deficiencies, or there are other factors, that would create a substantial risk of failure ~~loss to potential claimants~~. The Department must give written notice of the reduced filing period to the licensee at least 60 days before the earlier deadline imposed by the Department to file the application for renewal of a license. Notice is deemed given when mailed by certified mail, return receipt requested, properly addressed and with sufficient postage attached.

(b) The application for renewal shall be accompanied by the financial statement required by Section 5-20.

(c) Failure to meet all of the conditions to renew the license may result in a denial of renewal of the license. The licensee may request an administrative hearing to dispute the denial of renewal, after which the Director shall enter an order either renewing or refusing to renew the license. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/5-20)

Sec. 5-20. Financial statement and fee requirements for the renewal of a license.

(a) Applications for a renewal of a license to operate as a Class I warehouseman or grain dealer shall be accompanied by each of the following:

(1) A financial statement made within 90 days after the applicant's fiscal year end and prepared in conformity with generally accepted accounting principles following an examination conducted in accordance with generally accepted auditing standards that has attached the unqualified opinion, or a qualified opinion if the qualification, in the sole discretion of the Department, does not unduly diminish the financial stability of the licensee or applicant, ~~, or other opinion acceptable to the Department,~~ of an independent certified public accountant licensed under Illinois law or an entity permitted to engage in the practice of public accounting under item (b)(3) of Section 14 of the Illinois Public Accounting Act. The financial statement shall consist of a balance sheet, statement of income, statement of retained earnings, statement of cash flows, notes to financial statements, and other information as required by the

Department. The financial statement shall set forth the financial position and results in operations for the most recent fiscal year of the applicant.

(2) A fee of $200 ~~$100~~ for each license, $100 of which shall be deposited into the General Revenue Fund and the balance of which shall be deposited into the Regulatory Fund.

(3) A fee for each required certificate. The amount of the fee for each certificate shall be established by rule. Fees shall be deposited into the Regulatory Fund.

(b) Applications for a renewal of a license to operate as a Class II warehouseman or incidental grain dealer shall be accompanied by each of the following:

(1) A financial statement prepared in accordance with the requirements of item (a)(1) of Section 5-10 or, instead, a financial statement made within 90 days after the date of the application prepared or certified by an independent accountant and verified under oath by the applicant. The financial statement shall set forth the balance sheet and statement of income of the applicant and other information with respect to the financial resources of the applicant that the Department may require.

(2) A fee of $150 ~~$100~~ for each license, $100 of which shall be deposited into the General Revenue Fund and the balance of which shall be deposited into the Regulatory Fund.

(3) A fee for each required certificate. The amount of the fee for each certificate shall be established by rule. Fees shall be deposited into the Regulatory Fund.

(Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/5-25)

Sec. 5-25. Licensing standards and requirements. The Department shall issue, amend, or renew a license if the Department is satisfied that the applicant or licensee meets the standards and requirements of this Section. The standards and requirements of subsections (a) and (b) of this Section must be observed and complied with at all times during the term of the license.

(a) General requirements.

(1) The applicant or licensee must have a good business reputation, have not been involved in improper manipulation of books and records or other improper business practices, and have the qualifications and background essential for the conduct of the business of a licensee. The Department must be satisfied as to the business reputation, background, and qualifications of the management and principal officers of the applicant or licensee. The Department may obtain criminal histories of management and principal officers of the applicant or licensee.

(2) The applicant or licensee must maintain a permanent business location in the State of Illinois. ~~At~~ Each location where the licensee is transacting business~~, that place of business~~ shall remain open from at least one-half hour before the daily opening to at least one-half hour after the daily closing of the Chicago Board of Trade, unless otherwise approved by the Department.

(3) The applicant or licensee must have insurance on all grain in its possession or custody as required in this Code.

(4) The applicant or licensee shall at all times keep sufficiently detailed books and records to reflect compliance with all requirements of this Code. The Department may require that certain records located outside the State of Illinois, if any, be brought to a specified location in Illinois for review by the Department.

(5) The applicant or licensee and each of its officers, directors, partners, and managers must not have been found guilty of a criminal violation of this Code, any of its predecessor statutes, or any similar or related statute or law of the United States or any other state or jurisdiction within 10 ~~3~~ years of the date of application for the issuance or renewal of a license.

(6) The applicant or licensee and each of its officers, directors, managers, and partners, that at any one time have been a licensee under this Code or any of its predecessor statutes, or licensed under any similar or related statute or law of the United States or any other state or jurisdiction, must not have had its license terminated or revoked by the Department, by the United States, or by any other state or jurisdiction, within 2 years of the date of application for the issuance or renewal of a license leaving unsatisfied indebtedness to claimants.

(7) The applicant or licensee and each of its officers, directors, managers, and partners must not have been an officer, director, manager, or partner of a former licensee under this Code or any of its predecessor statutes, or of a business formerly licensed under any similar or related statute or law of the United States or any other state or jurisdiction, that had its license terminated or revoked by the Department, by the United States, or by any other state or jurisdiction, within 2 years of the date of application for the issuance or renewal of a license, leaving unsatisfied indebtedness to claimants, unless the applicant or licensee makes a sufficient showing to the Department that the applicable person or

related party was not materially and substantially involved as a principal in the business that had its license terminated or revoked. An interim or temporary manager that is employed by a licensee to reorganize the licensee or to manage the licensee until its business is sold, transferred, or liquidated is not in violation of this subsection (7) solely because of that employment as an interim or temporary manager.

(b) Financial requirements.

(1) The applicant or licensee's financial statement must show a current ratio of the total adjusted current assets to the total adjusted current liabilities of at least one to one.

(A) Adjusted current assets shall be calculated by deducting from the stated current assets shown on the balance sheet submitted by the applicant or licensee any current asset, as calculated in item (B) of this subdivision (1), resulting from notes receivable from related persons, accounts receivable from related persons, stock subscriptions receivable, and any other related person receivables.

(B) A disallowed current asset shall be netted against any related liability and the net result, if an asset, shall be subtracted from the current assets.

(2) The applicant or licensee's financial statement and balance sheet must show an adjusted debt to adjusted equity ratio of not more than 3 to one.

(A) Adjusted debt shall be calculated by totaling current and long-term liabilities and reducing the total liabilities, up to the amount of current liabilities, by the liquid assets appearing in the current asset section of the balance sheet submitted by the applicant or licensee. For the purposes of this Section, liquid assets include but are not limited to cash, depository accounts, direct obligations of the U.S. Government, marketable securities, grain assets, balances in margin accounts, and tax refunds.

(B) Adjusted equity shall be calculated by deducting from the stated net worth shown on the balance sheet submitted by the applicant or licensee any asset, as calculated in item (C) of this subdivision (2), resulting from notes receivable from related persons, accounts receivable from related persons, stock subscriptions receivable, or any other related person receivables.

(C) A disallowed asset shall be netted against any related liability and the net result, if an asset, shall be subtracted from the stated net worth, or if a liability it shall remain a liability.

(3) An applicant or licensee must have an adjusted equity of at least $50,000 as determined by the method specified in item (b)(2) of this Section. Beginning with the first fiscal year of a licensee ending after 2004, the adjusted equity, as defined by the method specified in item (b)(2) of this Section, shall be increased by $10,000 per fiscal year until the adjusted equity of an applicant or licensee is at least $100,000.

(4) For the purposes of this Section, notes receivable from related persons, accounts receivable from related persons, and any other related person receivables are not a disallowed asset if the related person is also a licensee and meets all of the financial requirements of this Code.

(5) An applicant for a new license shall not be permitted to collateralize the requirements of items (b)(1) and (b)(3) of this Section in order to satisfy the requirements for a new license.

(Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/5-30)

Sec. 5-30. Grain Insurance Fund assessments. The Illinois Grain Insurance Fund is established as a continuation of the fund created under the Illinois Grain Insurance Act, now repealed. Licensees, ~~and~~ applicants for a new license, first sellers of grain to grain dealers at Illinois locations, and lenders to licensee shall pay assessments as set forth in this Section.

(a) Subject to subsection (e) of this Section, a licensee that is newly licensed after the effective date of this Code shall pay an assessment into the Fund for 3 consecutive years. These assessments are known as "newly licensed assessments". Except as provided in item (6) of subsection (b) of this Section, the first installment ~~assessment~~ shall be paid at the time of or before the issuance of a new license, the second installment ~~assessment~~ shall be paid on or before the first anniversary date of the issuance of the new license, and the third installment ~~assessment~~ shall be paid on or before the second anniversary date of the issuance of the new license. For a grain dealer, the ~~initial~~ payment of each of the 3 installments ~~assessments~~ shall be based upon the total estimated value of grain purchases by the grain dealer for the applicable year with the final installment ~~assessment~~ amount determined as set forth in item (6) of subsection (b) of this Section. After the licensee has paid or was required to pay the last 3 installments of the newly licensed assessments ~~first 3 assessments to the Department for payment into the Fund~~, the licensee shall be subject to subsequent assessments as set forth in subsection (d) of this Section.

(b) Grain dealer newly licensed assessments.

(1) The first installment ~~assessment~~ for a grain dealer shall be an amount equal to:

(A) $0.000145 multiplied by the total value of grain purchases for the grain dealer's first fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.000255 multiplied by that portion of the value of grain purchases for the grain dealer's first fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's first fiscal year provided to the Department under Section 5-20.

(2) The minimum amount ~~assessment~~ for the first installment ~~assessment~~ shall be $500 ~~$1,000~~ and the maximum shall be $15,000 ~~$10,000~~.

(3) The second installment ~~assessment~~ for a grain dealer shall be an amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's second fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's second fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's second fiscal year provided to the Department under Section 5-20.

(4) The third installment ~~assessment~~ for a grain dealer shall be an amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's third fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's third fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's third fiscal year.

(5) The minimum amount of the second and third installments ~~assessments~~ shall be $250 ~~$500~~ per year and the maximum for each year shall be $7,500 ~~$5,000~~.

(6) Each of the newly licensed ~~first 3~~ assessments shall be adjusted up or down based upon the actual annual grain purchases for each year as shown in the final financial statement for that year provided to the Department under Section 5-20. The adjustments shall be determined by the Department within 30 days of the date of approval of renewal of a license. Refunds shall be paid out of the Fund within 60 days after the Department's determination. Additional amounts owed for any installment ~~assessments~~ shall be paid within 30 days after notification by the Department ~~as provided in subsection (f) of this Section~~.

(7) For the purposes of grain dealer newly licensed assessments under subsection (b) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(c) Warehouseman newly licensed assessments.

(1) The first assessment for a warehouseman shall be an amount equal to:

(A) $0.00085 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) $0.00099 multiplied by that portion of the permanent storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, all as shown on the final financial statement for the licensee provided to the Department under Section 5-10.

(2) The minimum amount ~~assessment~~ for the first installment ~~assessment~~ shall be $500 ~~$1,000~~ and the maximum shall be $15,000 ~~$10,000~~.

(3) The second and third installments ~~assessments~~ shall be an amount equal to:

(A) $0.000425 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) $0.000495 multiplied by that portion of the permanent licensed storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

(4) The minimum amount ~~assessment~~ for the second and third installments ~~assessments~~ shall be

$250 ~~$500~~ per installment ~~assessment~~ and the maximum for each installment ~~assessment~~ shall be $7,500 ~~$5,000~~.

(5) Every warehouseman shall pay an assessment when increasing available permanent storage capacity in an amount equal to $0.001 multiplied by the total number of bushels to be added to permanent storage capacity. The minimum assessment on any increase in permanent storage capacity shall be $50 and the maximum assessment shall be $20,000. The assessment based upon an increase in permanent storage capacity shall be paid at or before the time of approval of the increase in permanent storage capacity. This assessment on the increased permanent storage capacity does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(6) Every warehouseman shall pay an assessment of $0.0005 per bushel when increasing available storage capacity by use of temporary storage space. The minimum assessment on temporary storage space shall be $100. The assessment based upon temporary storage space shall be paid at or before the time of approval of the amount of the temporary storage space. This assessment on the temporary storage space capacity does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(7) Every warehouseman shall pay an assessment of $0.001 per bushel of emergency storage space. The minimum assessment on any emergency storage space shall be $100. The assessment based upon emergency storage space shall be paid at or before the time of approval of the amount of the emergency storage space. This assessment on the emergency storage space does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(d) Grain dealer subsequent assessments; warehouseman subsequent assessments ~~Subsequent assessments~~.

(1) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not already subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than $6,000,000 ~~below $3,000,000 on September 1st of any year~~, every grain dealer who has, or was required to have, already paid the newly licensed ~~first, second, and third~~ assessments shall be assessed by the Department in a total ~~an~~ amount equal to:

(A) $0.0000725 multiplied by the total value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) $0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for the grain dealer ~~a~~ subsequent assessment shall be $250 ~~$500~~ per 12-month period ~~year~~ and the maximum amount shall be $7,500 ~~$5,000~~ per 12-month period ~~year~~. For the purposes of grain dealer assessments under this item (1) of subsection (d) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(2) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than $6,000,000 ~~below $3,000,000 on September 1st of any year~~, every warehouseman who has, or was required to have, already paid the newly licensed ~~first, second, and third~~ assessments shall be assessed a warehouseman subsequent assessment by the Department in a total ~~an~~ amount equal to:

(A) $0.000425 multiplied by the total licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the assessment determination date ~~1st of that year~~; and

(B) $0.000495 multiplied by that portion of the licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the assessment determination date ~~1st of that year~~ that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for a warehouseman subsequent assessment shall be $250 ~~$500~~ per 12-month period ~~year~~ and the maximum amount shall be $7,500 ~~$5,000~~ per 12-month period ~~year~~.

(3) Subject to paragraph (4) of this subsection (d), if the equity in the Fund is below $6,000,000 on the first working day of a calendar quarter when a licensee is not already subject to an assessment under this subsection (d) (the assessment determination date), every incidental grain dealer who has, or was required to have, already paid all 3 installments of the newly licensed assessments shall be assessed by the Department in a total amount equal to $100. It shall be paid to the Department within 60 days after the date posted on the written notification by the Department, which shall be sent after the first day of the calendar quarter immediately following the assessment determination date.

(4) Following the payment of the final quarterly installment by grain dealers and warehousemen, the next assessment determination date can be no sooner than the first working day of the sixth full calendar month following the payment.

(5) All assessments under paragraphs (1) and (2) of this subsection (d) shall be effective as of the first day of the calendar quarter immediately following the assessment determination date and shall be paid to the Department by licensees in 4 equal installments by the twentieth day of each consecutive calendar quarter following notice by the Department of the assessment. The Department shall give written notice to all licensees of when the assessment is effective, and the rate of the assessment, by mail within 20 days after the assessment determination date.

(6) After an assessment under paragraph (1) and (2) of this subsection (d) is instituted, the amount of any unpaid installments for the assessment shall not be adjusted based upon any change in the financial statements or licensed storage capacity of a licensee.

(7) If the due date for the payment by a licensee of the third assessment under subsections (b) and (c) of this Section 5-30 is after the assessment determination date, that licensee shall not be subject to any of the 4 installments of an assessment under paragraphs (1) and (2) of this subsection (d).

(8) The Department shall immediately deposit all paid assessments into the Fund. ~~If the due date for the payment by a licensee of the third assessment is after September 1st in a year when the equity in the Fund is below $3,000,000, that licensee shall not be subject to a subsequent assessment for that year.~~

(e) Newly licensed; exemptions.

(1) For the purpose of assessing fees for the Fund under subsection (a) of this Section, and subject to the provisions of item (e)(2) of this Section, the Department shall consider the following to be newly licensed:

(A) A person that becomes a licensee for the first time after the effective date of this Code.

(B) A licensee who has a lapse in licensing of more than 30 days. A license shall not be considered to be lapsed after its revocation or termination if an administrative or judicial action is pending or if an order from an administrative or judicial body continues an existing license.

(C) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is greater than 50% during the partnership's fiscal year.

(D) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is greater than 50% of the total controlling interest during the limited partnership's fiscal year.

(E) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is greater than 50% during the limited liability company's fiscal year.

(F) A grain dealer that is the result of a statutory consolidation if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(G) A grain dealer that is the result of a statutory merger if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(H) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is 50% or less during the partnership's fiscal year if the adjusted equity of the partnership after the change is less than 90% of the adjusted equity of the partnership before the change. For the purpose of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(I) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year if the adjusted equity of the partnership after the change is less than 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(J) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is less than 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(K) A grain dealer that is the result of a statutory consolidation or merger if one or more of the predecessor persons that consolidated or merged into the resulting grain dealer was not a licensee under this Code at the time of the consolidation or merger.

(2) For the purpose of assessing fees for the Fund as set forth in subsection (a) of this Section, the Department shall consider the following as not being newly licensed and, therefore, exempt from further assessment unless an assessment is required by subsection (d) of this Section:

(A) A person resulting solely from a name change of a licensee.

(B) A warehouseman changing from a Class I warehouseman to a Class II warehouseman or from a Class II warehouseman to a Class I warehouseman under this Code.

(C) A licensee that becomes a wholly owned subsidiary of another licensee.

(D) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory consolidation if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity ~~net worth~~ of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(E) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory merger if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement, submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(F) A general partnership in which there is a change in partnership interests and that change is 50% or less during the partnership's fiscal year and the adjusted equity of the partnership after the

change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(G) A limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year and the adjusted equity of the partnership after the change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(H) A limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is greater than or equal to 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(I) A licensed warehouseman that is the result of a statutory merger or consolidation to the extent the combined storage capacity of the resulting warehouseman has been assessed under this Code before the statutory merger or consolidation, except that any storage capacity of the resulting warehouseman that has not previously been assessed under this Code shall be assessed as provided in items (c)(5), (c)(6), and (c)(7) of this Section.

(J) A federal warehouseman who participated in the Fund under Section 30-10 and who subsequently received an Illinois license to the extent the storage capacity of the warehouseman was assessed under this Code prior to Illinois licensing.

(f) Grain seller initial assessments and regular assessments. Assessments under this subsection (f) apply only to the first sale of grain to a grain dealer at an Illinois location.

(1) The grain seller initial assessment period is that period of time beginning on the effective date of this amendatory Act of the 93rd General Assembly and ending on the first assessment determination date thereafter when the equity in the fund is at least $6,000,000.

(2) Subject to paragraph (3) of this subsection (f) (i) if during the grain seller initial assessment period the equity in the Fund is less than $3,000,000 or (ii) if at any time after the grain seller initial assessment period the equity in the Fund is less than $2,000,000, on the first working day of a calendar quarter when a grain seller is not already subject to an assessment under this subsection (f) (the assessment determination date), each person who settles for grain (sold to a grain dealer at an Illinois location) during the 12-month period commencing on the first day of the succeeding calendar quarter (the assessment period) shall pay an assessment equal to $0.0004 multiplied by the net market value of grain settled for (payment received for grain sold).

(3) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(4) "Net market value" of grain means the gross sales price of that grain adjusted by application of the grain dealer's discount schedule in effect at the time of sale and after deduction of any statutory commodity check-offs. Other charges such as storage charges, drying charges, and transportation costs shall not be deducted in arriving at the net market value of grain sold to a grain dealer. The net market value of grain shall be determined from the settlement sheet or other applicable written evidence of the sale of grain to the grain dealer.

(5) All assessments under this subsection (f) shall commence on the first day of the calendar quarter immediately following the assessment determination date and shall continue for a period of 12

consecutive calendar months. The assessments shall be collected by licensees at the time of settlement during the assessment period, and shall be remitted by licensees to the Department by the twentieth day of each calendar quarter, commencing with the second calendar quarter following the assessment determination date. The Department shall give written notice to all licensees of when an assessment under this subsection (f) is to begin and end, and the appropriate level of the assessment, by mail within 20 days after the assessment determination date.

(6) Assessments under this subsection (f) apply only to grain for which settlement is made during the assessment period, without regard to the date the grain was sold to the licensee.

(7) The collection and remittance of assessments from first sellers of grain under this subsection (f) is the sole responsibility of the licensees to whom the grain is sold. Sellers of grain shall not be penalized by reason of any licensee's failure to comply with this subsection (f). Failure of a licensee to collect any assessment shall not relieve the grain seller from paying the assessment, and the grain seller shall promptly remit the uncollected assessments upon demand by the licensee, which may be accounted for in settlement of grain subsequently sold to that licensee. Licensees who do not collect assessments as required by this subsection (f), or who do not remit those assessments to the Department within the time deadlines required by this subsection (f), shall remit the amount of the assessments that should have been remitted to the Department and in addition shall be subject to a monetary penalty in an amount not to exceed $1,000.

(8) Notwithstanding the other provisions of this subsection (f), no assessment shall be levied against grain sold by the Department as a result of a failure.

(g) Lender assessments.

(1) Subject to the provisions of this subsection (g), if on the first working day of a calendar quarter when a person is not already subject to an assessment under this subsection (g) the equity in the Fund is less than $6,000,000, each person holding warehouse receipts issued from an Illinois location on grain owned or stored by a licensee to secure a loan to that licensee shall be assessed a quarterly lender assessment for each of 4 consecutive calendar quarters beginning with the calendar quarter next succeeding the assessment determination date.

(2) Each quarterly lender assessment shall be at the rate of $0.00000055 per bushel per day for bushels covered by a warehouse receipt held as security for the loan during that calendar quarter times the applicable commodity price times the lender assessment multiplier, if any, determined by the Department in accordance with paragraph (3) of this subsection (g). With respect to each calendar quarter within the assessment period, the "applicable commodity price" shall be the closing price paid by the licensee on the last working day of that calendar quarter for the base commodity for which the warehouse receipt was issued.

(3) With respect to the second assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the aggregate dollar amount of lender assessments imposed under this subsection (g) under the first assessment period beginning after June 30, 2003. With respect to the third assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of aggregate dollar amounts of lender assessments imposed under this subsection (g) under the first 2 assessment periods beginning after June 30, 2003. With respect to assessment periods thereafter, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of the 3 most recent aggregate dollar amounts of lender assessments imposed under this subsection (g).

(4) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(5) The Department shall give written notice by mail within 20 days after the assessment determination date to all licensees of when assessments under this subsection (g) are to begin and end, the rate of the lender assessment, and the lender assessment multiplier, if any, that shall apply.

(6) It is the responsibility of a licensee to inform each of its lenders and other persons by virtue of whose relationship with the licensee this subsection (g) will apply as to the onset of an assessment for which that person might be liable and the applicable lender assessment multiplier, if any. The notification must be in writing and, as to persons subject to assessment under this subsection (g) on the assessment determination date, must be sent no later than 20 days after the licensee receives notice of an assessment from the Department. As to persons not subject to assessment under this subsection (g) as of the assessment determination date, the notice shall be sent or given no later than the closing of any transaction subsequent to the assessment determination date involving the licensee and by virtue of

which transaction the person is made subject to assessment under this subsection (g).

(7) Within 20 days after the end of each calendar quarter within the assessment period, each licensee shall send to each lender with which it has been associated during that calendar quarter and to the Department a written notice of quarterly assessment together with the information needed to determine the amount of the quarterly assessment owing with respect to loans from that lender. This information shall include the number of bushels covered by each warehouse receipt, organized by commodity, held as security for the loan owing to that lender, the number of days each of those warehouse receipts was outstanding during that calendar quarter, the applicable commodity price, the applicable lender assessment multiplier, the amount of the resulting quarterly lender assessment, and the due date of the quarterly assessment.

(8) Each quarterly assessment shall be due and paid by the lender or its designee to the Department within 20 days after the end of the calendar quarter to which the assessment pertains.

(9) Lenders shall not be penalized by reason of any licensee's failure to comply with this subsection (g). Failure of a licensee to comply with this subsection (g) shall not relieve the lender from paying the assessment, and the lender shall promptly remit the uncollected assessments by the due date as set forth in the notice from the licensee.

(10) This subsection (g) applies to any person who holds a grain warehouse receipt issued by a licensee from an Illinois location pursuant to any transaction, regardless of its form, that creates a security interest in the grain including, without limitation, the advancing of money or other value to or for the benefit of a licensee upon the licensee's issuance or negotiation of a grain warehouse receipt and pursuant to or in connection with an agreement between the licensee and a counter-party for the repurchase of the grain by the licensee or designee of the licensee. For purposes of this subsection (g), any such transaction shall be treated as one in which grain is held as security for loan outstanding to a licensee within the meaning of this subsection (g), and such a person shall be treated as a lender.

(11) The Department shall immediately deposit all paid assessments under this subsection (g) into the Fund.

(h) Equity in the Fund shall exclude moneys owing to the State or the Reserve Fund as a result of transfers to the Fund from the General Revenue Fund or the Reserve Fund under subsection (h) of Section 25-20. Notwithstanding the foregoing, for purposes of calculating equity in the Fund during the grain seller initial assessment period and assessing grain sellers, it shall be presumed that the State is owed, prior to repayment, only $2,000,000 and the Reserve Fund contains a balance of $2,000,000. Under no circumstances, however, shall there be more than 2 consecutive grain seller assessments during the initial assessment period, unless there is a failure that reduces the equity in the Fund to below $3,000,000. ~~Except for the first assessment made under this Section, and assessments under items (c)(5), (c)(6), and (c)(7) of this Section, all assessments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall forward all paid assessments to the Fund.~~ (Source: P.A. 91-213, eff. 7-20-99.)

(240 ILCS 40/10-5)

Sec. 10-5. Duties and requirements of licensees.

(a) Each licensee shall have adequate property insurance covering grain in its possession or custody and adequate liability, property, theft, hazard, and workers' compensation insurance.

(1) Every insurance policy shall contain a provision that it will not be cancelled by the principal or the insurance company except on 60 days prior written notice to the Director and the principal insured. Cancellation of the policy does not affect the liability accrued or that may accrue under the policy before the expiration of the 60 days. The notice shall contain the termination date.

(2) Each licensee shall keep a general insurance account showing the policy number, issuing company, amount, binding date, and expiration date of insurance coverage and the property covered by insurance.

(3) In reference to a warehouseman, notwithstanding any provision to the contrary contained in the warehouse receipts involved, a warehouseman is not obligated to provide property insurance on Commodity Credit Corporation grain ("CCC-owned grain"). The warehouseman, however, shall continue to carry the insurance required on loan grain that becomes CCC-owned grain until the date stated in a written notice from CCC or its agent instructing the warehouseman to cancel the insurance on the grain as of that date. If CCC-owned grain is not covered by property insurance, recovery by the Commodity Credit Corporation from the Fund shall be reduced by the amount of property insurance proceeds that would have been available to cover any loss to CCC-owned grain had the CCC-owned grain been covered by property insurance.

(b) A licensee shall immediately notify the Department when there is a change of management or cessation of operations or change in fiscal year end.

(c) All grain trades, grain merchandising transactions, grain origination plans and programs, and transactions or arrangements that represent or reflect rights and obligations in grain must be clearly identified and disclosed in the books and records of the licensee, for audit and examination purposes. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/10-10)

Sec. 10-10. Duties and requirements of grain dealers. (a) Long and short market position.

(1) Grain dealers shall at all times maintain an accurate and current long and short market position record for each grain commodity. The position record shall at a minimum contain the net position of all grain owned, wherever located, grain purchased and sold, and any grain option contract purchased or sold.

(2) Grain dealers, except grain dealers regularly and continuously reporting to the Commodity Futures Trading Commission or grain dealers who have obtained the permission of the Department to have different open long or short market positions, may maintain an open position in the grain commodity of which the grain dealer buys the greatest number of bushels per fiscal year not to exceed one bushel for each $10 of adjusted equity at fiscal year end up to a maximum open position of 50,000 bushels and one-half that number of bushels up to 25,000 bushels for all other grain commodities that the grain dealer buys. A grain dealer, however, may maintain an open position of up to 5,000 bushels for each grain commodity the grain dealer buys.

(b) The license issued by the Department to a grain dealer shall be posted in the principal office of the licensee in this State. A certificate shall be posted in each location where the licensee engages in business as a grain dealer. In the case of a licensee operating a truck or tractor trailer unit for the purpose of purchasing grain, the licensee shall have a certificate carried in each truck or tractor trailer unit used in connection with the licensee's grain dealer business.

(c) The licensee must have at all times sufficient financial resources to pay producers on demand for grain purchased from them.

(d) A licensee that is solely a grain dealer shall on a daily basis maintain an accurate and current daily grain transaction report.

(e) A licensee that is both a grain dealer and a warehouseman shall at all times maintain an accurate and current daily position record.

(f) In the case of a change of ownership of a grain dealer, the obligations of a grain dealer do not cease until the grain dealer has surrendered all unused price later contracts to the Department and the successor has executed a successor's agreement that is acceptable to the Department, or the successor has otherwise provided for the grain obligations of its predecessor in a manner that is acceptable to the Department.

(g) If a grain dealer proposes to cease doing business as a grain dealer and there is no successor, it is the duty of the grain dealer to surrender all unused price later contracts to the Department, together with an affidavit accounting for all grain dealer obligations setting forth the arrangements made with producers for final disposition of the grain dealer obligations and indicating the procedure for payment in full of all outstanding grain obligations. It is the duty of the Department to give notice by publication that a grain dealer has ceased doing business without a successor. After payment in full of all outstanding grain obligations, it is the duty of the grain dealer to surrender its license. (Source: P.A. 91-213, eff. 7-20-99.)

(240 ILCS 40/10-15)

Sec. 10-15. Price later contracts.

(a) Price later contracts shall be written on forms prescribed or authorized by the Department. Price later contract forms shall be printed by a person authorized to print those contracts by the Department after that person has agreed to comply with each of the following:

(1) That all price later contracts shall be printed as prescribed by the Department and shall be printed only for a licensed grain dealer.

(2) That all price later contracts shall be numbered consecutively and a complete record of these contracts shall be retained showing for whom printed and the consecutive numbers printed on the contracts.

(3) That a duplicate copy of all invoices rendered for printing price later contracts that will show the consecutive numbers printed on the contracts, and the number of contracts printed, shall be promptly forwarded to the Department.

(4) that the person shall register with the Department and pay an annual registration fee of $100 to print price later contracts.

(b) A grain dealer purchasing grain by price later contract shall at all times own grain, rights in grain, proceeds from the sale of grain, and other assets acceptable to the Department as set forth in this Code totaling 90% of the unpaid balance of the grain dealer's obligations for grain purchased by price later contract. That amount shall at all times remain unencumbered and shall be represented by the aggregate of the following:

(1) Grain owned by the grain dealer valued by means of the hedging procedures method that includes marking open contracts to market.

(2) Cash on hand.

(3) Cash held on account in federally or State licensed financial institutions.

(4) Investments held in time accounts with federally or State licensed financial institutions.

(5) Direct obligations of the U.S. government.

(6) Funds on deposit in grain margin accounts.

(7) Balances due or to become due to the licensee on price later contracts.

(8) Marketable securities, including mutual funds.

(9) Irrevocable letters of credit in favor of the Department and acceptable to the Department.

(10) Price later contract service charges due or to become due to the licensee.

(11) Other evidence of proceeds from or of grain that is acceptable to the Department.

(c) For the purpose of computing the dollar value of grain and the balance due on price later contract obligations, the value of grain shall be figured at the current market price.

(d) Title to grain sold by price later contract shall transfer to a grain dealer at the time ~~on the date~~ of delivery of the grain. Therefore, no storage charges shall be made with respect to grain purchased by price later contract. A service charge for handling the contract, however, may be made.

(e) Subject to subsection (f) of this Section, if a price later contract is not signed by all parties within 30 days of the last date of delivery of grain intended to be sold by price later contract, then the grain intended to be sold by price later contract shall be priced on the next business day after 30 days from the last date of delivery of grain intended to be sold by price later contract at the market price of the grain at the close of the next business day after the 29th day. When the grain is priced under this subsection, the grain dealer shall send notice to the seller of the grain within 10 days. The notice shall contain the number of bushels sold, the price per bushel, all applicable discounts, the net proceeds, and a notice that states that the Grain Insurance Fund shall provide protection for a period of only 160 days from the date of pricing of the grain.

In the event of a failure, if a price later contract is not signed by all the parties to the transaction, the Department may consider the grain to be sold by price later contract if a preponderance of the evidence indicates the grain was to be sold by price later contract.

(f) If grain is in storage with a warehouseman and is intended to be sold by price later contract, that grain shall be considered as remaining in storage and not be deemed sold by price later contract until the date the price later contract is signed by all parties.

(g) Scale tickets or other approved documents with respect to grain purchased by a grain dealer by price later contract shall contain the following: "Sold Grain; Price Later".

(h) Price later contracts shall be issued consecutively and recorded by the grain dealer as established by rule.

(i) A licensee ~~grain dealer~~ shall not issue a collateral warehouse receipt on grain purchased by a price later contract to the extent the purchase price has not been paid by the licensee ~~grain dealer~~.

(j) Failure to comply with the requirements of this Section may result in suspension of the privilege to purchase grain by price later contract for up to one year.

(k) When a producer with a price later contract selects a price for all or any part of the grain represented by that contract, then within 5 business days after that price selection, the licensee shall mail to that producer a confirmation of the price selection, clearly and succinctly indicating the price selected. (Source: P.A. 91-213, eff. 7-20-99.)

(240 ILCS 40/10-20)

Sec. 10-20. Duties and requirements of warehouseman. (a) It is the duty of every warehouseman to receive for storage any grain that may be tendered to it in the ordinary course of business so far as the licensed storage capacity of the warehouse permits and if the grain is of a kind customarily stored by the warehouseman and is in suitable condition for storage.

(1) If the condition of grain offered for storage might adversely affect the condition of grain in the warehouse, a warehouseman need not receive the grain for storage, but if a warehouseman does receive the grain, then it must be stored in a manner that will not lower the grade of other grain in the warehouse.

(2) A warehouseman shall provide competent personnel and equipment to weigh and grade all grain in and out of storage.

(3) A warehouseman shall maintain all licensed warehouse facilities in a manner suitable to preserve the quality and quantity of grain stored.

(b) For the purposes of the Department's examinations, a warehouseman shall provide and maintain safe and adequate means of ingress and egress to the various and surrounding areas of the facilities, storage bins, and compartments of the warehouse.

(c) Except as provided in this item (c), a warehouseman shall at all times have a sufficient quantity of grain of like kind and quality to meet its outstanding storage obligations. For purposes of this Section, "like kind and quality" means the type of commodity and a combination of grade, specialty traits, if any, and class or sub-class as applicable.

(d) A warehouseman shall not store grain in excess of the capacity for which it is licensed.

(e) A warehouseman may redeposit grain from its warehouse with another warehouseman or a federal warehouseman in an additional quantity not to exceed the licensed storage capacity of its own warehouse.

(1) If grain is redeposited as provided in this Section, a warehouseman must retain the receipt it obtains from the second warehouseman as proof of the redeposit and retain sufficient control over the redeposited grain as is necessary to comply with directions of the original depositor regarding disposition of the redeposited grain.

(2) While grain is en route from the redepositing warehouseman to the second warehouseman, a redepositing warehouseman must retain an original or a duplicate bill of lading instead of and until such time as it obtains possession of the warehouse receipt as proof of disposition of the redeposited grain.

(f) Schedule of rates and licenses.

(1) A warehouseman shall file its schedule of rates with the Department and shall post its warehouse license and a copy of the schedule of rates on file with the Department in a conspicuous place in each location of the warehouseman where grain is received.

(2) The schedule of rates shall be on a form prescribed by the Department and shall include the names and genuine signatures of all persons authorized to sign warehouse receipts issued by the warehouseman.

(3) To change the schedule of rates or the name of any person authorized to sign warehouse receipts, a warehouseman must file with the Department a revised schedule of rates and, thereafter, post the revised schedule of rates at each location of the warehouseman where grain is received. The revised schedule of rates shall be deemed filed with the Department on the earlier of the date it is delivered to the Department or mailed to the Department by certified mail properly addressed with sufficient postage attached. The revised schedule of rates shall be effective on the date the schedule of rates is posted after delivery or mailing to the Department in accordance with this Section. Revised schedules of rates shall apply only to grain delivered for storage after the effective date of the revised schedule of rates. No grain in storage at the time of the effective date of a revised schedule of rates shall be subject to a revised schedule of rates until one year after the date of delivery of grain, unless otherwise provided by a written contract.

(4) The schedule of rates may provide for the negotiation of different rates for large deliveries of grain if those rates are applied on a uniform basis to all depositors under the same circumstances.

(g) A warehouseman may refuse to accept grain if the identity of the grain is to be preserved. If a warehouseman accepts grain and the identity of the grain is to be preserved, the evidence of storage shall state on its face that the grain is stored with its identity preserved and the location of that grain.

(h) A warehouseman shall at all times maintain an accurate and current daily position record on a daily basis.

(i) In the case of a change of ownership of a warehouse, the obligations of a warehouseman do not cease until its successor is properly licensed under this Code or the United States Warehouse Act, it has surrendered all unused warehouse receipts to the Department and has executed a successor's agreement, or the successor has otherwise provided for the obligations of its predecessor.

(j) If a warehouseman proposes to cease doing business as a warehouseman and there is no successor, it is the duty of the warehouseman to surrender all unused warehouse receipts to the Department, together with an affidavit accounting for all warehouse receipts setting forth the arrangements made with depositors for final disposition of the grain in storage and indicating the procedure for payment in full of all outstanding obligations. After payment in full of all outstanding obligations, it is the duty of the warehouseman to surrender its license.

(k) Requests by a warehouseman for special examinations, grain inventory computation, or verification

of grain quantity or quality shall be accompanied by a fee of $200.

(l) Nothing in this Section is deemed to prohibit a warehouseman from entering into agreements with depositors of grain relating to allocation or reservation of storage space. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/15-15)

Sec. 15-15. Violations of open position limits. (a) Violations of maximum allowable open position limits by more than 1,000 bushels but less than twice the maximum allowable open position limits.

(1) If a licensee violates the maximum allowable open position limits of item (a)(2) of Section 10-10 and the open position is more than 1,000 bushels but less than twice the maximum allowable open position limits, the licensee shall be required to:

(A) Post collateral with the Department in an amount equal to $1 per bushel for each bushel of soybeans in excess of the maximum allowable open position limits and 50 cents per bushel of each bushel for all other grain in excess of the maximum allowable open position limits or $2,500, whichever is greater; and

(B) Pay a penalty in an amount not to exceed $250.

(2) If a licensee commits 2 violations as set forth in item (a) (1) of Section 15-10 within a 2 year period, the licensee must:

(A) post collateral with the Department in an amount equal to $1 per bushel for each bushel of soybeans in excess of the maximum allowable open position limits and 50 cents per bushel of each bushel for all other grain in excess of the maximum allowable open position limits or $5,000, whichever is greater; and

(B) pay a penalty in the amount of $750 ~~$500~~.

(3) If a licensee commits 3 or more violations as set forth in item (a)(1) of Section 15-10 within a 5 year period, the licensee must:

(A) post collateral with the Department in an amount equal to $2 per bushel for each bushel of soybeans in excess of the maximum allowable open position limits and $1 per bushel of each bushel for all other grain in excess of the maximum allowable open position limits or $10,000, whichever is greater; and

(B) pay a penalty in an amount greater than $2,000 ~~$1,000~~ but less than $20,000 ~~$10,000~~.

(b) Violations of maximum allowable open position limits that equal or exceed twice the maximum allowable open position.

(1) If a licensee violates the maximum allowable open position limits of item (a)(2) of Section 10-10 and the open position equals or exceeds twice the maximum allowable open position limits, the licensee must:

(A) post collateral with the Department in an amount equal to $1 per bushel for each bushel of soybeans in excess of the maximum allowable open position and 50 cents per bushel for each bushel of all other grain in excess of the maximum allowable open position limits or $5,000, whichever is greater; and

(B) pay a penalty in the amount of $500.00.

(2) If a licensee commits 2 violations as set forth in item (b)(1) of Section 15-10 within a 2 year period, the licensee must:

(A) post collateral with the Department in an amount equal to $2 per bushel for each bushel of soybeans in excess of the maximum allowable open position limits and $1 per bushel for each bushel of all other grain in excess of the maximum allowable open position limits or $10,000, whichever is greater; and

(B) pay a penalty in an amount greater than $750 ~~$500~~ but less than $15,000 ~~$10,000~~.

(3) If a licensee commits 3 or more violations as set forth in item (b)(1) of Section 15-5 within a 5 year period, the licensee must:

(A) post collateral with the Department in an amount equal to $2 per bushel for each bushel of soybeans in excess of the maximum allowable open position limits and $1 per bushel for each bushel for all other grain in excess of the maximum allowable open position limits or $10,000, whichever is greater; and

(B) pay a penalty in an amount greater than $2,000 ~~$1,000~~ but less than $20,000 ~~$10,000~~.

(Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/15-20)

Sec. 15-20. Grain quantity and grain quality violations.

(a) Grain quantity deficiencies of more than $1,000 but less than $20,000.

(1) If a licensee fails to have a sufficient quantity of grain in store to meet outstanding storage

obligations and the value of the grain quantity deficiency as determined by the formula set forth in subsection (c) of Section 15-20 is more than $1,000 but less than $20,000, the licensee must:

(A) post collateral with the Department in an amount equal to the value of the grain quantity deficiency or $2,500, whichever is greater; and

(B) pay a penalty of $250.

(2) If a licensee commits 2 violations as set forth in item (a)(1) of Section 15-20 within a 2 year period, the licensee must:

(A) post collateral with the Department in an amount equal to the value of the grain quantity deficiency or $10,000, whichever is greater; and

(B) pay a penalty of $750 ~~$500~~.

(3) If a licensee commits 3 or more violations as set forth in item (a)(1) of Section 15-20 within a 5 year period, the licensee must:

(A) post collateral with the Department in an amount equal to the value of the grain quantity deficiency or $20,000, whichever is greater; and

(B) pay a penalty of no less than $2,000 ~~$1,000~~ and no greater than $20,000 ~~$10,000~~.

(b) Grain quantity deficiencies of $20,000 or more.

(1) If a licensee fails to have sufficient quantity of grain in store to meet outstanding storage obligations and the value of the grain quantity deficiency as determined by the formula set forth in subsection (c) of Section 15-20 equals or exceeds $20,000, the licensee must:

(A) post collateral with the Department in an amount equal to twice the value of the grain quantity deficiency; and

(B) pay a penalty of $500.

(2) If a licensee commits 2 violations as set forth in item (b)(1) of Section 15-20 within a 2 year period, the licensee must:

(A) post collateral with the Department in an amount equal to twice the value of the grain quantity deficiency or $20,000, whichever is greater; and

(B) pay a penalty of no less than $750 ~~$500~~ and no greater than $15,000 ~~$10,000~~.

(3) If a licensee commits 3 or more violations as set forth in item (b)(1) of Section 15-20 within a 5 year period, the licensee must:

(A) post collateral with the Department in an amount equal to twice the value of the grain quantity deficiency or $40,000, whichever is greater; and

(B) pay a penalty of no less than $2,000 ~~$1,000~~ and no greater than $20,000 ~~$10,000~~.

(c) To determine the value of the grain quantity deficiency for the purposes of this Section, the rate shall be $1 per bushel for soybeans and 50 cents per bushel for all other grains.

(d) If a licensee fails to have sufficient quality of grain in store to meet outstanding storage obligations when the value of the grain quality deficiency exceeds $1,000, the licensee must post collateral with the Department in an amount equal to the value of the grain quality deficiency. For the purposes of this Section, the value of the grain quality deficiency shall be determined by applying prevailing market discount factors to all grain quality factors. (Source: P.A. 89-287, eff. 1-1-96; 89-463, eff. 5-31-96.)

(240 ILCS 40/15-30)

Sec. 15-30. Financial and record keeping deficiencies; collateral and guarantees.

(a) An applicant or a licensee has a financial deficiency if it does not meet the minimum financial requirements of Section 5-25 and subsection (b) of Section 10-15 of this Code.

(b) A licensee must collateralize all financial deficiencies at the rate of one dollar's worth of collateral for each dollar of the aggregate sum of the individual ratio deficiencies, the net worth deficiencies, and 90% asset requirement deficiencies.

(c) A licensee who is found to have record keeping deficiencies, other than in reference to violations as set forth in subsection (b) of Section 10-15 and in Sections 15-15 and 15-20, may be required by the Department to post collateral up to the amount of $10,000.

(d) If an applicant for a new license or a renewal of a license has financial deficiencies or the Department has reason to believe that the financial stability of an applicant or a licensee is in question, the Department may require the applicant or licensee to provide the Department, in addition to collateral, personal, corporate, or other related person guarantees in a form and in an amount satisfactory to the Department.

(e) Subject to subsection (c) of Section 5-15, the posting of collateral and the delivery of guarantees does not relieve a licensee of the continuing obligation to otherwise comply with the requirements imposed by the Code. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/15-35)

Sec. 15-35. Return of collateral and guarantees. If the next fiscal year's financial statement of a licensee received by the Department and an examination performed by the Department after delivery or posting of any required collateral or the guarantee indicates compliance by the licensee with all statutory requirements of this Code for which the collateral and guarantees were required, the collateral and guarantee shall be returned within 90 days ~~a reasonable period of time~~ to the licensee and the guarantor following a written request for the return. The financial statement must comply with the requirements of Section 5-20. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/15-40)

Sec. 15-40. Suspension and revocation of license. (a) The Director may suspend a license and take possession and control of all grain assets and equity assets (except that the Department may not take possession and control of any equity asset on which there is a valid prior perfected security interest or other valid prior perfected lien without the prior, written permission of the secured party or lien holder) of the suspended licensee if the Department has reason to believe that any of the following has occurred:

(1) A licensee has made a formal declaration of insolvency; failed to apply for license renewal, leaving indebtedness to claimants; or been denied a license renewal, leaving indebtedness to claimants ~~experienced a failure or is unable to financially satisfy claimants in accordance with applicable statute, rule, or agreement if a bona fide dispute does not exist between the licensee and a claimant~~.

(2) A licensee has failed to pay a producer, on demand, for grain purchased from that producer, assuming no bona fide dispute exists with regard to the payment.

(3) A licensee is otherwise unable to financially satisfy claimants in accordance with any applicable statute, rule, or agreement, assuming a bona fide dispute does not exist between the licensee and the claimant.

(4) A licensee has violated any of the other provisions of this Code and the violation, or the pattern of the violations, would create a substantial risk of failure ~~violated any of the provisions of this Code and the violation or the pattern of the violations indicates an immediate danger of loss to potential claimants~~.

(5) ~~(3)~~ A licensee has failed ~~fails~~ to pay a penalty or post collateral or guarantees by the date ordered by the Director.

(6) ~~(4)~~ A licensee has failed ~~fails~~ to pay an assessment as required by Section 5-30.

(b) The Director may revoke a license if ~~any of the following occurs: (1)~~ the Director finds, after an administrative hearing, that any of the grounds for suspension under item (a)(1), (a)(2), (a)(3), ~~or~~ (a)(4), (a)(5), or (a)(6) of Section 15-40 have occurred.

(c) ~~(2)~~ When a licensee voluntarily files for bankruptcy under the federal bankruptcy laws, that filing constitutes a revocation of the license of the licensee on the day that the filing occurs.

(d) ~~(3)~~ When an order for relief is entered in reference to a licensee as a consequence of a petition for involuntary bankruptcy filed under the federal bankruptcy laws, that order constitutes a revocation of the license on the date of that order.

(e) ~~(c)~~ Within 10 days after suspension of a license, an administrative hearing shall be commenced to determine whether the license shall be reinstated or revoked. Whenever an administrative hearing is scheduled, the licensee shall be served with written notice of the date, place, and time of the hearing at least 5 days before the hearing date. The notice may be served by personal service on the licensee or by mailing it by registered or certified mail, return receipt requested, to the licensee's place of business. The Director may, after a hearing, issue an order either revoking or reinstating the license. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/15-45)

Sec. 15-45. Criminal offenses. (a) A person who causes a warehouse receipt for grain to be issued knowing that the grain for which that warehouse receipt is issued is not under the licensee's control at the time of issuing that warehouse receipt, or who causes a licensee to issue a warehouse receipt for grain knowing that the warehouse receipt contains any false representation, is guilty of a Class 2 ~~3~~ felony.

(b) A person who, knowingly and without lawful authority, disposes of grain represented by outstanding warehouse receipts or covered by unreceipted storage obligations is guilty of a Class 2 ~~3~~ felony.

(c) A person who, knowingly and without lawful authority:

(1) withholds records from the Department;

(2) keeps, creates, or files with the Department false, misleading, or inaccurate records;

(3) alters records without permission of the Department; or

(4) presents to the Department any materially false or misleading records;
is guilty of a Class 2 ~~3~~ felony.

(d) A licensee who, after suspension or revocation of its license, knowingly and without legal authority refuses to surrender to the Department all books, accounts, and records relating to the licensee that are in its possession or control is guilty of a Class 2 ~~3~~ felony.

(e) A licensee who knowingly impedes, obstructs, hinders, or otherwise prevents or attempts to prevent the Director from performing his or her duties under this Code, or who knowingly refuses to permit inspection of its premises, books, accounts, or records by the Department, is guilty of a Class A misdemeanor.

(f) A person who, knowingly and without a license, engages in the business of a grain dealer or a warehouseman for which a license is required under the Code is guilty of a Class A misdemeanor.

(g) A person who, intentionally, knowingly and without lawful authority:

(1) fails to maintain sufficient assets as required by subsection (b) of Section 10-15; or

(2) issues a collateral warehouse receipt covering grain purchased by a price later contract to the extent the purchase price has not been paid by the grain dealer;
is guilty of a Class 3 ~~4~~ felony.

(h) In case of a continuing violation, each day a violation occurs constitutes a separate and distinct offense. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/20-10)

Sec. 20-10. Lien on grain assets and equity assets.

(a) A statutory lien shall be imposed on all grain assets and equity assets in favor of and to secure payment of obligations of the licensee to:

(1) A person, including, without limitation, a lender:

(A) who possesses warehouse receipts issued from an Illinois warehouse location covering grain owned or stored by a warehouseman;

(B) who has other written evidence of a storage obligation of a warehouseman issued from an Illinois warehouse location in favor of the holder, including, but not limited to, scale tickets, settlement sheets, and ledger cards; or

(C) who has loaned money to a warehouseman and was to receive a warehouse receipt from an Illinois location as security for that loan, who surrendered warehouse receipts as a part of a grain sale at an Illinois location, or who ~~has~~ delivered grain out of storage with the warehouseman as a part of a grain sale at an Illinois location and:

(i) the grain dealer or warehouseman experienced a failure within 21 days thereafter, a warehouse receipt was not issued, and payment in full was not made; or

(ii) written notice was given by the person to the Department within 21 days thereafter stating that a warehouse receipt was not issued and payment in full was not made.

(2) A producer who possesses evidence of the sale at an Illinois location of grain delivered to that failed ~~a~~ grain dealer, or its designee, and who was not ~~fully~~ paid in full.

This statutory lien arises, attaches, and is perfected at the date of delivery of grain, and is at that time deemed assigned by the operation of this Code to the Department.

(b) The lien on grain assets created under this Section shall be preferred and prior to any other lien, encumbrance, or security interest relating to those assets described in the definition of "grain assets" in Section 1-10, regardless of the time the other lien, encumbrances, or security interest attached or became perfected. The lien on equity assets created under this Section shall also be preferred and prior to any other lien, encumbrance, or security interest relating to "equity assets" as defined in Section 1-10 ~~to the extent a creditor does not have a valid security interest in, or other lien on, the property that was perfected prior to the date of failure of the licensee~~. The lien on equity assets created under this Section, however, shall be subordinate and subject to any other lien, encumbrance, or security interest relating to "equity assets" ~~as defined in Section 1-10~~ to the extent a creditor has a valid security interest in or other valid lien on the property that was perfected prior to the date of failure of the licensee; provided, however, that a creditor is not deemed to have a valid security interest or other valid lien on property if (i) the property can be directly traced as being from the sale of grain by the licensee or failed licensee; (ii) the security interest was taken as additional collateral on account of an antecedent debt owed to the creditor; and (iii) the security interest or other lien was perfected (A) on or within 90 days before the date of failure of the licensee or (B) when the creditor is a related person, within one year of the date of failure of the licensee.

(c) To the extent any portion of this Code conflicts with any portion of the Uniform Commercial Code, the provisions of this Code control.

(d) If an adversarial proceeding is commenced to recover "grain assets" or "equity assets" upon which a lien created under this Section is imposed and if the Department declines to take part in that adversarial proceeding, the Department, upon application to the Director by any claimant, shall assign to the claimant the statutory lien to permit the claimant to pursue the lien in the adversarial proceeding, but only if the assignment and adversarial proceeding will not delay the Department's liquidation and distribution of grain assets, equity assets, collateral, and guarantees, including proceeds thereof, to all claimants holding valid claims. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/20-15)

Sec. 20-15. Liquidation procedures. When a licensee experiences a failure, the Department has the authority to and shall:

(a) Immediately post notice at all locations of the failed licensee stating that the licensee has experienced a failure and that the license has been terminated and is no longer effective.

(b) Immediately take physical control and possession of the failed licensee's facility, including but not limited to all offices and grain storage facilities, books, records, and any other property necessary or desirable to liquidate grain assets and equity assets.

(c) Give public notice and notify all known potential claimants by certified mail of the licensee's failure and the processes necessary to file grain claims with the Department as set forth in Section 25-5.

(d) Perform an examination of the failed licensee.

(e) Seize and take possession of, protect, liquidate, and collect upon all grain assets, collateral, and guarantees of or relating to the failed licensee and deposit the proceeds into the Trust Account. If at any time it appears, however, in the judgment of the Department that the costs of seizing and taking possession of, protecting, liquidating, and collecting upon any or all of the grain assets, collateral, and guarantees equals or exceeds the expected recovery to the Department, the Department may elect not to pursue seizing and taking possession of, protecting, liquidating, and collecting upon any or all of the assets.

(f) Seize, take possession of, protect, liquidate, and collect upon the equity assets of the failed licensee and deposit the proceeds into the Trust account if the Department has first obtained the written consent of all applicable secured parties or lien holders, if any. If at any time it appears, however, in the judgment of the Department that the costs of seizing and taking possession of, protecting, liquidating, and collecting upon any or all of the equity assets equals or exceeds the expected recovery to the Department, the Department may elect not to pursue seizing and taking possession of, protecting, liquidating, and collecting upon any or all of the equity assets. If the Department does not otherwise pursue seizing and taking possession of, protecting, liquidating, and collecting upon any of the equity assets, the Department may bring or participate in any liquidation or collection proceedings involving the applicable secured parties or other interested party, if any, and shall have the rights and remedies provided by law, including the right to enforce its lien by any available judicial procedure.

If an applicable secured party or lien holder does not consent to the Department seizing, taking possession of, liquidating, or collecting upon the equity assets, the secured party or lien holder shall have the rights and remedies provided by law or by agreement with the licensee or failed licensee, including the right to enforce its security interest or lien by any available judicial procedure.

(g) Make available on demand to an applicable secured party or lien holder the equity asset, to the extent the Department seized or otherwise gained possession or control of the equity asset, but the secured party or lien holder does not consent to the Department liquidating and collecting upon the equity asset. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/20-20)

Sec. 20-20. Liquidation expenses.

(a) The Trustee shall pay from the Trust Account all reasonable expenses incurred by the trustee on or after the date of failure in reference to seizing, preserving, and liquidating the grain assets, equity assets, collateral, and guarantees of or relating to a failed licensee, including, but not limited to, the hiring of temporary field personnel, equipment rental, auction expenses, mandatory commodity check-offs, and clerical expenses.

(b) Except as to claimants holding valid claims, any outstanding indebtedness of a failed licensee that has accrued before the date of failure shall not be paid by the Trustee and shall represent a separate cause of action of the creditor against the failed licensee.

(c) The Trustee shall report all expenditures paid from the Trust Account to the Corporation at least annually.

(d) To the extent assets are available under subsection (g) of Section 25-20 and upon presentation of documentation satisfactory to the Trustee, the Trustee shall transfer from the Trust Account to the

Regulatory Fund an amount not to exceed the expenses incurred by the Department in performance of its duties under Article 20 of this Code, in reference to the failed licensee. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/25-5)

Sec. 25-5. Adjudication of claims. When a licensee has experienced a failure, the Department shall process the claims in the following manner:

(a) The Department shall publish once each week for 3 successive weeks in at least 3 newspapers of general circulation within the county of the licensee, and shall mail or deliver to each claimant whose name and post office address are known or are reasonably ascertainable by the Department, a notice stating:

(1) That the licensee has experienced a failure and the date of that failure.

(2) The place and post office address where claims may be filed.

(3) The procedure for filing claims, as determined by rule.

(4) That a claimant's claims shall be barred if not filed with the Department on or before the later of:

(A) the claim date, which shall be 90 days after the date of failure of the licensee; or

(B) 7 days from the date notice was mailed to a claimant if the date notice was mailed to that claimant is on or before the claim date.

(b) Time of notice.

(1) The first date of publication of the notice as provided for in subsection (a) of this Section shall be within 30 days after the date of failure.

(2) The published notice as provided for in subsection (a) of this Section shall be published in at least 3 newspapers of general circulation in the area formerly served by the failed licensee.

(3) The notice as provided for in subsection (a) of this Section shall be mailed by certified mail, return receipt requested, within 60 days after the date of failure to each claimant whose name and post office address are known by the Department within 60 days after the date of failure.

(c) Every claim filed must be in writing, ~~and~~ verified, and signed by a person who has the legal authority to file a claim on behalf of the claimant and must state information sufficient to notify the Department of the nature of the claim and the amount sought.

(d) A claim shall be barred and disallowed in its entirety if:

(1) notice is published and given to the claimant as provided for in subsections (a) and (b) of this Section and the claimant does not file a claim with the Department on or before the claim date; or

(2) the claimant's name or post office address is not known by the Department or cannot, within 60 days after the date of failure, be reasonably ascertained by the Department and the claimant does not file a claim with the Department on or before the later of the claim date or 7 days after the date notice was mailed to that claimant if the date notice was mailed to that claimant is on or before the claim date.

(e) Subsequent notice.

(1) If, more than 60 days after the date of failure but before the claim date, the Department learns of the name and post office address of a claimant who was previously not notified by the Department by mail, the Department shall mail by certified mail, return receipt requested, the notice to the claimant as provided for in subsection (a) of this Section.

(2) The notice mailed as provided for in item (e)(1) of this Section shall not extend the period of time in which a claimant may file its claim beyond the claim date. A claimant to whom notice is mailed under item (e)(1) of this Section, however, shall have the later of the claim date or 7 days after the date notice was mailed to file a claim with the Department.

(f) The Department shall determine the validity, category, and amount of each claim within 120 days after the date of failure of the licensee and~~. (g) The Department~~ shall give written notice within that time period to each claimant and to the failed licensee of the Department's determination as to the validity, category, and amount of each claim.

(g) ~~(h)~~ A claimant or the failed licensee may request a hearing on the Department's determination within 30 days after receipt of the written notice and the hearing shall be held in the county of residence of the claimant and in accordance with rules. Under no circumstances shall payment to claimants who have not requested a hearing be delayed by reason of the request for a hearing by any unrelated claimant.

(h) Within 30 days after a failure of a licensee, the Director shall appoint an Administrative Law Judge for the hearings. The Director shall appoint a person licensed to practice law in this State; who is believed to be knowledgeable with regard to agriculture and the grain industry in Illinois; who has no conflict of interest; and who at the time of his or her appointment is not working for or employed by the Department in any capacity whatsoever.

(i) For the purposes of this Article, the "reasonably ascertainable" standard shall be satisfied when the Department conducts a review of the failed licensee's books and records and an interview of office and

clerical personnel of the failed licensee.

(j) It is the intent of this Act that the time periods and deadlines in this Section 25-5 are absolute, and are not to be tolled, or their operation halted or delayed. In the event of a bankruptcy by a licensee, the Director shall seek to have commenced any proceedings that are necessary and appropriate to lift the automatic stay or make it otherwise inapplicable to the actions of the Department with regard to the claims determination process. In all other cases, the Department shall seek to have commenced the proceedings necessary to expeditiously remove or lift any order of any court or administrative agency that might attempt to delay the time periods and deadlines contained in this Section 25-5. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/25-10)

Sec. 25-10. Claimant compensation. Within 30 days after the day on which a claim becomes a valid claim, a claimant shall be compensated to the extent of its valid claim as provided in this Section.

It is the express intent of this legislation that each undisputed portion of a claim shall be paid in accordance with the deadlines of this Code, even if there are disputed portions of the claim. For example, the amount of a valid claim calculated for an "unpriced obligation" shall be paid to the claimant despite the fact that claimant additionally seeks the amount for a "priced obligation".

Each claimant shall be compensated in accordance with the following provisions:

(a) Valid claims filed by warehouse claimants shall be paid 100% of the amount determined by the Department out of the net proceeds of the liquidation of grain assets as set forth in this subsection (a). To the extent the net proceeds are insufficient, warehouse claimants shall be paid their pro rata share of the net proceeds of the liquidation of grain assets and, subject to subsection (j) of this Section, an additional amount per claimant not to exceed the balance of their respective claims out of the Fund.

(b) Subject to subsection (j) of this Section, if the net proceeds as set forth in subsection (a) of this Section are insufficient to pay in full all valid claims filed by warehouse claimants as payment becomes due, the balance shall be paid out of the Fund in accordance with subsection (b) of Section 25-20.

(c) Valid claims filed by producers who:

(1) have delivered grain within 21 days before the date of failure, or the date of suspension if the suspension results in a failure, for which pricing of that grain has been completed before date of failure; or

(2) gave written notice to the Department within 21 days of the date of delivery of grain, if the pricing of that grain has been completed, that payment in full for that grain has not been made;

shall be paid, subject to subsection (j) of this Section, 100% of the amount of the valid claim determined by the Department. Valid claims that are included in subsection (c) of this Section shall receive no payment under subsection (d) of this Section, and any claimant having a valid claim under this subsection (c) determined by the Department to be in excess of the limits, if any, imposed under subsection (j) of this Section shall be paid only sums in excess of those limits to the extent additional money is available under subsection (d)(2) of Section 25-20.

(d) Valid claims that are not included in subsection (c) of this Section that are filed by producers where the later date of completion of ~~who completed~~ delivery or ~~and~~ pricing of the grain ~~in reference to the valid claim, whichever~~ is ~~later,~~ within 160 days before the date of failure shall be paid 85% of the amount of the valid claim determined by the Department or $250,000 ~~$100,000~~, whichever is less, per claimant. In computing the 160-day period, the phrase "date of completion of delivery" means the date of the last delivery of grain to be applied to the quantity requirement of the contract, and the phrase "the later date" means the date closest to the date of failure. In addition, for claims filed by producers for grain sold on a contract, ~~however,~~ the later of the date of execution of the contract or the date of delivery of ~~grain in reference to~~ the grain covered by the price later contract must not be more than 365 ~~270~~ days before the date of failure in order for the claimant to receive any compensation. In computing the 365-day period, the phrase "the later of the date" means the date closest to the date of failure, and the phrase "date of delivery" means the date of the last delivery of grain to be applied to the quantity requirement of the price later contract.

(e) Valid claims filed by producers for grain sold on a price later contract, for which the final price has not been established, shall be paid 85% of the amount of the valid claims determined by the Department or $250,000 ~~$100,000~~, whichever is less, per claimant, if the later of the date of execution of the contract or the date of delivery of ~~grain in reference to~~ the grain covered by the price later contract occurred not ~~no~~ more than 365 ~~270~~ days before the date of failure. In computing the 365-day period, the phrase "the later of the date" means the date closest to the date of failure, and the phrase "date of delivery" means the date of the last delivery of grain to be applied to the quantity requirement of the price later contract.

The execution of subsequent price later contracts by the producer and the licensee for grain previously

covered by a price later contract shall not extend the coverage of a claim beyond the original 365 ~~270~~ days.

(f) The maximum payment to producers under subsections (d) and (e) of this Section, combined, shall be $250,000 ~~$100,000~~ per claimant.

(g) The following claims shall be barred and disallowed in their entirety and shall not be entitled to any recovery from the Fund or the Trust Account:

(1) Claims filed by producers where both the date of completion of delivery and the date of pricing of the grain are ~~who completed pricing of the grain in reference to their claim~~ in excess of 160 days before the date of failure.

(2) Claims filed by producers for grain sold on a price later contract if the later of the date of execution of the contract or the date of delivery of grain in reference to the grain covered by the price later contract occurred more than 365 ~~270~~ days before the date of failure. In computing the 365-day period, the phrase "the later of the date" means the date closest to the date of failure, and the phrase "date of delivery" means the date of the last delivery of grain to be applied to the quantity requirement of the price later contract.

(3) Claims filed by any claimant that are based upon or acquired by fraudulent or illegal acts of the claimant.

(h) To the extent moneys are available, additional pro rata payments may be made to claimants under subsection (d) of Section 25-20.

(i) For purposes of this Section, a claim filed in connection with warehouse receipts that are possessed under a collateral pledge of a producer, or that are subject to a perfected security interest, or that were acquired by a secured party or lien holder under an obligation of a producer, shall be deemed to be a claim filed by the producer and not a claim filed by the secured party or the lien holder, regardless of whether the producer is in default under that collateral pledge, security agreement, or other obligation.

(j) ~~With respect to any failure occurring on or after July 1, 1998,~~ The maximum payment out of the Fund for claimants under subsection (a), (b) of this Section shall be $1,000,000 per claimant and the maximum payment out of the Fund for claimants under subsections (c), (d), and (e) of this Section, combined, shall be $1,000,000 per claimant.

(j) The amounts to be paid to warehouse valid claimants and grain dealer valid claimants shall be calculated according to the following:

(1) Valid claimants who have warehouse claims, or who have grain dealer claims for grain sold, delivered but unpriced as of the date of failure, shall have "unpriced obligations", and to determine the per bushel value of these valid claims the Department shall use an average of the cash bid prices on the date of failure from grain dealers located within the market area of the failed licensee, and the cash bid price offered by the failed licensee on the date of failure, less transportation, handling costs, and discounts applicable as of that date.

(2) Valid claimants who have grain dealer claims for grain sold, delivered, and priced as of the date of failure shall have "priced obligations", and the price per bushel to be used in calculating the compensation due these valid claimants shall be that which has been agreed upon by the failed licensee and the claimant, less applicable discounts. For purposes of this item (2), a person has "priced" his or her grain if he or she has done those things necessary under the agreement to set, choose, or select a price for any portion of the grain under the agreement, without regard to whether he or she has received a check in payment for the grain, or could have received a check in payment for the grain, prior to the failure.

(k) Arrangements whereby a producer agrees with a licensee to defer receipt of payment of amounts due from the sale of grain are covered by this Code and are not to be considered loans by the producer to the licensee, despite payments to the producer as an inducement for the leaving of moneys with the licensee, unless the licensee has executed and delivered to the producer a promissory note covering those amounts. (Source: P.A. 91-213, eff. 7-20-99.)

(240 ILCS 40/25-20)

Sec. 25-20. Priorities and repayments. (a) All valid claims shall be paid from the Trust Account, as provided in Section 25-10, first from the proceeds realized from liquidation of and collection upon the grain assets relating to the failed licensee, as to warehouse claimants, and the equity assets as to a secured party or lien holder who has consented to the Department liquidating and collecting upon the equity asset as set forth in subsection (f) of Section 20-15, and the remaining equity assets, collateral, and guarantees relating to the failed licensee, as to grain dealer claimants.

(b) If the proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee are insufficient to pay all valid claims as provided

in Section 25-10 and subsection (a) of this Section as payment on those claims becomes due, the Director shall request from the Board sufficient funds to be transferred from the Fund to the Trust Account to pay the balance owed to claimants as determined under Section 25-10. If a request is made by the Director for a transfer of funds to the Trust Account from the Fund, the Board shall act on that request within 25 days after the date of that request. Once moneys are transferred from the Fund to the Trust Account, the Director shall pay the balance owed to claimants in accordance with Section 25-10.

(c) Net proceeds from liquidation of grain assets as set forth in subsection (a) of Section 25-10 received by the Department, to the extent not already paid to warehouse claimants, shall be prorated among the fund and all warehouse claimants who have not had their valid claims paid in full.

(1) The pro rata distribution to the Fund shall be based upon the total amount of valid claims of all warehouse claimants who have had their valid claims paid in full. The pro rata distribution to each warehouse claimant who has not had his or her valid claims paid in full shall be based upon the total amount of that claimant's original valid claims.

(2) If the net proceeds from the liquidation of grain assets as set forth in subsection (a) of Section 25-10 exceed all amounts needed to satisfy all valid claims filed by warehouse claimants, the balance remaining shall be paid into the Trust Account or as set forth in subsection (h).

(d) Subject to subsections (c) and (h):

(1) The proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee or any other assets relating to the failed licensee that are received by the Department, to the extent not already paid to claimants, shall be first used to repay the Fund for moneys transferred to the Trust Account.

(2) After the Fund is repaid in full for the moneys transferred from it to pay the valid claims in reference to a failed licensee, any remaining proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee thereafter received by the Department shall be prorated to the claimants holding valid claims who have not received 100% of the amount of their valid claims based upon the unpaid amount of their valid claims.

(e) After all claimants have received 100% of the amount of their valid claims, to the extent moneys are available interest at the rate of 6% per annum shall be assessed and paid to the Fund on all moneys transferred from the Fund to the Trust Account.

(f) After the Fund is paid the interest as provided in subsection (e) of this Section, then those claims barred and disallowed under subsection (g) of Section 25-10 shall be paid on a pro rata basis only to the extent that moneys are available.

(g) Once all claims become valid claims and have been paid in full and all interest as provided in subsection (e) of this Section is paid in full, and all claims are paid in full under subsection (f), any remaining grain assets, equity assets, collateral, and guarantees, and the proceeds realized from liquidation of and collection upon the grain assets, equity assets, collateral, and guarantees relating to the failed licensee, shall be returned to the failed licensee or its assignee, or as otherwise directed by a court of competent jurisdiction.

(h) If amounts in the Fund are insufficient to pay all valid claims, the Corporation shall transfer from the Reserve Fund to the Fund amounts sufficient to satisfy the valid claims, and to the extent the amounts thus transferred are insufficient to pay all valid claims, the General Assembly shall appropriate to the Corporation amounts sufficient to satisfy the valid claims. If for any reason the General Assembly fails to make an appropriation to satisfy outstanding valid claims, this Code constitutes an irrevocable and continuing appropriation of all amounts necessary for that purpose and the irrevocable and continuing authority for and direction to the State Comptroller and to the State Treasurer to make the necessary transfers and disbursements from the revenues and funds of the State for that purpose. Subject to payments to warehouse claimants as set forth in subsection (c) of Section 25-20, the State shall be first reimbursed, and the Reserve Fund shall thereafter be reimbursed to the extent needed to restore the Reserve Fund to a level of $2,000,000 of principal (not including income on the assets in the Reserve Fund) as soon as funds become available for any amounts paid under subsection (g) of this Section upon replenishment of the Fund from assessments under subsections ~~subsection~~ (d), (f), and (g) of Section 5-30 and collection upon grain assets, equity assets, collateral, and guarantees relating to the failed licensee.

(i) The Department shall have those rights of equitable subrogation which may result from a claimant receiving from the Fund payment in full of the obligations of the failed licensee to the claimant. (Source: P.A. 91-213, eff. 7-20-99.)

(240 ILCS 40/30-5)

Sec. 30-5. Illinois Grain Insurance Corporation. (a) The Corporation is a political subdivision,

body politic, and public corporation. The governing powers of the Corporation are vested in the Board of Directors composed of the Director, who shall personally serve as president; the Attorney General or his or her designee, who shall serve as secretary; the State Treasurer or his or her designee, who shall serve as treasurer; the Director of the Department of Insurance or his or her designee; and the chief fiscal officer of the Department. Three members of the Board constitute a quorum at any meeting of the Board, and the affirmative vote of 3 members is necessary for any action taken by the Board at a meeting, except that a lesser number may adjourn a meeting from time to time. A vacancy in the membership of the Board does not impair the right of a quorum to exercise all the rights and perform all the duties of the Board and Corporation.

(b) The Corporation has the following powers, together with all powers incidental or necessary to the discharge of those powers in corporate form:

(1) To have perpetual succession by its corporate name as a corporate body.

(2) To adopt, alter, and repeal bylaws, not inconsistent with the provisions of this Code, for the regulation and conduct of its affairs and business.

(3) To adopt and make use of a corporate seal and to alter the seal at pleasure.

(4) To avail itself of the use of information, services, facilities, and employees of the State of Illinois in carrying out the provisions of this Code.

(5) To receive funds, printer registration fees, and penalties assessed by the Department under this Code.

(6) To administer the Fund by investing funds of the Corporation that the Board may determine are not presently needed for its corporate purposes.

(7) To receive funds from the Trust Account for deposit into the Fund.

(8) Upon the request of the Director, to make payment from the Fund and the Reserve Fund to the Trust Account when payment is necessary to compensate claimants in accordance with the provisions of Section 25-20 or for payment of refunds to licensees in accordance with the provisions of this Code.

(9) To authorize, receive, and disburse funds by electronic means.

(10) To make any inquiry and investigation deemed appropriate with regard to the failure of any licensee, including but not limited to analyzing the causes of and reasons for the failure; determining the adequacy and accuracy of Department examinations and other regulatory measures with regard to the failed licensee; and analyzing whether the handling of the liquidation and payment process by the Department was done in a manner that served the interests of those persons whose interests this Code was designed to protect.

(11) ~~(9)~~ To have those powers that are necessary or appropriate for the exercise of the powers specifically conferred upon the Corporation and all incidental powers that are customary in corporations.

(c) A committee of advisors shall be created to provide technical assistance and advice and make recommendations to the Board. The advisory committee shall assist the board in understanding pertinent developments in grain production and marketing and the grain industry. The advisory committee shall be composed of one grain producer designated by the Illinois Farm Bureau; one grain producer designated by the Illinois Farmers Union; one grain producer designated by the Illinois Corn Growers Association; one grain producer designated by the Illinois Soybean Association; 2 representatives of the grain industry, designated by the Grain and Feed Association of Illinois; and 2 representatives of the lending industry, one each designated by the Illinois Bankers Association and the Community Bankers of Illinois. Members of the advisory committee shall serve terms of 2 years from the date of their designation. Members of the advisory committee shall have the right to attend all meetings of the Board and participate in Board discussions, but shall not have a vote. (Source: P.A. 91-213, eff. 7-20-99.)

(240 ILCS 40/30-10)

Sec. 30-10. Participants in the Fund.

(a) A licensee under this Code is subject to this Article and shall collect and pay assessments into the Fund as provided in Section 5-30.

(b) Except as provided in subsection (c) of this Section, a person engaged in the business of a grain dealer or warehouseman but not licensed under this Code shall not participate in or benefit from the Fund and its claimants shall not receive proceeds from the Fund.

(c) Participation of federal warehousemen.

(1) A federal warehouseman may participate in the Fund. If a federal warehouseman chooses to participate in the Fund, it shall to the extent permitted by federal law:

(A) pay assessments into the Fund;

(B) be deemed a licensee and a warehouseman under this Code;

(C) be subject to this Code; and

(D) execute a cooperative agreement between itself and the Department.

(2) The cooperative agreement shall, at a minimum, provide each of the following to the extent permitted by federal law:

(A) Authorization for the Department to obtain information about the federal warehouseman including, but not limited to, bushel capacity of storage space, financial stability, and examinations performed by employees of the United States Department of Agriculture.

(B) That the federal warehouseman submits itself to the jurisdiction of the Department and that it agrees to be subject to and bound by this Code and deemed a licensee under this Code.

(C) That in the event of a failure of the federal warehouseman, the Department shall have authority to seize, liquidate, and collect upon all grain assets, collateral, and guarantees relating to the federal warehouseman as in the case of any other licensee.

(D) Such other requirements as established by rule.

(3) A federal warehouseman that participates in the Fund shall at a minimum meet the licensing requirements of this Code and shall comply with all requirements of a licensee and a warehouseman under this Code to the extent permitted by federal law.

(d) A federal warehouseman that participates in the Fund or a warehouseman that desires to or has become a federal warehouseman cannot withdraw from participation in the Fund for the benefit of existing depositors until the occurrence of all of the following:

(1) Payment in full by the federal warehouseman or withdrawing warehouseman of all assessments under subsection (a) of Section 5-30.

(2) Payment in full by the federal warehouseman or withdrawing warehouseman of all assessments instituted under subsection (d) of Section 5-30 on or after an assessment determination date that occurs before ~~if the Fund is under $3,000,000 at any time after~~ the federal warehouseman or withdrawing warehouseman notifies the Department that it desires to withdraw from participation in the Fund and before the issuance by the Department of a certificate of withdrawal from the Fund.

(3) The expiration of 30 days following the later of:

(A) the date the federal warehouseman or withdrawing warehouseman has ceased providing its depositors with coverage under the Fund;

(B) the date the federal warehouseman or withdrawing warehouseman has posted at each of its locations a notice stating when it will cease providing its depositors with coverage under the Fund;

(C) notification of all potential claimants by the federal warehouseman or withdrawing warehouseman of the date on which it will cease providing its depositors with coverage under the Fund; and

(D) Completion of an audit and examination satisfactory to the Department as provided for in this Code and by rule, which is to be the Department's final examination.

(4) Obtaining releases of liability from all existing depositors or posting collateral with the Department for 270 days after withdrawing from the Fund in an amount equal to the liability to existing depositors who have not executed releases before the completion of the Department's final examination.

(5) Compliance with all notification requirements as provided for in this Code and by rule.

(6) Issuance by the Department of a certificate of withdrawal from the Fund when the federal warehouseman or withdrawing warehouseman has met all requirements for withdrawal from participation in the Fund.

(e) Before a federal warehouseman or a warehouseman that desires to or has become a federal warehouseman may withdraw from participation in the Fund, it must pay for an audit and examination and must provide to the Department all names and addresses of potential claimants for the purposes of notification of withdrawal of participation in the Fund. (Source: P.A. 89-287, eff. 1-1-96.)

(240 ILCS 40/30-25 new)

Sec. 30-25. Grain Insurance Reserve Fund. Upon payment in full of all money that has been transferred to the Fund prior to June 30, 2003 from the General Revenue Fund as provided for under subsection (h) of Section 25-20, the State of Illinois shall remit $2,000,000 to the Corporation to be held in a separate and discrete account to be used to the extent the assets in the Fund are insufficient to satisfy claimants as payment of their claims become due as set forth in subsection (h) of Section 25-20. The remittance of the $2,000,000 reserve shall be made to the Corporation within 60 days of payment in full of all money transferred to the Fund as set forth above in this Section 30-25. All income received by the Reserve Fund shall be deposited in the Fund within 35 days of the end of each calendar quarter.

(240 ILCS 40/Art. 35 heading new) ARTICLE 35.

REGULATORY FUND

(240 ILCS 40/35-5 new)

Sec. 35-5. Regulatory Fund.

(a) The Regulatory Fund is created as a trust fund in the State Treasury. The Regulatory Fund shall receive license, certificate, and extension fees under Sections 5-10, 5-15, and 5-20 and funds under subsection (g) of Section 25-20 and shall pay expenses as set forth in this Article 35.

(b) Any funds received by the Director under Sections 5-10, 5-15, and 5-20 and funds disbursed for deposit to the Regulatory Fund under subsection (g) of Section 25-20 shall be deposited with the Treasurer as ex officio custodian and held separate and apart from any public money of this State, with interest accruing on moneys in the Regulatory Fund deposited into the Regulatory Fund. Disbursement from the Fund for expenses as set forth in this Article 35 shall be by voucher ordered by the Director, accompanied by documentation satisfactory to the Treasurer and the Comptroller supporting the payment warrant drawn by the Comptroller and countersigned by the Treasurer. Moneys in the Regulatory Fund shall not be subject to appropriation by the General Assembly but shall be subject to audit by the Auditor General. Interest earned on moneys deposited into the Regulatory Fund shall be deposited into the Regulatory Fund.

(c) Fees deposited into the Regulatory Fund under Sections 5-10, 5-15, and 5-20 shall be expended only for the following program expenses of the Department;

(1) Implementation and monitoring of programs of the Department solely under this Code, including an electronic warehouse receipt program.

(2) Employment or engagement of certified public accountants to assist in oversight and regulation of licensees in the course of an intermediate or advanced examination under Section 1-15.

(3) Training and education of examiners and other Department employees in reference to Department programs established to implement the Department's duties solely under the Code.

(d) Any expenses incurred by the Department in performance of its duties under Article 20 of the Code shall be reimbursed to the Department out of the net assets of a liquidation to the extent available under subsection (q) of Section 25-20 and shall be deposited into the Regulatory Fund and shall be expended solely for program expenses under the Code.

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 1458 was placed on the Calendar on the order of Concurrence.

REPORTS FROM STANDING COMMITTEES

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

That the Motion be reported "recommends be adopted" and placed on the House Calendar:
Motion to concur with Senate Amendments numbered 2, 3 and 4 to HOUSE BILL 3486.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 600.

The committee roll call vote on the Motion to Concur with Senate Amendment No. 2, 3 and 4 to House Bill 3486 is as follows:

14, Yeas; 0, Nays; 0, Answering Present.

Y McKeon,Larry(D), Chairperson
Y Bellock,Patricia(R)
Y Hoffman,Jay(D)
Y Hultgren,Randall(R)
Y Joyce,Kevin(D)
Y Soto,Cynthia(D), Vice-Chairperson
Y Winters,Dave(R), Republican Spokesperson
Y Acevedo,Edward(D)
Y Cultra,Shane(R)
Y Howard,Constance(D) (Currie)
Y Jefferson,Charles(D)
Y O'Brien,Mary(D)
Y Tenhouse,Art(R)
Y Wirsing,David(R)

The committee roll call vote on Senate Bill 600 is as follows:
8, Yeas; 6, Nays; 0, Answering Present.

Y McKeon,Larry(D), Chairperson
N Bellock,Patricia(R)
Y Hoffman,Jay(D)
N Hultgren,Randall(R)
Y Joyce,Kevin(D)
Y Soto,Cynthia(D), Vice-Chairperson
N Winters,Dave(R), Republican Spokesperson
Y Acevedo,Edward(D)
N Cultra,Shane(R)
Y Howard,Constance(D) (Currie)
Y Jefferson,Charles(D)
Y O'Brien,Mary(D)
N Tenhouse,Art(R)
N Wirsing,David(R)

CHANGE OF SPONSORSHIP

Representative Molaro asked and obtained unanimous consent to be removed as chief sponsor and Representative Currie asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 276.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Ryg asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 685.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Jones asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 687.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Kelly asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 764.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Novak asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 858.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Currie asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 860.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Lang asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 920.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative McCarthy asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 1038.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Burke asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 1043.

Representative McKeon asked and obtained unanimous consent to be removed as chief sponsor and Representative Bailey asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 3486.

RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

HOUSE RESOLUTION 364

Offered by Representative Chapa LaVia:

WHEREAS, Section 502 of the federal Veterans Entrepreneurship and Small Business Act of 1999 establishes a federal government-wide goal that not less than 3% of all federal contract awards for each fiscal year are to be awarded to businesses owned by service-disabled veterans; and

WHEREAS, Representative Chris Smith, the Chairman of the House Committee on Veterans' Affairs, has stated that this 3% goal is not a ceiling but is the bare minimum to meet compliance with the Veterans Entrepreneurship and Small Business Act of 1999; and

WHEREAS, In signing the Veterans Entrepreneurship and Small Business Act of 1999 into law, President William Jefferson Clinton stated that, "[The Act] will provide assistance to veterans who are entrepreneurs and especially to service-disabled veteran entrepreneurs, men and women who have sacrificed so much in service of our county. By helping these American heroes to establish, maintain, and grow their own small businesses, we help to sustain our strong economy and express our gratitude for their service to America."; and

WHEREAS, Procurement spending to service-disabled, veteran-owned businesses falls far below the 3% goal established by the Veterans Entrepreneurship and Small Business Act of 1999; Angela Styles, an official from the Office of Management and Budget, has testified before the House Committee on Veterans' Affairs that in fiscal year 2001 alone, federal agencies denied disabled-veteran's companies nearly $6 billion in procurement opportunities and for the first 3 quarters of fiscal year 2002, up to and including the third quarter, service-disabled veteran-owned small businesses were awarded approximately .10% of the total dollars awarded by federal agencies during that period; and

WHEREAS, For fiscal year 2001 and for the first 3 quarters of fiscal year 2002, the Small Business Administration, the Department of Labor, and the Office of the President have reported spending zero dollars with service-disabled veteran-owned businesses; and

WHEREAS, Research shows that many of contracts supposedly awarded to service-disabled veteran-owned businesses are not even with companies owned by service-disabled veterans, but with firms illegally claiming that status; and

WHEREAS, According to Joseph Forney, the 2002 Veterans Small Business Advocate of the Year, "For the veteran small business owners who are among the 1,800 veterans on average who are dying each day, there will never be an opportunity for the federal government to remedy the disastrous implementation of this small business program."; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY- THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the members of the Illinois House of Representatives respectfully urge the United State Congress to closer examine how procurement opportunities are awarded to service-disabled veteran-owned businesses and to take all necessary measures to require the full and immediate implementation of the Veterans Entrepreneurship and Small Business Act of 1999; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the President pro tempore of the U.S. Senate, the Speaker of the U. S. House of Representatives, and each member of the Illinois congressional delegation.

HOUSE RESOLUTION 365

Offered by Representative Black:

WHEREAS, The State of Illinois is in a fiscal crisis, and is facing one of the largest deficits in the recent history of the State; and

WHEREAS, The General Assembly and Judges have rejected their COLA for FY03 returning $12 million and Merit Comp Employees will not receive a salary increase and will be required to pay their retirement contribution, taking a 6% hit in FY04; and

WHEREAS, There are approximately 32,100 members of AFSCME and 5,000 members of the Teamsters Union who are employees of the State of Illinois; and

WHEREAS, The FY04 budget is still a work in progress and Governor Blagojevich has asked the General Assembly to curtail spending and has said that everyone must share the pain; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the General Assembly calls on Governor Rod Blagojevich to request that the Teamsters and AFSCME open their contract with the State; and be it further

RESOLVED, That the Teamsters and AFSCME relinquish any COLA and/or pay raise for FY04 in order to share the pain and sacrifice due to the current budget crisis.

HOUSE RESOLUTION 370

Offered by Representative Coulson:

WHEREAS, Because of the aftermath of the September 11, 2001 tragedy, there has been an increased awareness of the vulnerability of any nation or State to a public health emergency; and

WHEREAS, A public health emergency is an occurrence or imminent threat of an illness or health condition that is believed to be caused by any of the following: bioterrorism; the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; a natural disaster; a chemical attack or accidental release; a nuclear attack or accident; or an act of war; and

WHEREAS, Persons, including medical professionals, may have no legal duty to respond to a public health emergency; and

WHEREAS, Local volunteer groups of medical professionals can be valuable resources that may supplement existing local emergency response units by developing community-based plans for dealing with crises, providing organizational skills, and treating the least seriously injured or sickened persons in the case of a public health emergency; and

WHEREAS, Many professionals will still render care at the scene of a public health emergency gratuitously and in good faith; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the General Assembly to explore supporting and protecting good samaritan responders to public health emergencies.

HOUSE RESOLUTION 374

Offered by Representative Stephens:

WHEREAS, 30,000 to 50,000 Americans have myositis; most are afflicted with inclusion body myositis; and

WHEREAS, Myositis consists of inflammatory myopathies which involve the inflammation and degeneration of muscle tissues and is thought to be an autoimmune disorder; in inflammatory myopathies, inflammatory cells surround, invade, and destroy normal muscle fibers as though they were defective or foreign to the body; this eventually results in devastating muscle weakness which is usually symmetrical and develops slowly over weeks to months or even years; and

WHEREAS, Three types of inflammatory myopathies include dermatomyositis, polymyositis, and inclusion body myositis; each is unique in development and treatment; people affected by myositis suffer from a debilitating autoimmune neuromuscular disease; and

WHEREAS, The Myositis Association works to improve the lives of those affected by inflammatory myopathies; the organization seeks out persons with inflammatory myopathies, provides a support network, acts as a resource for patients and the medical community and as an advocate for patients, and promotes research into the cause and treatment of the diseases; and

WHEREAS, Myositis Awareness Day began with one person trying to raise awareness about myositis in Massachusetts on September 21, 2001; in 2002, four states proclaimed the day and in 2003, there are plans for recognition in over 20 states and four countries; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that September 21, 2003 shall be Myositis Awareness Day

in the State of Illinois in order to raise awareness about myositis; and be it further

RESOLVED, That a suitable copy of this resolution be presented to The Myositis Association.

HOUSE RESOLUTION 386

Offered by Representative Holbrook:

WHEREAS, Medicaid is a program jointly funded by the federal and state governments to provide health insurance coverage to needy citizens; and

WHEREAS, Federal Medical Assistance Percentages (FMAP) are used in determining the amount of federal matching funds for state expenditures associated with the Medicaid programs; and

WHEREAS, FMAP rates vary from state to state with some states receiving matching rates as high as 83 percent, while Illinois receives only the minimum FMAP rate of 50 percent; and

WHEREAS, The United States Congress approved, and the President of the United States is expected to sign, legislation granting states additional federal Medicaid funding; and

WHEREAS, Of that amount, approximately $346.1 million in additional federal Medicaid funding is earmarked for Illinois; and

WHEREAS, Those additional federal Medicaid funds should be distributed to Medicaid providers in relation to the percentage of Medicaid revenues generated by each provider group from the federal government; and

WHEREAS, Illinois' Medicaid providers have been harmed by rate cuts and freezes due to economic conditions; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the additional federal Medicaid funding of approximately $346.1 million must be distributed to Medicaid providers in relation to the percentage of Medicaid revenues generated by each provider group from the federal government; and be it further

RESOLVED, That a suitable copy of this Resolution be delivered to each member of the Illinois General Assembly, the Speaker of the House of Representatives, the President of the Senate, and the Governor of the State of Illinois.

HOUSE RESOLUTION 387

Offered by Representative Hamos:

WHEREAS, The General Assembly of the State of Illinois is committed to seeing that every one of the citizens of the State of Illinois has decent, safe, and affordable housing; and

WHEREAS, A growing number of citizens of the State of Illinois are currently homeless; shelter nights rose by 24% from 2000 to 2001 (before the current economic turndown), as shown by Illinois Department of Human Services data (25% in Chicago, 23% in the rest of the state-43% in the collar counties, 1% in the northern counties, 25% in the central counties, and 54% in the southern counties); and

WHEREAS, In the last 10 years, the number of shelter nights for the whole State rose by 89%, with increases experienced every year since 1994; and

WHEREAS, Homelessness is very expensive in terms of public dollars expended for emergency hospital visits, in-patient stays, emergency substance abuse treatment, and jail stays; it is very costly in terms of human suffering and generations of lives wasted; and it is very demoralizing to all citizens; and

WHEREAS, Supportive housing has been shown, through extensive research, to be effective in enabling even the most vulnerable people and families to remain housed and to take appropriate steps to move toward employment and independence; it has been shown to be cost efficient, virtually expending the same amount in public dollars as the costs of homelessness, in a recent major study; and

WHEREAS, The long term and repeatedly homeless individuals and families comprise only approximately 20% of the total homeless population, but use approximately 80% of the total shelter days, effectively living in the shelter system; and

WHEREAS, This use of homeless services does not end the homelessness of these most vulnerable individuals and families using the services; at the same time, it prevents other more short-term or transitionally homeless families and individuals who could benefit from the services from accessing these

services; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the General Assembly commits itself, along with a growing number of states and cities across the nation, to end long-term or repeated homelessness in Illinois in 10 years by:

(1) creating and sustaining 8,000 units of permanent supportive housing in Illinois in the coming decade targeted for the most vulnerable homeless families and individuals;

(2) ending the practice of discharging large numbers of people into homelessness from hospitals, mental health and chemical dependency treatment facilities, jails, and prisons;

(3) securing investments in additional affordable and supportive housing alternatives, so that supportive housing can be made available to those who do become homeless and need support service to stay housed; and

(4) gradually shifting resources in a manner determined by each community so that those who become homeless can be expediently re-housed and connected to supportive services; and be it further

RESOLVED, That the General Assembly will consider the above goals and strategies in establishing its policies and budgets; and be it further

RESOLVED, That the members of the General Assembly will take steps to encourage the municipalities, counties, townships, other governmental bodies and related agencies to adopt these goals and strategies for establishing their policies and budgets.

HOUSE JOINT RESOLUTION 40

Offered by Representative Coulson:

WHEREAS, Article II, Section 1 of the Illinois Constitution provides that the legislative, executive, and judicial branches are separate and that no branch shall exercise powers properly belonging to another; and

WHEREAS, Article IV of the Illinois Constitution provides for the creation, organization, and transaction of business in the Illinois General Assembly; and

WHEREAS, One of the powers granted to the General Assembly in Section IV of the Illinois Constitution is the passage of appropriations bills; and

WHEREAS, The State of Illinois faces fiscal difficulties as revenue shortfalls have endangered programs and extended payment cycles to vendors that provide services on behalf of the State of Illinois; and

WHEREAS, The United States Congress has approved a $350 billion package of tax cuts and economic assistance that will be used to help states facing budget difficulties; and

WHEREAS, $20 billion will be sent to states for economic assistance, including an estimated $356 million to benefit the Illinois Medicaid program and an additional $422 million in flexible assistance for Illinois; 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 there is hereby created a joint legislative task force to make recommendations on the proper budgeting of funds received as a result of the passage of "The Jobs and Growth Tax Relief Reconciliation Act of 2003"; and be it further

RESOLVED, That the budgetary task force shall be comprised of 8 members of the General Assembly with 2 members being appointed by the Speaker of the House, 2 members being appointed by the House Minority Leader, 2 members being appointed by the President of the Senate, and 2 members being appointed by the Senate Minority Leader.

HOUSE RESOLUTION 396

Offered by Representative Coulson:

WHEREAS, Section 1 of Article II of the Illinois Constitution provides that the legislative, executive, and judicial branches are separate and that no branch shall exercise powers properly belonging to another; and

WHEREAS, Article IV of the Illinois Constitution provides for the creation, organization, and transaction of business in the Illinois General Assembly; and

WHEREAS, One of the powers granted to the General Assembly in Section IV of the Illinois Constitution is the passage of appropriations bills; and

WHEREAS, The State of Illinois faces fiscal difficulties as revenue shortfalls have endangered programs and extended payment cycles to vendors that provide services on behalf of the State of Illinois; and

WHEREAS, The United States Congress has approved a $350 billion package of tax cuts and economic assistance that will be used to help states facing budget difficulties and the legislation has been signed into law by President Bush; and

WHEREAS, $20 billion will be sent to states for economic assistance, including an estimated $353 million to benefit the Illinois Medicaid program and an additional $422 million in flexible assistance for Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the House Human Services Appropriation Committee to meet to discuss the proper budgeting of the funds received as a result of the passage of The Jobs and Growth Tax Relief Reconciliation Act of 2003; and be it further

RESOLVED, That an accounting of how the funds will be spent should be presented to the House Human Services Appropriation Committee by the Governor's Office of Management and Budget when such a distribution is determined.

HOUSE RESOLUTION 400

Offered by Representative Kelly:

WHEREAS, Olympia Fields Country Club in Olympia Fields, and the United States Golf Association (USGA) have cultivated a long-lasting relationship and history of hosting past United States Open Golf Championships in the Chicago Southland region, most notably the 1914 U.S. Open at Midlothian Country Club, and the 1928 U.S. Open at Olympia Fields Country Club; and

WHEREAS, Olympia Fields Country Club's successful staging of the 1997 U.S. Senior Open paved the way for an invitation to the USGA to host a future U.S. Open in the Chicago Southland region at Olympia Fields Country Club; and

WHEREAS, The USGA accepted the invitation of Olympia Fields Country Club to host the 103rd U.S. Open Golf Championship at historic Olympia Fields Country Club in the Chicago Southland; and

WHEREAS, Visitors from across the nation and other countries will travel to and stay within the Chicago metro area to attend the 103rd U.S. Open Golf Championship at Olympia Fields; and

WHEREAS, This most prestigious golf event will draw approximately 40,000 spectators, staff, volunteers, and media per day to the Chicago metro area, resulting in an estimated economic impact of between $50 to $60 million in sales and tax revenues for the State of Illinois and businesses located within the State; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we thank the United States Golf Association for selecting Olympia Fields to be the location of the 103rd U.S. Open Golf Championship; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the United States Golf Association with our best wishes for a successful 103rd U.S. Open Golf Championship.

HOUSE RESOLUTION 405

Offered by Representative Chapa LaVia:

WHEREAS, In Illinois, more than 4,700 men, women and children are among the 80,000 across the United States awaiting lifesaving organ transplants; and

WHEREAS, Each day, about 100 names are added to the national list, while an average of 17 people die waiting; and

WHEREAS, Just as important is the donation of lifesaving and life-enhancing tissue including bone,

skin, heart valves, ligaments, tendons, and major blood vessels; more than 750,000 tissue transplants are performed each year in the United States-about 2,100 a day; and

WHEREAS, It is estimated that 1 in 20 Americans will need some type of medical tissue transplant during a lifetime; despite the number of transplants performed and the anticipated future need, just 8 percent of the need for transplantable tissue is currently being met; and

WHEREAS, Every 3 seconds, a patient needs life-sustaining donated blood - an accident victim, a patient undergoing surgery, or a patient receiving treatment for leukemia, cancer or another disease; and

WHEREAS, The demand for blood is greater today than ever, as the nation's supply needs constant replenishment; an estimated 8 million people donate blood in the United States each year, but many more donors are needed; and

WHEREAS, Heartland Blood Centers, a non-profit medical organization supplying all blood and blood products to 34 Illinois and Indiana hospitals, must collect 450 pints of voluntarily donated blood every day in order to meet patient transfusion needs in the area it serves; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we encourage the citizens of this State to donate blood during "Donate Blood Week" which takes place on August 10-16, 2003.

SENATE BILLS ON FIRST READING

Having been printed, the following bill was taken up, read by title a first time and placed in the Committee on Rules: SENATE BILL 1400.

INTRODUCTION AND FIRST READING OF BILLS

The following bills were introduced, read by title a first time, ordered printed and placed in the Committee on Rules:

HOUSE BILL 3814. Introduced by Representative Flowers, AN ACT in relation to parental rights.

HOUSE BILL 3815. Introduced by Representative Flowers, AN ACT in relation to parental rights.

HOUSE BILL 3816. Introduced by Representative Flowers, AN ACT concerning education.

AGREED RESOLUTIONS

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.

HOUSE RESOLUTION 389

Offered by Representative Graham:

WHEREAS, The members of the Illinois House of Representatives of the State of Illinois were saddened to learn of the death of Derrick Anthony Brown on May 1, 2003; and

WHEREAS, Derrick Anthony Brown was born on January 4, 1962 in Chicago, the son of Anna and Hooker Brown; and

WHEREAS, He was a well loved person who was easy going, a pleasure to be with, easy to talk to and always willing to lend a helping hand when possible; Derrick was also a loving, caring and devoted father; and

WHEREAS, Derrick Brown attended Providence St. Mel High School and graduated from Glenbard East High School in Lombard; he also attended the College of DuPage in Glen Ellyn; and

WHEREAS, Derrick Brown worked for ten years in the Printing Industry, spending seven years with Wallace Computers Colorform Division in Elk Grove Village; and

WHEREAS, The passing of Derrick Anthony Brown has been deeply felt by all who knew him, especially his significant other of twenty years, Damita Franklin; his son, Quinton; his daughter, Morgan Brown; his mother, Anna Brown; his father, Hooker Brown (wife, Lois); his brothers, Michael and Brian Brown; his uncles, Donald Anthony, Wims Brewer, and Arnold Brown; his aunts, Nancy Watkins, Irene

Bradford, Joyce Phillips, and Marsha Anthony; his aunt, Fannie Brown; and many cousins, relatives and friends; he also leaves behind, Barbara Franklin, Roosevelt and Elnora Taylor, and Kyle Smith; 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 Derrick Anthony Brown 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 Derrick Anthony Brown as an expression of our condolences during their time of bereavement.

HOUSE RESOLUTION 390

Offered by Representative Graham:

WHEREAS, The members of the House of Representatives of the State of Illinois were saddened to learn of the death of Marion L. Graham on May 7, 2003; and

WHEREAS, Marion L. Graham "Baby Sister" was born on January 3, 1930 in Jackson, Tennessee to Walter and Ethel Cox; and

WHEREAS, She became a member of the Church of Christ at an early age in Jackson, Tennessee; and

WHEREAS, Mrs. Graham moved to Chicago in 1946; she was united in Holy Matrimony to Eddie Lee Graham on April 11, 1964; her husband preceded her in death on April 16, 1992; and

WHEREAS, In addition, her mother and father, Ethel and Walter Cox; her brothers, Walter Cox Jr. and Kimber Cox; and her sister, Florence Martin, all preceded her in death; and

WHEREAS, The passing of Marion L. Graham has been deeply felt by all who knew her, especially her sons, Jerome H. Cox, Donnie Woodard (Yolanda), Kenneth Graham, Derrick Graham and Steven Graham (Tasha); her daughters, Linda Abraham, Shelia Thomas (Charles), Janice Graham, Ethel Graham, Diane Graham, Cheryl Graham and Sharon Graham; her thirty-nine grandchildren; her thirty-seven great grandchildren; her cousins, Ella Mae, Hattie Mae Butler, Debra Atkins, Brenda Freneey and Henrietta Jones; her sisters-in-law, Reyna Mae Dawson (Jerry), Alberta Smith (Jimmie), Mary Graham (Joe) and Ruby Graham; her brothers-in-law, Rufus Graham (Irma), Columbus Graham (Delores), JR Graham (Sharon) and CL Graham (Alberta); a host of other relatives and friends; and her special friends, Mary, Theresa Taylor and Della Dew; 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 Marion L. Graham 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 Marion L. Graham as an expression of our condolences during their time of bereavement.

HOUSE RESOLUTION 391

Offered by Representative Osterman:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Heidi Keye Biederman of St. Charles on the occasion of her retirement as the Executive Director of the Large Unit District Association (LUDA); and

WHEREAS, Ms. Biederman has been the Executive Director of LUDA since 1989; LUDA supports the 56 largest pre-K-12 school districts in the State who serve more than half of Illinois public school children; her duties entailed representing superintendents and their boards to the Illinois General Assembly, the Illinois State Board of Education, the Illinois Board of Higher Education, and other entities; and

WHEREAS, During her tenure as Executive Director of LUDA, she has represented LUDA to other organizations and coalitions such as the Small Lobby Group, the State Chamber Education Committee, the School Finance Task Force, the Statewide Middle Level Initiative Committee, and the Education Funding Advisory Board; she formulated and successfully carried out LUDA's legislative program and initiatives including the Urban Education Grant Program and expanded membership substantially; she was responsible for creating the association's in-house and external communications, publications, and informational materials as well as originating the LUDA Net, which is an e-mail system for legislative

alerts; she developed and organized association conferences, meetings, and symposiums for board members and significantly increased attendance at these events; she also initiated and participated in coalition efforts such as the Local Government Coalition, the Committee for the Future of Our Children (Executive Committee), and school management groups; and

WHEREAS, Prior to her work with LUDA, Ms. Biederman served as Associate Director of Governmental Relations for the Illinois Association of School Boards, as Legislative Coordinator for LEND, and as an elementary school teacher at Emerson School in Elmhurst; and

WHEREAS, Ms. Biederman received a Bachelor of Arts degree in Education and Sociology from Beloit College; and

WHEREAS, Ms. Biederman has served on several government task forces and as a board member of many organizations; she was chairman of the State Association of Legislative Liaisons/NSBA from 1986 until 1988 and was president of the American Association of University Women, Wheaton-Glen Ellyn Branch from 1973 until 1975; and

WHEREAS, Ms. Biederman is a member of several professional organizations including the Metropolitan Planning Council, Voices for Illinois Children, the Chicago Area Public Affairs Group, the Chicago Society of Association Executives, the Illinois State Chamber, the City Club of Chicago, the Taxpayers' Federation of Illinois, Illinois Women in Government, the League of Women Voters, and the American Association of University Women; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Heidi Keye Biederman on the occasion of her retirement as Executive Director of the Large Unit District Association; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Ms. Biederman as an expression of our respect and esteem and with our best wishes for a peaceful and relaxing retirement.

HOUSE RESOLUTION 392

Offered by Representative Madigan:

WHEREAS, It has come to the attention of the legislative members and employees of the Illinois House of Representatives that Penny A. Kink will retire from her position as Chief Journal Clerk for the Illinois House of Representatives at the end of the 2003 spring legislative session; and

WHEREAS, Penny A. Kink began her State of Illinois career with the Department of Transportation as a data input operator on January 22, 1968, and then transferred to the Legislative Information System and worked there from November 1, 1974, through September 15, 1980; and

WHEREAS, On September 16, 1980, then Clerk of the House, Jack O'Brien, transferred Penny A. Kink to the House Democratic Research/Appropriations staff; and

WHEREAS, On that very day, the support staff supervisor had absolutely "no idea" who Penny A. Kink was and what her duties were to be, and quizzingly inquired "Can you type?"; and

WHEREAS, From that day forward, as a member of the Democratic staff, Penny A. Kink proved herself to be an invaluable employee by:

-- always giving 150% to every task encountered -- amazingly without ever once yawning, slumping, snapping, grumping, slowing, fraying, or showing any other signs of strain;

-- arriving one hour early so as never to be late;

-- carrying a large enough purse to accommodate a wide variety of items, including 800 milligram Motrins, a full-size uncut watermelon, and an acrylic-encased snakehead from her past addiction to ordering from catalogs;

-- willingly sharing her stash of vitamins, potions, and personal remedies for every imaginable (and unimaginable) illness;

-- bravely clubbing to death, with her black stiletto heel, a 5th floor mouse while her co-workers "eeked" in terror; and

-- typing at lightning speed with exceedingly long purple acrylic nails; and

WHEREAS, Penny A. Kink was then transferred from the Research/Appropriations staff to the House Journal Room, and mistakenly left her infamous purse in her old office; and

WHEREAS, It has been documented that another Democratic staff secretary transported that infamous HEAVY purse to Penny's new office by way of Mud's workroom cart; and

WHEREAS, Penny A. Kink was then transferred from the House Journal Room to the Issues

Development Unit in the Stratton Building, and then back to the House Journal Room where she remains today; and

WHEREAS, Penny A. Kink, as Chief Journal Clerk, has quietly weaseled our Chief of Staff, Clerk of the House, directors, and employees out of legislative scrapes, posting mistakes, and computer disasters by utilizing her eagle eye and expert knowledge to catch and correct bloopers, blunders, typos, and "agreed-list" boo-boos; and

WHEREAS, Penny A. Kink has been known to cut short any conversation with those four tiny words: "Gotta go, it's Tim"; and

WHEREAS, Penny A. Kink, who has always liked to work with computers and punch keys, formed a lasting friendship when she looked into the eyes of our former computer information systems planner, Frank G. Kink; and

WHEREAS, Penny A. Kink and Frank G. Kink, on that very day, became inseparable and subsequently married; and

WHEREAS, Penny A. Kink has worked alongside representatives and staff members, their children, and their children's children; and

WHEREAS, Penny A. Kink's daughter, Melisa A. Fraase, who was only 18 months old when Penny started her career with the House of Representatives, is now a grown woman with her own daughter, and works at the Legislative Reference Bureau; and

WHEREAS, Penny A. Kink is now the very proud grandmother of 4-year old Briley Isabelle Tanner; and

WHEREAS, Penny A. Kink's decades of service on behalf of the State of Illinois have made her one of the most knowledgeable and informed employees in the entire General Assembly, and an inexhaustible source of counsel; and

WHEREAS, Penny A. Kink and Frank G. Kink have purchased a retirement home in Colorado Springs, Colorado, and invite everyone they know -- and everyone they don't know -- to visit at all times and ungodly hours; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we sincerely thank Penny A. Kink for her extraordinary dedication and loyalty, for a job more than well-done, and for her unparalleled skill; and be it further

RESOLVED, That we, as friends and colleagues, wish Penny A. Kink and her husband Frank G. Kink the very best in their retirement and new life in Colorado; and be it further

RESOLVED, That we will surely miss Penny A. Kink's friendship, smiles, and laughter; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Penny A. Kink as an expression of our profound respect and friendship over the many, many years.

HOUSE RESOLUTION 393

Offered by Representatives Steve Davis, Granberg, Hassert, Krause, Meyer, Morrow, Novak and Reitz:

WHEREAS, The members of the Illinois House of Representatives wish to congratulate John T. Hooker on his promotion at Exelon Energy Delivery; and

WHEREAS, Mr. Hooker holds a Bachelor's degree in marketing from Chicago State University; he has a wealth of experience, having served 35 years in numerous ComEd departments; he has held management positions in industrial relations, marketing, governmental affairs, and regulatory affairs; he has served as ComEd's liaison with City of Chicago officials; his expertise was particularly valuable as ComEd worked to pass and implement the Customer Choice Law of 1997 and ongoing initiatives to enhance the development of competition in Illinois; and

WHEREAS, As Vice President-Property Management, Exelon Energy Delivery, Mr. Hooker is responsible for managing the property management functions for both ComEd and PECO Energy, including facilities, real estate, and claims; ComEd and PECO serve more than five million customers in Illinois and Pennsylvania; he is also responsible for managing all community relations activities and ComEd's relationship with the Illinois General Assembly, Chicago City Council, and other State agencies; and

WHEREAS, Mr. Hooker is active in many organizations, he serves on the boards of directors of the

Peoples Consumer Cooperative, a not-for-profit organization providing low-cost housing for the elderly, and the Safer Foundation, a not-for-profit organization helping former offenders find a road to lawful and productive living by offering a variety of programs and services; he is a member of the American Association of Blacks in Energy, an organization that seeks to help increase the number of blacks, and other minorities in energy-related fields; he is also a member of Chicago State University's Business Hall of Fame committee and is involved with the Chicago Public Schools youth motivation program; and

WHEREAS, Mr. Hooker is married to his wife, Kim; they are the proud parents of Felicia and LaToya Hooker; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate John T. Hooker on his promotion at Exelon Energy Delivery and wish him well in his new position; and be it further

RESOLVED, That a suitable copy of this resolution be presented to John T. Hooker as an expression of our respect and esteem.

HOUSE RESOLUTION 394

Offered by Representative Hannig:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate the City of Litchfield on the occasion of its 150th anniversary; and

WHEREAS, Litchfield was planned to be called Huntsville after the chief engineer for the Terre Haute and Alton Railroad, around which the plans for the town were based; upon hearing of the plans for the new railroad, Electus Bachus Litchfield came to the area, procured the right of way for the railroad, bought the company that was organizing the town, and thus became the community's namesake; and

WHEREAS, Early Litchfield government consisted of a board of trustees with E.C. Dix as the first president of that board; Litchfield established a charter, which was approved by both houses of the legislature and signed by Governor William H. Bissell on February 16, 1859; William E. Bacon became the first mayor of Litchfield in 1859; and

WHEREAS, The first City Hall in Litchfield was built in 1865 at a cost of $5,000; after receiving the municipal charter in 1859, the free school was established in Litchfield and a graded school system was established in 1860; in 1865, the town voted to build its first high school, and in 1899, the school received accreditation by the University of Illinois; and

WHEREAS, Church life is rich in Litchfield; in 1953, there were 17 congregations; the oldest congregation in Litchfield is the English Lutheran Church, which was founded in 1852; and

WHEREAS, The town constructed its first sidewalk in 1859 and the first street paving was on Union Avenue in the early to mid-1930s by the Works Progress Administration; Litchfield established a tax levy to fund a library in 1872; the library opened 10 years later; in 1905, the Litchfield Carnegie Public Library, constructed with funds provided by Andrew Carnegie, was opened; and

WHEREAS, The Litchfield Municipal Airport was established in 1945 and dedicated in 1953; the city is served by St. Francis Hospital, for which a grand opening was held in 1971; the Litchfield Community and Senior Citizens Center was begun in 1972; and

WHEREAS, Litchfield is currently home to many businesses, churches, and citizens of the State of Illinois; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the City of Litchfield on the occasion of its 150th anniversary; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the City of Litchfield as an expression of our respect and esteem.

HOUSE RESOLUTION 395

Offered by Representative Miller:

WHEREAS, The members of the House of Representatives of the State of Illinois are pleased to honor the accomplishments of student athletes; and

WHEREAS, It has come to our attention that the ladies of Thornwood High School in South Holland participated in the Illinois High School Association Girls State Track Meet on Saturday, May 24, 2003, and placed fifth overall with a total of 36 points; and

WHEREAS, JavanNa Orr placed eighth in the 100 meter dash with a time of 58.35 seconds; Briana Lynn placed third in the 100 meter dash with a time of 11.97 seconds and third in the 200 meter dash with a time of 24.29 seconds; and

WHEREAS, The Thornwood 4x100 meter relay team placed fourth with a time of 47.98 seconds; members of that team are Porchea Washington, JavanNa Orr, Nicole Burgess, and Briana Lynn; and

WHEREAS, The Thornwood 4x200 meter relay team placed fourth with a time of 1:42.80; members of that team are Porchea Washington, Nicole Burgess, Jasmine Sutton, and Briana Lynn; and

WHEREAS, The Thornwood 4x400 meter relay team placed second with a time of 3:50.97; members of that team are Shone'e Muse, Nicole Burgess, Paris Streeter, and JavanNa Orr; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate the ladies track team of Thornwood High School on placing fifth overall at the IHSA Girls State Track Meet and special congratulations are offered to each of the ladies who placed in individual and team events; and be it further

RESOLVED, That suitable copies of this resolution be presented to each of the members of the Thornwood High School girls track team.

HOUSE RESOLUTION 397

Offered by Representative Jefferson:

WHEREAS, McKinley "Deacon" Davis was born on August 3, 1932 in Freeport to McKinley and Josephine Davis; he was a graduate of Freeport High School in 1951; the same year, he was an All-State center for the Freeport Pretzels State Champion Team; and

WHEREAS, Deacon Davis graduated from the University of Iowa in 1955, where he played basketball for four years; he married Lillie Burton on October 18, 1958; and

WHEREAS, Deacon Davis may be best remembered as an original member of the Harlem Globetrotters and was a member of that team from 1955 to 1957; and

WHEREAS, Mr. Davis went on to work as director of the Washington Park Community Center (Concord Center) in Rockford, as recreation supervisor with the Rockford Park District, and as executive director of the Booker Washington Center in Rockford; and

WHEREAS, Mr. Davis spent a great portion of his life working for Northern Illinois University; he was the founder of the Northern Illinois University C.H.A.N.C.E. program, which is soon to be renamed in his honor; and

WHEREAS, In 1981, Mr. Davis was selected to join the Illinois Basketball Coaches Hall of Fame and in 2000, he earned the University of Iowa Distinguished Alumni Award; he passed away on Thursday, March 20, 2003; and

WHEREAS, On Sunday, June 22, 2003, the Ethnic Heritage Museum will host a "Tribute to Deacon Davis" in honor of his many accomplishments throughout his life; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the many contributions of McKinley "Deacon" Davis to the citizens of the State of Illinois; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Deacon Davis as an expression of our deepest respect and esteem for the many contributions he made during his lifetime.

HOUSE RESOLUTION 398

Offered by Representative Fritchey:

WHEREAS, The members of the House of Representatives of the State of Illinois were deeply saddened to learn of the death of Harriet P. O'Donnell of Chicago on Thursday, May 22, 2003; and

WHEREAS, Mrs. O'Donnell was born on April 5, 1938; she was a lifelong resident of Chicago and was very active in her community; she was married to C. Ken O'Donnell; and

WHEREAS, Mrs. O'Donnell worked as a consultant to the City of Chicago Police Department Chicago Alternative Policing Strategy (CAPS Program) Area 3 which consists of helping to develop and implement special projects for CAPS; and

WHEREAS, Mrs. O'Donnell was a long-time member of the Amundsen Local School Council; a mainstay of the Greater Rockwell Organization (GRO), which she helped to create; a leader of the Ravenswood Community Council; former chairman of B.U.I.L.D. Inc.; the city-wide coordinator of the Kids Helping Kids walk-a-thon, and a volunteer for the Cambodian Association of Illinois; she was also a member of the Chicago Parent Teacher Association, a consultant to the Illinois State Board of Education, and served as Special Assistant to Governor Thompson for Child Safety; and

WHEREAS, Mrs. O'Donnell was the Chairman of the 19th Police District Advisory Council and Court Advocacy Program from 1997 to 2000 and also served as the training leader for the Court Advocacy Program of Area 3 since 1995; she was an active member of the Chicago Crime Commission and the Urban Crime Committee from 1988 to 1997; she and her husband worked with the Cub Scouts and Boy Scout troops at Luther Memorial Church; and

WHEREAS, Mrs. O'Donnell has been honored many times for extensive community service including a public service award from the Lincoln Square Chamber of Commerce and induction into the 2003 Chicago Senior Citizens Hall of Fame; and

WHEREAS, The passing of Harriet P. O'Donnell has been deeply felt by all who knew her, including her husband, C. Ken; her children, Mark and Ann (Marty) Kutschke; her grandson, Joshua (Nicole) Calderon, Sr.; her great-grandchild, Joshua Calderon, Jr.; and her sister Judith (Al) Simons; 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 Harriet P. O'Donnell, who will be remembered as a great citizen of the Chicagoland area; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Harriet P. O'Donnell as an expression of our deepest sympathy during their time of bereavement.

HOUSE RESOLUTION 399

Offered by Representative Mautino:

WHEREAS, The members of the Illinois House of Representatives were deeply saddened to learn of the death of John R. Crozier, Jr. who was tragically killed by a drunk driver while serving as a flagman on May 26, 2003;

WHEREAS, Mr. Crozier was a 15 year member of Laborers' Local 911 in Ottawa and was a certified flagger for 10 years; and

WHEREAS, Mr. Crozier was a member of the Sandy Ford Sportsmans Club; he loved the outdoors and was an avid hunter and fisherman; he was a motorcycle rider and participated in many bike events including fundraisers to benefit children; and

WHEREAS, Mr. Crozier was a devoted and exceptional father to his 8 year old son Alex and considered fatherhood the greatest thing in his life; he and his son were both born on November 23 and enjoyed sharing their birthdays together; and

WHEREAS, Mr. Crozier's passing will be deeply felt by all who knew and loved him, especially his son, Alex; his father, John (Linda) Crozier, Sr.; his mother, Carol Crozier; his sister, Lynn "Tuttie" (Danny) Lappe; his brother, Thomas Crozier; and his fiancee, Kim Roe; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the tragic death of John R. Crozier, Jr. and extend our sincere condolences to all who knew and loved him; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of John R. Crozier, Jr. as an expression of our deepest sympathy.

HOUSE RESOLUTION 401

Offered by Representative Flowers:

WHEREAS, The members of the House of Representatives of the State of Illinois were shocked and

deeply saddened to learn of the untimely death of Julie R. Grace of Chicago on Tuesday, May 20, 2003; and

WHEREAS, Ms. Grace was born in Harvey to Durard and Ruth Grace; she was raised in Taylorville; she graduated from Southern Illinois University with a bachelor's degree in communications; and

WHEREAS, Ms. Grace had worked as an intern for U.S. Senator Alan Dixon; she went on to work as a writer and public relations coordinator on political campaigns for Walter Mondale, Senator Dixon, Senator Paul Simon, Cook County Commissioner Ted Lechowicz, and for public relations consultant, Thom Serafin; and

WHEREAS, In 1991, Ms. Grace was hired by Time Magazine's Chicago Bureau; she covered some of the most difficult and tragic stories for the Chicago Bureau, including the 1994 shocking death of 11-year old Robert "Yummy" Sandifer, the Columbine High School shootings, the Unabomber, the Andrew Cunanan murders, five school shootings nationwide, and the 1999 murder verdict in a Michigan courtroom against Dr. Jack Kevorkian; and

WHEREAS, In 2001, Ms. Grace became a free-lance writer for various clients; her life exemplified great kindness, empathy, and generosity; and

WHEREAS, The passing of Julie R. Grace has been deeply felt by her parents, Durard and Ruth Grace; her brother, Glenn; her nephew; and her beloved street dog, Bronte; 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 Julie R. Grace and extend to her friends, family, and all who knew and loved her, our deepest sympathy during their time of bereavement; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Julie R. Grace as an expression of our sincere condolences and profound sadness at the death of an excellent writer and caring individual.

HOUSE RESOLUTION 402

Offered by Representative Joyce:

WHEREAS, The members of House of Representatives of the State of Illinois wish to congratulate Fr. Thomas J. Purtell on the occasion of his retirement as the Pastor of Saint John Fisher Parish in Chicago; and

WHEREAS, Fr. Purtell is the son of the late John and Betty Purtell who resided on the northwest side of the City of Chicago, where they raised four children and were members of Our Lady of Victory Catholic Church; and

WHEREAS, Fr. Purtell was ordained in 1961 at the St. Mary of the Lake Seminary in Mundelein and then served six years at St. Joseph Parish in Homewood, six years at Our Lady of Lourdes Parish on the west side of Chicago, six years at St. Benedict's Parish in Blue Island, and reached his home at Saint John Fisher Parish in 1979; and

WHEREAS, Fr. Purtell was welcomed into St. John Fisher Parish in 1979 as Associate Pastor by Monsignor Francis J. McElligott and was named Pastor in 1984; and

WHEREAS, Fr. Purtell has touched the lives of thousands of individuals and families of St. John Fisher Parish through his tireless works in the community; and

WHEREAS, The parishioners of St. John Fisher as well as the entire Southwest community will always be grateful for his love, faith, friendship, and leadership over the last 24 years; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Fr. Thomas J. Purtell on the occasion of his retirement as the Pastor of St. John Fisher Parish, and we commend him for his extraordinary courage and dedication, and for his 42 years of distinctive service; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Fr. Thomas J. Purtell as an expression of our profound respect and esteem and with our sincere wishes for many happy years of retirement.

HOUSE RESOLUTION 403

Offered by Representative Rita:

WHEREAS, The members of the House of Representatives of the State of Illinois wish to congratulate Mrs. Slivy Edmonds Cotton and Ms. Antoinette Wright on being the honorees of the First Annual Annie Turnbo-Malone Awards Reception; and

WHEREAS, Mrs. Slivy Edmonds Cotton is the new owner of the Chicago/Burr Oak Cemetery; she recently announced her plans to build the new Emmett Till History Museum on the grounds of the Burr Oak Cemetery; Emmett Till's brutal death in 1955 is viewed as a major event in history that helped ignite the Civil Rights movement of the late 1950s and early 1960s; the museum will pay tribute to many famous or historical individuals such as Emmett Till, Annie Turnbo-Malone, Dinah Washington, Otis Spann, Willie Dixon, and many others who are buried on the grounds; her plans to build the museum include a complete transformation of the long-neglected cemetery grounds into one of the most beautiful and respected cemeteries in the nation; and

WHEREAS, Ms. Antoinette D. Wright is currently the President and CEO of the DuSable Museum of African-American History; she is being honored for her vision and humanitarian service in exhibiting the untold story of Annie Turnbo-Malone; Annie Turnbo-Malone is the first African-American woman multi-millionaire; she made her fortune by manufacturing and selling PORO hair and beauty culture products for African-American women; the Annie Turnbo-Malone exhibit will be on display at the DuSable Museum in Chicago through the end of December of 2003 and will then travel throughout the nation; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Mrs. Slivy Edmonds Cotton and Ms. Antoinette D. Wright on being honored at the First Annual Annie Turnbo-Malone Awards Reception; and be it further

RESOLVED, That suitable copies of this resolution be presented to Mrs. Slivy Edmonds Cotton and Ms. Antoinette D. Wright as an expression of our respect and esteem.

HOUSE RESOLUTION 404

Offered by Representative Flider:

WHEREAS, The institution of slavery was terminated in a complex series of events occurring during and immediately after the Civil War; and

WHEREAS, On June 19th, 1865, the last of the slaves held in bondage in the United States were set free; and

WHEREAS, All Americans benefit from and all Americans should remember and celebrate the ending of slavery and the joining together of all of our people in freedom; and

WHEREAS, Our free enterprise system is fundamentally at odds with slavery and has been strengthened by its elimination; and

WHEREAS, The African-American Cultural and Genealogical Society of Illinois began in 1993 with 25 charter members; membership has grown to over 150 and the organization is the only one of its kind in downstate Illinois and is a non-profit organization; and

WHEREAS, Because it is essential that African Americans learn their history, a splendid and glorious story often not taught in our public and private schools, the Society helps to stimulate interest in African history in general, which pre-dates 5000 B.C., and comprises the early history of all mankind; thus, the Society serves the entire community; and

WHEREAS, No single Day of Remembrance is currently established for the celebration of slavery's end; and

WHEREAS, The United States currently celebrates two national Days of Remembrance, "Flag Day" and "Pearl Harbor Day"; and

WHEREAS, The State of Texas and six other states currently celebrate "Juneteenth" on June 19th of each year to recall the end of slavery; and

WHEREAS, Each year, the African-American Cultural and Genealogical Society of Illinois presents its Juneteenth Celebration National Freedom Day Family Festival in memory of founding board member Judith Bond; this year, the organization will present its 10th Annual Juneteenth Family Festival Celebration in Decatur on Friday, June 20, 2003; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL

ASSEMBLY OF THE STATE OF ILLINOIS, that we recognize the African-American Cultural and Genealogical Society of Illinois, and we commend the group for its work in the education of the citizens of Illinois regarding the rich cultural heritage of African Americans; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the African-American Cultural and Genealogical Society of Illinois as an expression of our respect and esteem and with best wishes for the success of the Juneteenth Celebration.

HOUSE RESOLUTION 406

Offered by Representative Dunkin:

WHEREAS, On May 5, 1905, the first issue of the Chicago Defender was published by founder Robert Sengstacke Abbott; and

WHEREAS, Many of the successes and advantages that African-Americans enjoy today can be attributed to the leadership and guidance of the Chicago Defender; and

WHEREAS, At the peak of the mayhem wrought by lynch mobs and Jim Crow laws in the racist South, Robert S. Abbott selected a platform and mission honored by the Defender to this day; and

WHEREAS, His demands were radical and courageous for a publication designed to have an impact in a section of the country fostered by racism, which disgraced our nation at home and abroad; and

WHEREAS, His message in the pages of the Defender grew bolder as he exposed the lynchings, the racist legislation, the rise of Jim Crow, the denial of ballots, and the abuse of Blacks in America from the state house to the back woods of Mississippi; and

WHEREAS, The Chicago Defender became the publication that Black people would turn to when they were in trouble, to educate themselves, to advance the cause of equality, and to gain inspiration for the cause of justice; and

WHEREAS, All of America knew that Robert Sengstacke Abbott was serious; Black Americans responded in droves as tens of thousands awaited their copy of the paper; he hired and trained scores of young writers in Chicago and throughout the South; and

WHEREAS, The Chicago Defender's greatest contribution to American life was the paper's encouragement of Black migration from the racist South; that changed Black voting power in key northern cities to the extent that it had a permanent impact on national politics; and

WHEREAS, The Defender became the chief educator of Blacks about their history of achievements and their political strength; distinguished Black educators, along with the achievements of Black colleges with their superb academic, athletic, and cultural programs, were departures in the pages of the paper; Blacks were informed of the accomplishments of Black entertainers and their unique creations; Black newspaper columnist and historians gave African-Americans exposure as scholars, scientists, and philosophers; and

WHEREAS, By 1920, 15 years after its birth, the Chicago Defender reached a national circulation of 200,000, two-thirds of which was outside of Chicago as 23,000 copies were sold in New York City alone; and

WHEREAS, Through the pages, the Chicago Defender, under Mr. Abbott, launched a vast campaign he called the Great Northern Drive; the drive was launched on May 15, 1917, and as a result, the Black population in Chicago rose from 40,000 to nearly 150,000 in a few short years; and

WHEREAS, Mr. Abbott didn't stop there; he provided guidelines for living in the city, helped find jobs and housing, and distributed food to the needy; and

WHEREAS, In 1929, he developed the Bud Billiken Parade into what became the nation's largest and most spectacular event of its kind; its purpose remains as he dreamt it, to give underprivileged children a chance to be in the limelight for one day in a celebration of culture and achievement, which creates lifelong memories and pride; it remains Chicago's premier event in support and participation of people, from politicians to entertainers to athletes to everyday citizens; and

WHEREAS, When Robert Sengstacke Abbott died on February 29, 1940, the Chicago Defender was Black America's social, educational, and political voice; with children of his own and a strong sense of family, he selected his nephew, John H.H. Sengstacke, as successor of the Chicago Defender; and

WHEREAS, After John Sengstacke took control of the Defender in 1940, he expanded the message of the newspaper by purchasing the Pittsburgh Courier and founding the Michigan Chronicle and Tri-State Defender; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL

ASSEMBLY OF THE STATE OF ILLINOIS, that we commemorate the anniversary of the Chicago Defender, which has been the voice of Chicago's Black community for 98 years, and recognize the many contributions it has made and will continue to make in years to come; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the current publisher of the Chicago Defender, David Milliner.

HOUSE RESOLUTION 407

Offered by Representative Mendoza:

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, Robert A. Contreras of Boy Scout Troop 306, in Chicago, will receive the Eagle Scout Award at a Court of Honor to be held on June 14,2003, at the St. Agnes Catholic Church gymnasium in Chicago; 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; Robert earned 29 merit badges during his seven years with troop 306; his Eagle Scout project was a diabetes and high blood pressure screening, which helped hundreds at risk in his community; and

WHEREAS, In earning this high rank, Robert A. Contreras 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 the recipient, 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 Robert A. Contreras 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 Robert A. Contreras as an expression of our respect and esteem.

HOUSE RESOLUTION 408

Offered by Representative Mendoza:

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, Pedro Ayala, Jr. of Boy Scout Troop 306, in Chicago, will receive the Eagle Scout Award at a Court of Honor to be held on June 14, 2003, at St. Agnes Catholic Church in Chicago; 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, During his seven years with Troop 306, Pedro earned 29 merit badges; his Eagle Scout service project was a food and clothing drive helping hundreds of needy members of the community; and

WHEREAS, In earning this high rank, Pedro 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 the recipient, 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 Pedro Ayala, Jr. 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 Pedro Ayala, Jr. as an expression of our respect and esteem.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Cross, SENATE BILL 703 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:

106, Yeas; 0, Nays; 10, Answering Present.

(ROLL CALL 2)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 1606. Having been recalled on May 28, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered and withdrew Amendment No. 1.

Representative Currie offered the following amendments and moved their adoption.

AMENDMENT NO. 2

AMENDMENT NO.__2__. Amend Senate Bill 1606 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Sections 12 and 13 as follows:

(230 ILCS 10/12) (from Ch. 120, par. 2412)

Sec. 12. Admission tax; fees. (a) A tax is hereby imposed upon admissions authorized pursuant to this Act. Until July 1, 2002, the rate is $2 per person admitted. Beginning July 1, 2002 and until July 1, 2003, the rate is $3 per person admitted. Beginning July 1, 2003, for a licensee that admitted 2,300,000 persons or fewer in the previous calendar year, the rate is $4 per person admitted and for a licensee that admitted more than 2,300,000 persons in the previous calendar year, the rate is $5 per person admitted. This admission tax is imposed upon the licensed owner conducting gambling.

(1) The admission tax shall be paid for each admission.

(2) (Blank).

(3) The riverboat licensee may issue tax-free passes to actual and necessary officials and employees of the licensee or other persons actually working on the riverboat.

(4) The number and issuance of tax-free passes is subject to the rules of the Board, and a list of all persons to whom the tax-free passes are issued shall be filed with the Board.

(b) From the tax imposed under subsection (a), a municipality shall receive from the State $1 for each person embarking on a riverboat docked within the municipality, and a county shall receive $1 for each person embarking on a riverboat docked within the county but outside the boundaries of any municipality. The municipality's or county's share shall be collected by the Board on behalf of the State and remitted quarterly by the State, subject to appropriation, to the treasurer of the unit of local government for deposit in the general fund.

(c) The licensed owner shall pay the entire admission tax to the Board. Such payments shall be made daily. Accompanying each payment shall be a return on forms provided by the Board which shall include other information regarding admissions as the Board may require. Failure to submit either the payment or the return within the specified time may result in suspension or revocation of the owners license.

(d) The Board shall administer and collect the admission tax imposed by this Section, to the extent practicable, in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and

Interest Act. (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

(230 ILCS 10/13) (from Ch. 120, par. 2413)

Sec. 13. Wagering tax; rate; distribution. (a) Until January 1, 1998, a tax is imposed on the adjusted gross receipts received from gambling games authorized under this Act at the rate of 20%.

(a-1) From January 1, 1998 until July 1, 2002, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

20% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

25% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

30% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

35% of annual adjusted gross receipts in excess of $100,000,000.

(a-2) From ~~Beginning~~ July 1, 2002 until July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual adjusted gross receipts in excess of $200,000,000.

(a-3) Beginning July 1, 2003, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

27.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $37,500,000;

32.5% of annual adjusted gross receipts in excess of $37,500,000 but not exceeding $50,000,000;

37.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

45% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

50% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $250,000,000;

70% of annual adjusted gross receipts in excess of $250,000,000.

An amount equal to the amount of wagering taxes collected under this subsection (a-3) that are in addition to the amount of wagering taxes that would have been collected if the wagering tax rates under subsection (a-2) were in effect shall be paid into the Common School Fund.

The privilege tax imposed under this subsection (a-3) shall no longer be imposed beginning on the earlier of (i) July 1, 2005; (ii) the first date after the effective date of this amendatory Act of the 93rd General Assembly that riverboat gambling operations are conducted pursuant to a dormant license; or (iii) the first day that riverboat gambling operations are conducted under the authority of an owners license that is in addition to the 10 owners licenses initially authorized under this Act. For the purposes of this subsection (a-3), the term "dormant license" means an owners license that is authorized by this Act under which no riverboat gambling operations are being conducted on the effective date of this amendatory Act of the 93rd General Assembly.

(a-4) Beginning on the first day on which the tax imposed under subsection (a-3) is no longer imposed, a privilege tax is imposed on persons engaged in the business of conducting riverboat gambling operations, based on the adjusted gross receipts received by a licensed owner from gambling games authorized under this Act at the following rates:

15% of annual adjusted gross receipts up to and including $25,000,000;

22.5% of annual adjusted gross receipts in excess of $25,000,000 but not exceeding $50,000,000;

27.5% of annual adjusted gross receipts in excess of $50,000,000 but not exceeding $75,000,000;

32.5% of annual adjusted gross receipts in excess of $75,000,000 but not exceeding $100,000,000;

37.5% of annual adjusted gross receipts in excess of $100,000,000 but not exceeding $150,000,000;

45% of annual adjusted gross receipts in excess of $150,000,000 but not exceeding $200,000,000;

50% of annual adjusted gross receipts in excess of $200,000,000.

(a-10) The taxes imposed by this Section shall be paid by the licensed owner to the Board not later than 3:00 o'clock p.m. of the day after the day when the wagers were made.

(b) Until January 1, 1998, 25% of the tax revenue deposited in the State Gaming Fund under this

Section shall be paid, subject to appropriation by the General Assembly, to the unit of local government which is designated as the home dock of the riverboat. Beginning January 1, 1998, from the tax revenue deposited in the State Gaming Fund under this Section, an amount equal to 5% of adjusted gross receipts generated by a riverboat shall be paid monthly, subject to appropriation by the General Assembly, to the unit of local government that is designated as the home dock of the riverboat.

(c) Appropriations, as approved by the General Assembly, may be made from the State Gaming Fund to the Department of Revenue and the Department of State Police for the administration and enforcement of this Act, or to the Department of Human Services for the administration of programs to treat problem gambling.

(c-5) After the payments required under subsections (b) and (c) have been made, an amount equal to 15% of the adjusted gross receipts of a riverboat (1) that relocates pursuant to Section 11.2, or (2) for which an owners license is initially issued after the effective date of this amendatory Act of 1999, whichever comes first, shall be paid from the State Gaming Fund into the Horse Racing Equity Fund.

(c-10) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid into the Horse Racing Equity Fund pursuant to subsection (c-5) in the prior calendar year.

(c-15) After the payments required under subsections (b), (c), and (c-5) have been made, an amount equal to 2% of the adjusted gross receipts of a riverboat (1) that relocates pursuant to Section 11.2, or (2) for which an owners license is initially issued after the effective date of this amendatory Act of 1999, whichever comes first, shall be paid, subject to appropriation from the General Assembly, from the State Gaming Fund to each home rule county with a population of over 3,000,000 inhabitants for the purpose of enhancing the county's criminal justice system.

(c-20) Each year the General Assembly shall appropriate from the General Revenue Fund to the Education Assistance Fund an amount equal to the amount paid to each home rule county with a population of over 3,000,000 inhabitants pursuant to subsection (c-15) in the prior calendar year.

(c-25) After the payments required under subsections (b), (c), (c-5) and (c-15) have been made, an amount equal to 2% of the adjusted gross receipts of a riverboat (1) that relocates pursuant to Section 11.2, or (2) for which an owners license is initially issued after the effective date of this amendatory Act of 1999, whichever comes first, shall be paid from the State Gaming Fund into the State Universities Athletic Capital Improvement Fund.

(d) From time to time, the Board shall transfer the remainder of the funds generated by this Act into the Education Assistance Fund, created by Public Act 86-0018, of the State of Illinois.

(e) Nothing in this Act shall prohibit the unit of local government designated as the home dock of the riverboat from entering into agreements with other units of local government in this State or in other states to share its portion of the tax revenue.

(f) To the extent practicable, the Board shall administer and collect the wagering taxes imposed by this Section in a manner consistent with the provisions of Sections 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the Retailers' Occupation Tax Act and Section 3-7 of the Uniform Penalty and Interest Act. (Source: P.A. 91-40, eff. 6-25-99; 92-595, eff. 6-28-02.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was adopted and the bill, as amended, was again again advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Hoffman, SENATE BILL 1606 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:

62, Yeas; 53, Nays; 2, Answering Present.

(ROLL CALL 3)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Saviano, SENATE BILL 83 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; 50, Nays; 3, 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.

On motion of Representative Currie, SENATE BILL 1784 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; 0, Nays; 23, Answering Present.

(ROLL CALL 5)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Nekritz, SENATE BILL 1848 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; 29, Nays; 3, Answering Present.

(ROLL CALL 6)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Hoffman, SENATE BILL 685 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:

72, Yeas; 44, Nays; 1, Answering Present.

(ROLL CALL 7)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Fritchey, SENATE BILL 1915 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 8)

This bill, as amended, 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 in the House amendment/s adopted.

CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE BILLS

Senate Amendment No. 1 to HOUSE BILL 1235, having been printed, was taken up for consideration.

Representative Monique Davis moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

117, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 9)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 1235.

Ordered that the Clerk inform the Senate.

Senate Amendments numbered 1 and 2 to HOUSE BILL 1074, having been printed, were taken up for consideration.

Representative Saviano moved that the House concur with the Senate in the adoption of Senate Amendments numbered 1 and 2.

And on that motion, a vote was taken resulting as follows:

117, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 10)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 1074.

Ordered that the Clerk inform the Senate.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Holbrook, SENATE BILL 1332 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 11)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 428. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Floor Amendments numbered 2, 3 and 4 remained in the Committee on Rules.

Representative Boland offered the following amendment and moved its adoption.

AMENDMENT NO. 5

AMENDMENT NO. 5____. Amend Senate Bill 428, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 2A-12, 4-6.2, 4-8, 4-33, 5-7, 5-16.2, 5-43, 6-35, 6-50.2, 6-79, 7-7, 7-8, 7-10, 7-10.2, 7-17, 7-34, 7-41, 8-8.1, 9-1.5, 9-3, 9-10, 9-21, 10-5.1, 13-1.1, 14-3.2, 16-3, 17-23, 17-29, 19-2.1, 19-2.2, 19-4, 19-10, 22-5, 22-9, 22-15, 24B-2, 24B-6, 24B-8, 24B-9, 24B-9.1, 24B-10, 24B-10.1, 24B-15, 24B-18, 28-6, and 28-9 and by adding Articles 18A and 24C and Sections 1-10, 1A-16, 1A-20, 9-1.14, 23-15.1, and 24A-22 as follows:

(10 ILCS 5/1-10 new)

Sec. 1-10. Public comment. Notwithstanding any law to the contrary, the State Board of Elections in evaluating the feasibility of any new voting system shall seek and accept public comment from persons of the disabled community, including but not limited to organizations of the blind.

(10 ILCS 5/1A-16 new)

Sec. 1A-16. Voter registration information; internet posting; processing of voter registration forms; content of such forms. Notwithstanding any law to the contrary, the following provisions shall apply to voter registration under this Code.

(a) Voter registration information; Internet posting of voter registration form. Within 90 days after the effective date of this amendatory Act of the 93rd General Assembly, the State Board of Elections shall post on its World Wide Web site the following information:

(1) A comprehensive list of the names, addresses, phone numbers, and websites, if applicable, of all county clerks and boards of election commissioners in Illinois.

(2) A schedule of upcoming elections and the deadline for voter registration.

(3) A downloadable, printable voter registration form, in at least English and in Spanish versions, that a person may complete and mail or submit to the State Board of Elections or the appropriate county clerk or board of election commissioners.

Any forms described under paragraph (3) must state the following:

If you do not have a driver's license or social security number, and this form is submitted by mail, and you have never registered to vote in the jurisdiction you are now registering in, then you must send, with this application, either (i) a copy of a current and valid photo identification, or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. If you do not provide the information required above, then you will be required to provide election officials with either (i) or (ii) described above the first time you vote at a voting place or by absentee ballot.

(b) Acceptance of registration forms by the State Board of Elections and county clerks and board of election commissioners. The State Board of Elections, county clerks, and board of election commissioners shall accept all completed voter registration forms described in subsection (a)(3) that are:

(1) postmarked on or before the day that voter registration is closed under the Election Code;

(2) not postmarked, but arrives no later than 5 days after the close of registration;

(3) submitted in-person by a person using the form on or before the day that voter registration is closed under the Election Code; or

(4) submitted in-person by a person who submits one or more forms on behalf of one or more persons who used the form on or before the day that voter registration is closed under the Election Code.

Upon the receipt of a registration form, the State Board of Elections shall mark the date on which the form was received and send the form via first class mail to the appropriate county clerk or board of election commissioners, as the case may be, within 2 business days based upon the home address of the person submitting the registration form. The county clerk and board of election commissioners shall accept and process any form received from the State Board of Elections.

(c) Processing of registration forms by county clerks and boards of election commissioners. The county clerk or board of election commissioners shall promulgate procedures for processing the voter registration form.

(d) Contents of the voter registration form. The State Board shall create a voter registration form, which must contain the following content:

(1) Instructions for completing the form.

(2) A summary of the qualifications to register to vote in Illinois.

(3) Instructions for mailing in or submitting the form in person.

(4) The phone number for the State Board of Elections should a person submitting the form have questions.

(5) A box for the person to check that explains one of 3 reasons for submitting the form:

(a) new registration;

(b) change of address; or

(c) change of name.

(6) a box for the person to check yes or no that asks, "Are you a citizen of the United States'", a box for the person to check yes or no that asks, "Will you be 18 years of age on or before election day'", and a statement of "If you checked 'no' in response to either of these questions, then do not complete this form.".

(7) A space for the person to fill in his or her home telephone number.

(8) Spaces for the person to fill in his or her first, middle, and last names, street address (principal place of residence), county, city, state, and zip code.

(9) Spaces for the person to fill in his or her mailing address, city, state, and zip code if different from his or her principal place of residence.

(10) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license.

(11) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number.

(12) A space for a person without an Illinois driver's license to fill in his or her identification number from his or her State Identification card issued by the Secretary of State.

(13) A space for the person to fill the name appearing on his or her last voter registration, the street address of his or her last registration, including the city, county, state, and zip code.

(14) A space where the person swears or affirms the following under penalty of perjury with his or her signature:

(a) "I am a citizen of the United States.";

(b) "I will be at least 18 years old on or before the next election.";

(c) "I will have lived in the State of Illinois and in my election precinct at least 30 days as of the date of the next election."; and

"The information I have provided is true to the best of may knowledge under penalty of perjury. If I have provided false information, than I may be fined, imprisoned, or if I am not a U.S. citizen, deported from or refused entry into the United States."

(d) Compliance with federal law; rulemaking authority. The voter registration form described in this Section shall be consistent with the form prescribed by the Federal Election Commission under the National Voter Registration Act of 1993, P.L. 103-31, as amended from time to time, and the Help America Vote Act of 2002, P.L. 107-252, in all relevant respects. The State Board of Elections shall periodically update the form based on changes to federal or State law. The State Board of Elections shall promulgate any rules necessary for the implementation of this Section; provided that the rules comport with the letter and spirit of the National Voter Registration Act of 1993 and Help America Vote Act of 2002 and maximize the opportunity for a person to register to vote.

(e) Forms available in paper form. The State Board of Elections shall make the voter registration form available in regular paper stock and form in sufficient quantities for the general public. The State Board of Elections may provide the voter registration form to the Secretary of State, county clerks, boards of election commissioners, designated agencies of the State of Illinois, and any other person or entity designated to have these forms by the Election Code in regular paper stock and form in or some other format deemed suitable by the Board. Each county clerk or board of election commissioners has the authority to design and print its own voter registration form so long as the form complies with the requirements of this Section. The State Board of Elections, county clerks, boards of election commissioners, or other designated agencies of the State of Illinois required to have these forms under the Election Code shall provide a member of the public with any reasonable number of forms that he or she may request. Nothing in this Section shall permit the State Board of Elections, county clerk, board of election commissioners, or other appropriate election official who may accept a voter registration form to refuse to accept a voter registration form because the form is printed on photocopier or regular paper stock and form.

(f) Internet voter registration study. The State Board of Elections shall investigate the feasibility of offering voter registration on its website and consider voter registration methods of other states in an effort to maximize the opportunity for all Illinois citizens to register to vote. The State Board of Elections shall assemble its findings in a report and submit it to the General Assembly no later than January 1, 2006. The report shall contain legislative recommendations to the General Assembly on improving voter registration in Illinois.

(10 ILCS 5/1A-20 new)

Sec. 1A-20. Help Illinois Vote Fund. The Help Illinois Vote Fund is created as a special fund in the State treasury. All federal funds received by the State for the implementation of the federal Help America Vote Act of 2002 shall be deposited into the Help Illinois Vote Fund. Moneys from any other source may be deposited into the Help Illinois Vote Fund. The Help Illinois Vote Fund shall be appropriated solely to the State Board of Elections for use only in the performance of activities and programs authorized or mandated by or in accordance with the federal Help America Vote Act of 2002.

(10 ILCS 5/2A-12) (from Ch. 46, par. 2A-12)

Sec. 2A-12. Board of Review - Time of Election. A member of the Board of Review in any county

which elects members of a Board of Review shall be elected, at each general election which immediately precedes the expiration of the term of any incumbent member, to succeed each member whose term ends before the following general election, except that members of the Cook County Board of Review shall be elected as provided in subsection (c) of Section 5-5 of the Property Tax Code. (Source: P.A. 80-936.)

(10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

Sec. 4-6.2. (a) The county clerk shall appoint all municipal and township or road district clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective municipalities, townships and road districts. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of the municipality, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bonafide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bonafide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year; except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) <u>The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession.</u> ~~The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the county clerk. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/4-8) (from Ch. 46, par. 4-8)

Sec. 4-8. The county clerk shall provide a sufficient number of blank forms for the registration of

electors, which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant. Where the location cannot be determined by street and number, then the section, congressional township and range number may be used, or such other description as may be necessary, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and precinct. This information shall be furnished by the applicant stating the place or places where he resided and the dates during which he resided in such place or places during the year next preceding the date of the next ensuing election.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and duplicate registration record cards.

Signature of deputy registrar or officer of registration.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided on the back or at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name.

Mother's first name.

From what address did the applicant last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

STATE OF ILLINOIS
COUNTY OF .....

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days and that I intend that this location shall be my residence; that I am fully qualified to vote, and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

.....
Signature of registration officer.
(To be signed in presence of registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to precincts, and may be serially or otherwise

marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than a State or local political committee is specifically prohibited. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of.... County, Illinois. (or)

To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was
Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.
Dated at ...., Illinois, on (insert date).

.....
(Signature of Voter)
Attest: ....., County Clerk, ...
County, Illinois.

The cancellation certificate shall be mailed immediately by the County Clerk to the County Clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration. (Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02; 92-816, eff. 8-21-02.)

(10 ILCS 5/4-33)

Sec. 4-33. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 4-8 and 4-21; provided that the cards shall also contain: (i) A space for a person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number ~~a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available~~.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of

Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

(10 ILCS 5/5-7) (from Ch. 46, par. 5-7)

Sec. 5-7. The county clerk shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate.

The registration record card shall contain the following and such other information as the county clerk may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct. Which questions may be answered by the applicant stating, in excess of 30 days in the State and in excess of 30 days in the precinct.

Nativity. The State or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place and date of naturalization.

Date of application for registration, i.e., the day, month and year when applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after the registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on the original and duplicate registration record card.

Signature of Deputy Registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the officer empowered to give the registration oath shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name .....

Mother's first name .....

From what address did you last register?

Reason for inability to sign name.

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois)
)ss
County of)

I hereby swear (or affirm) that I am a citizen of the United States; that on the date of the next election I shall have resided in the State of Illinois and in the election precinct in which I reside 30 days; that I am fully qualified to vote. That I intend that this location shall be my residence and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

.....

Signature of Registration Officer.

(To be signed in presence of Registrant.)

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to towns and precincts, wards, cities and villages, as the case may be, and may be serially or otherwise marked for identification in such manner as the county clerk may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the county clerk within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. <u>To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than a State or local political committee is specifically prohibited.</u> Copies of the tapes, discs or other electronic data shall be furnished by the county clerk to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium,

communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois. To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was .....

Having moved out of your (county) (city), I hereby authorize you to cancel said registration in your office.

Dated at .... Illinois, on (insert date).

.....

(Signature of Voter)

Attest ....., County Clerk, ... County, Illinois.

The cancellation certificate shall be mailed immediately by the county clerk to the county clerk (or election commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration. (Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02; 92-816, eff. 8-21-02.)

(10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

Sec. 5-16.2. (a) The county clerk shall appoint all municipal and township clerks or their duly authorized deputies as deputy registrars who may accept the registration of all qualified residents of their respective counties. A deputy registrar serving as such by virtue of his status as a municipal clerk, or a duly authorized deputy of a municipal clerk, of a municipality the territory of which lies in more than one county may accept the registration of any qualified resident of any county in which the municipality is located, regardless of which county the resident, municipal clerk or the duly authorized deputy of the municipal clerk lives in.

The county clerk shall appoint all precinct committeepersons in the county as deputy registrars who may accept the registration of any qualified resident of the county, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The county clerk shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the county, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such school. The county clerk shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated within the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the county, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the county.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the county. In determining the number of deputy registrars that shall be appointed, the county clerk shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the

public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a county clerk fix an arbitrary number applicable to every civic organization requesting appointment of its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the county at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the county at any such unemployment office.

8. The president of any corporation as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the county.

If the request to be appointed as deputy registrar is denied, the county clerk shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

The county clerk may appoint as many additional deputy registrars as he considers necessary. The county clerk shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The county clerk, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the county clerk by November 30 of each year. The county clerk may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the county and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of deputy registrar to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature of Deputy Registrar)"

This oath shall be administered by the county clerk, or by one of his deputies, or by any person qualified to take acknowledgement of deeds and shall immediately thereafter be filed with the county clerk.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The county clerk shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the county clerk and such appointees. The county clerk shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars, appointed pursuant to subsection (a), shall be returned to the proper election authority within 7 days, except that completed registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt

thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The county clerk shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The county clerk shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registers shall not be deemed to be employees of the county clerk. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/5-43)

Sec. 5-43. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 5-7 and 5-28.1; provided that the cards shall also contain: (i) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number card ~~a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available~~.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of

Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

(10 ILCS 5/6-35) (from Ch. 46, par. 6-35)

Sec. 6-35. The Boards of Election Commissioners shall provide a sufficient number of blank forms for the registration of electors which shall be known as registration record cards and which shall consist of loose leaf sheets or cards, of suitable size to contain in plain writing and figures the data hereinafter required thereon or shall consist of computer cards of suitable nature to contain the data required thereon. The registration record cards, which shall include an affidavit of registration as hereinafter provided, shall be executed in duplicate. The duplicate of which may be a carbon copy of the original or a copy of the original made by the use of other method or material used for making simultaneous true copies or duplications.

The registration record card shall contain the following and such other information as the Board of Election Commissioners may think it proper to require for the identification of the applicant for registration:

Name. The name of the applicant, giving surname and first or Christian name in full, and the middle name or the initial for such middle name, if any.

Sex.

Residence. The name and number of the street, avenue, or other location of the dwelling, including the apartment, unit or room number, if any, and in the case of a mobile home the lot number, and such additional clear and definite description as may be necessary to determine the exact location of the dwelling of the applicant, including post-office mailing address. In the case of a homeless individual, the individual's voting residence that is his or her mailing address shall be included on his or her registration record card.

Term of residence in the State of Illinois and the precinct.

Nativity. The state or country in which the applicant was born.

Citizenship. Whether the applicant is native born or naturalized. If naturalized, the court, place, and date of naturalization.

Date of application for registration, i.e., the day, month and year when the applicant presented himself for registration.

Age. Date of birth, by month, day and year.

Physical disability of the applicant, if any, at the time of registration, which would require assistance in voting.

The county and state in which the applicant was last registered.

Signature of voter. The applicant, after registration and in the presence of a deputy registrar or other officer of registration shall be required to sign his or her name in ink to the affidavit on both the original and the duplicate registration record card.

Signature of deputy registrar.

In case applicant is unable to sign his name, he may affix his mark to the affidavit. In such case the registration officer shall write a detailed description of the applicant in the space provided at the bottom of the card or sheet; and shall ask the following questions and record the answers thereto:

Father's first name .....

Mother's first name .....

From what address did you last register? ....

Reason for inability to sign name .....

Each applicant for registration shall make an affidavit in substantially the following form:

AFFIDAVIT OF REGISTRATION

State of Illinois)
)ss
County of .....)

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall have resided in the State of Illinois and in the election precinct 30 days and that I intend that this location is my residence; that I am fully qualified to vote, and that the above statements are true.

.....
(His or her signature or mark)

Subscribed and sworn to before me on (insert date).

.....

Signature of registration officer

(to be signed in presence of registrant).

Space shall be provided upon the face of each registration record card for the notation of the voting record of the person registered thereon.

Each registration record card shall be numbered according to wards or precincts, as the case may be, and may be serially or otherwise marked for identification in such manner as the Board of Election Commissioners may determine.

The registration cards shall be deemed public records and shall be open to inspection during regular business hours, except during the 27 days immediately preceding any election. On written request of any candidate or objector or any person intending to object to a petition, the election authority shall extend its hours for inspection of registration cards and other records of the election authority during the period beginning with the filing of petitions under Sections 7-10, 8-8, 10-6 or 28-3 and continuing through the termination of electoral board hearings on any objections to petitions containing signatures of registered voters in the jurisdiction of the election authority. The extension shall be for a period of hours sufficient to allow adequate opportunity for examination of the records but the election authority is not required to extend its hours beyond the period beginning at its normal opening for business and ending at midnight. If the business hours are so extended, the election authority shall post a public notice of such extended hours. Registration record cards may also be inspected, upon approval of the officer in charge of the cards, during the 27 days immediately preceding any election. Registration record cards shall also be open to inspection by certified judges and poll watchers and challengers at the polling place on election day, but only to the extent necessary to determine the question of the right of a person to vote or to serve as a judge of election. At no time shall poll watchers or challengers be allowed to physically handle the registration record cards.

Updated copies of computer tapes or computer discs or other electronic data processing information containing voter registration information shall be furnished by the Board of Election Commissioners within 10 days after December 15 and May 15 each year and within 10 days after each registration period is closed to the State Board of Elections in a form prescribed by the State Board. For the purposes of this Section, a registration period is closed 27 days before the date of any regular or special election. Registration information shall include, but not be limited to, the following information: name, sex, residence, telephone number, if any, age, party affiliation, if applicable, precinct, ward, township, county, and representative, legislative and congressional districts. In the event of noncompliance, the State Board of Elections is directed to obtain compliance forthwith with this nondiscretionary duty of the election authority by instituting legal proceedings in the circuit court of the county in which the election authority maintains the registration information. The costs of furnishing updated copies of tapes or discs shall be paid at a rate of $.00034 per name of registered voters in the election jurisdiction, but not less than $50 per tape or disc and shall be paid from appropriations made to the State Board of Elections for reimbursement to the election authority for such purpose. The State Board shall furnish copies of such tapes, discs, other electronic data or compilations thereof to state political committees registered pursuant to the Illinois Campaign Finance Act or the Federal Election Campaign Act at their request and at a reasonable cost. To protect the privacy and confidentiality of voter registration information, the disclosure of electronic voter registration records to any person or entity other than a State or local political committee is specifically prohibited. Copies of the tapes, discs or other electronic data shall be furnished by the Board of Election Commissioners to local political committees at their request and at a reasonable cost. Reasonable cost of the tapes, discs, et cetera for this purpose would be the cost of duplication plus 15% for administration. The individual representing a political committee requesting copies of such tapes shall make a sworn affidavit that the information shall be used only for bona fide political purposes, including by or for candidates for office or incumbent office holders. Such tapes, discs or other electronic data shall not be used under any circumstances by any political committee or individuals for purposes of commercial solicitation or other business purposes. If such tapes contain information on county residents related to the operations of county government in addition to registration information, that information shall not be used under any circumstances for commercial solicitation or other business purposes. The prohibition in this Section against using the computer tapes or computer discs or other electronic data processing information containing voter registration information for purposes of commercial solicitation or other business purposes shall be prospective only from the effective date of this amended Act of 1979. Any person who violates this provision shall be guilty of a Class 4 felony.

The State Board of Elections shall promulgate, by October 1, 1987, such regulations as may be

necessary to ensure uniformity throughout the State in electronic data processing of voter registration information. The regulations shall include, but need not be limited to, specifications for uniform medium, communications protocol and file structure to be employed by the election authorities of this State in the electronic data processing of voter registration information. Each election authority utilizing electronic data processing of voter registration information shall comply with such regulations on and after May 15, 1988.

If the applicant for registration was last registered in another county within this State, he shall also sign a certificate authorizing cancellation of the former registration. The certificate shall be in substantially the following form:

To the County Clerk of .... County, Illinois.

To the Election Commission of the City of ...., Illinois.

This is to certify that I am registered in your (county) (city) and that my residence was ..... Having moved out of your (county), (city), I hereby authorize you to cancel that registration in your office.

Dated at ...., Illinois, on (insert date).

.....

(Signature of Voter)

Attest ...., Clerk, Election Commission of the City of...., Illinois.

The cancellation certificate shall be mailed immediately by the clerk of the Election Commission to the county clerk, (or Election Commission as the case may be) where the applicant was formerly registered. Receipt of such certificate shall be full authority for cancellation of any previous registration. (Source: P.A. 91-357, eff. 7-29-99; 92-465, eff. 1-1-02; 92-816, eff. 8-21-02.)

(10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

Sec. 6-50.2. (a) The board of election commissioners shall appoint all precinct committeepersons in the election jurisdiction as deputy registrars who may accept the registration of any qualified resident of the election jurisdiction, except during the 27 days preceding an election.

The election authority shall appoint as deputy registrars a reasonable number of employees of the Secretary of State located at driver's license examination stations and designated to the election authority by the Secretary of State who may accept the registration of any qualified residents of the county at any such driver's license examination stations. The appointment of employees of the Secretary of State as deputy registrars shall be made in the manner provided in Section 2-105 of the Illinois Vehicle Code.

The board of election commissioners shall appoint each of the following named persons as deputy registrars upon the written request of such persons:

1. The chief librarian, or a qualified person designated by the chief librarian, of any public library situated within the election jurisdiction, who may accept the registrations of any qualified resident of the election jurisdiction, at such library.

2. The principal, or a qualified person designated by the principal, of any high school, elementary school, or vocational school situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such school. The board of election commissioners shall notify every principal and vice-principal of each high school, elementary school, and vocational school situated in the election jurisdiction of their eligibility to serve as deputy registrars and offer training courses for service as deputy registrars at conveniently located facilities at least 4 months prior to every election.

3. The president, or a qualified person designated by the president, of any university, college, community college, academy or other institution of learning situated within the election jurisdiction, who may accept the registrations of any resident of the election jurisdiction, at such university, college, community college, academy or institution.

4. A duly elected or appointed official of a bona fide labor organization, or a reasonable number of qualified members designated by such official, who may accept the registrations of any qualified resident of the election jurisdiction.

5. A duly elected or appointed official of a bona fide State civic organization, as defined and determined by rule of the State Board of Elections, or qualified members designated by such official, who may accept the registration of any qualified resident of the election jurisdiction. In determining the number of deputy registrars that shall be appointed, the board of election commissioners shall consider the population of the jurisdiction, the size of the organization, the geographic size of the jurisdiction, convenience for the public, the existing number of deputy registrars in the jurisdiction and their location, the registration activities of the organization and the need to appoint deputy registrars to assist and facilitate the registration of non-English speaking individuals. In no event shall a board of election commissioners fix an arbitrary number applicable to every civic organization requesting appointment of

its members as deputy registrars. The State Board of Elections shall by rule provide for certification of bona fide State civic organizations. Such appointments shall be made for a period not to exceed 2 years, terminating on the first business day of the month following the month of the general election, and shall be valid for all periods of voter registration as provided by this Code during the terms of such appointments.

6. The Director of the Illinois Department of Public Aid, or a reasonable number of employees designated by the Director and located at public aid offices, who may accept the registration of any qualified resident of the election jurisdiction at any such public aid office.

7. The Director of the Illinois Department of Employment Security, or a reasonable number of employees designated by the Director and located at unemployment offices, who may accept the registration of any qualified resident of the election jurisdiction at any such unemployment office. If the request to be appointed as deputy registrar is denied, the board of election commissioners shall, within 10 days after the date the request is submitted, provide the affected individual or organization with written notice setting forth the specific reasons or criteria relied upon to deny the request to be appointed as deputy registrar.

8. The president of any corporation, as defined by the Business Corporation Act of 1983, or a reasonable number of employees designated by such president, who may accept the registrations of any qualified resident of the election jurisdiction.

The board of election commissioners may appoint as many additional deputy registrars as it considers necessary. The board of election commissioners shall appoint such additional deputy registrars in such manner that the convenience of the public is served, giving due consideration to both population concentration and area. Some of the additional deputy registrars shall be selected so that there are an equal number from each of the 2 major political parties in the election jurisdiction. The board of election commissioners, in appointing an additional deputy registrar, shall make the appointment from a list of applicants submitted by the Chairman of the County Central Committee of the applicant's political party. A Chairman of a County Central Committee shall submit a list of applicants to the board by November 30 of each year. The board may require a Chairman of a County Central Committee to furnish a supplemental list of applicants.

Deputy registrars may accept registrations at any time other than the 27 day period preceding an election. All persons appointed as deputy registrars shall be registered voters within the election jurisdiction and shall take and subscribe to the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of registration officer to the best of my ability and that I will register no person nor cause the registration of any person except upon his personal application before me.

.....

(Signature of Registration Officer)"

This oath shall be administered and certified to by one of the commissioners or by the executive director or by some person designated by the board of election commissioners, and shall immediately thereafter be filed with the board of election commissioners. The members of the board of election commissioners and all persons authorized by them under the provisions of this Article to take registrations, after themselves taking and subscribing to the above oath, are authorized to take or administer such oaths and execute such affidavits as are required by this Article.

Appointments of deputy registrars under this Section, except precinct committeemen, shall be for 2-year terms, commencing on December 1 following the general election of each even-numbered year, except that the terms of the initial appointments shall be until December 1st following the next general election. Appointments of precinct committeemen shall be for 2-year terms commencing on the date of the county convention following the general primary at which they were elected. The county clerk shall issue a certificate of appointment to each deputy registrar, and shall maintain in his office for public inspection a list of the names of all appointees.

(b) The board of election commissioners shall be responsible for training all deputy registrars appointed pursuant to subsection (a), at times and locations reasonably convenient for both the board of election commissioners and such appointees. The board of election commissioners shall be responsible for certifying and supervising all deputy registrars appointed pursuant to subsection (a). Deputy registrars appointed under subsection (a) shall be subject to removal for cause.

(c) Completed registration materials under the control of deputy registrars appointed pursuant to subsection (a) shall be returned to the proper election authority within 7 days, except that completed

registration materials received by the deputy registrars during the period between the 35th and 28th day preceding an election shall be returned by the deputy registrars to the proper election authority within 48 hours after receipt thereof. The completed registration materials received by the deputy registrars on the 28th day preceding an election shall be returned by the deputy registrars within 24 hours after receipt thereof. Unused materials shall be returned by deputy registrars appointed pursuant to paragraph 4 of subsection (a), not later than the next working day following the close of registration.

(d) The county clerk or board of election commissioners, as the case may be, must provide any additional forms requested by any deputy registrar regardless of the number of unaccounted registration forms the deputy registrar may have in his or her possession. ~~The board of election commissioners shall not be required to provide additional forms to any deputy registrar having more than 200 registration forms unaccounted for during the preceding 12 month period.~~

(e) No deputy registrar shall engage in any electioneering or the promotion of any cause during the performance of his or her duties.

(f) The board of election commissioners shall not be criminally or civilly liable for the acts or omissions of any deputy registrar. Such deputy registrars shall not be deemed to be employees of the board of election commissioners. (Source: P.A. 92-816, eff. 8-21-02.)

(10 ILCS 5/6-79)

Sec. 6-79. Computerization of voter records. (a) The State Board of Elections shall design a registration record card that, except as otherwise provided in this Section, shall be used in duplicate by all election authorities in the State adopting a computer-based voter registration file as provided in this Section. The Board shall prescribe the form and specifications, including but not limited to the weight of paper, color, and print of the cards. The cards shall contain boxes or spaces for the information required under Sections 6-31.1 and 6-35; provided that the cards shall also contain: (i) A space for the person to fill in his or her Illinois driver's license number if the person has a driver's license; (ii) A space for a person without a driver's license to fill in the last four digits of his or her social security number if the person has a social security number card ~~a box or space for the applicant's social security number, which shall be required to the extent allowed by law but in no case shall the applicant provide fewer than the last 4 digits of the social security number, and a box for the applicant's telephone number, if available~~.

(b) The election authority may develop and implement a system to prepare, use, and maintain a computer-based voter registration file that includes a computer-stored image of the signature of each voter. The computer-based voter registration file may be used for all purposes for which the original registration cards are to be used, provided that a system for the storage of at least one copy of the original registration cards remains in effect. The electronic file shall be the master file.

(c) Any system created, used, and maintained under subsection (b) of this Section shall meet the following standards:

(1) Access to any computer-based voter registration file shall be limited to those persons authorized by the election authority, and each access to the computer-based voter registration file, other than an access solely for inquiry, shall be recorded.

(2) No copy, summary, list, abstract, or index of any computer-based voter registration file that includes any computer-stored image of the signature of any registered voter shall be made available to the public outside of the offices of the election authority.

(3) Any copy, summary, list, abstract, or index of any computer-based voter registration file that includes a computer-stored image of the signature of a registered voter shall be produced in such a manner that it cannot be reproduced.

(4) Each person desiring to vote shall sign an application for a ballot, and the signature comparison authorized in Articles 17 and 18 of this Code may be made to a copy of the computer-stored image of the signature of the registered voter.

(5) Any voter list produced from a computer-based voter registration file that includes computer-stored images of the signatures of registered voters and is used in a polling place during an election shall be preserved by the election authority in secure storage until the end of the second calendar year following the election in which it was used.

(d) Before the first election in which the election authority elects to use a voter list produced from the computer-stored images of the signatures of registered voters in a computer-based voter registration file for signature comparison in a polling place, the State Board of Elections shall certify that the system used by the election authority complies with the standards set forth in this Section. The State Board of Elections may request a sample poll list intended to be used in a polling place to test the accuracy of the list and the adequacy of the computer-stored images of the signatures of the registered voters.

(e) With respect to a jurisdiction that has copied all of its voter signatures into a computer-based registration file, all references in this Act or any other Act to the use, other than storage, of paper-based voter registration records shall be deemed to refer to their computer-based equivalents.

(f) Nothing in this Section prevents an election authority from submitting to the State Board of Elections a duplicate copy of some, as the State Board of Elections shall determine, or all of the data contained in each voter registration record that is part of the electronic master file. The duplicate copy of the registration record shall be maintained by the State Board of Elections under the same terms and limitations applicable to the election authority and shall be of equal legal dignity with the original registration record maintained by the election authority as proof of any fact contained in the voter registration record. (Source: P.A. 91-73, eff. 7-9-99.)

(10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

Sec. 7-7. For the purpose of making nominations in certain instances as provided in this Article and this Act, the following committees are authorized and shall constitute the central or managing committees of each political party, viz: A State central committee, a congressional committee for each congressional district, a county central committee for each county, a municipal central committee for each city, incorporated town or village, a ward committeeman for each ward in cities containing a population of 500,000 or more; a township committeeman for each township or part of a township that lies outside of cities having a population of 200,000 or more, in counties having a population of 2,000,000 or more; a precinct committeeman for each precinct in counties having a population of less than 2,000,000; a county board district committee for each county board district created under Division 2-3 of the Counties Code; a State's Attorney committee for each group of 2 or more counties which jointly elect a State's Attorney; a Superintendent of Multi-County Educational Service Region committee for each group of 2 or more counties which jointly elect a Superintendent of a Multi-County Educational Service Region; ~~and~~ a judicial subcircuit committee in Cook County for each judicial subcircuit in Cook County; and a board of review election district committee for each Cook County Board of Review election district. (Source: P.A. 87-1052.)

(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

AMENDMENT NO. 6

AMENDMENT NO. 6____. Amend Senate Bill 428, AS AMENDED, with reference to page and line numbers of House Amendment No. 5, on page 6, line 11, by deleting "in"; and
on page 34, line 10, by deleting "card"; and
on page 48, line 23, by deleting "card"; and
on page 87, by replacing lines 32 and 33 with the following:
"whatever medium, including but not limited to radio, television, and newspaper communications, that refers to a clearly identified"; and
on page 103, line 1, by changing "one pollwatcher" to "~~one pollwatcher~~".

AMENDMENT NO. 7

AMENDMENT NO. 7____. Amend Senate Bill 428, AS AMENDED, with reference to page and line numbers of House Amendment No. 5, on page 1, line 9, by deleting "19-4,"; and
on page 119, line 18, by deleting "uniform"; and
on page 124, by deleting lines 22 through 33; and
by deleting pages 125 and 126; and
on page 127, by deleting lines 1 through 25.

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 5, 6 and 7 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Boland, SENATE BILL 428 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:
110, Yeas; 5, Nays; 2, Answering Present.
(ROLL CALL 12)
This bill, as amended, 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 in the House amendment/s adopted.

RECESS

At the hour of 3:40 o'clock p.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 5:43 o'clock p.m., the House resumed its session.
Speaker Madigan in the Chair.

SENATE BILL ON SECOND READING

SENATE BILL 1000. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

The following amendment was offered in the Committee on Executive, adopted and printed.

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 1000 by replacing everything after the enacting clause with the following:

"Section 5. The Drycleaner Environmental Response Trust Fund Act is amended by changing Sections 5, 15, 25, 30, 40, 45, 60, 65, and 85 as follows:

(415 ILCS 135/5)

Sec. 5. Definitions. As used in this Act:

(a) "Active drycleaning facility" means a drycleaning facility actively engaged in drycleaning operations and licensed under Section 60 of this Act.

(b) "Agency" means the Illinois Environmental Protection Agency.

(c) "Claimant" means an owner or operator of a drycleaning facility who has applied for reimbursement from the remedial account or who has submitted a claim under the insurance account with respect to a release.

(d) "Council" means the Drycleaner Environmental Response Trust Fund Council.

(e) "Drycleaner Environmental Response Trust Fund" or "Fund" means the fund created under Section 10 of this Act.

(f) "Drycleaning facility" means a facility located in this State that is or has been engaged in drycleaning operations for the general public, other than a:

(1) facility located on a United States military base;

(2) industrial laundry, commercial laundry, or linen supply facility;

(3) prison or other penal institution that engages in drycleaning only as part of a Correctional Industries program to provide drycleaning to persons who are incarcerated in a prison or penal institution or to resident patients of a State-operated mental health facility;

(4) not-for-profit hospital or other health care facility; or a

(5) facility located or formerly located on federal or State property.

(g) "Drycleaning operations" means drycleaning of apparel and household fabrics for the general public, as described in Standard Industrial Classification Industry No. 7215 and No. 7216 in the Standard Industrial Classification Manual (SIC) by the Technical Committee on Industrial Classification.

(h) "Drycleaning solvent" means any and all nonaqueous solvents, including but not limited to a chlorine-based or petroleum-based ~~hydrocarbon based~~ formulation or product, including green solvents, that are ~~is~~ used as a primary cleaning agent in drycleaning operations.

(i) "Emergency" or "emergency action" means a situation or an immediate response to a situation to protect public health or safety. "Emergency" or "emergency action" does not mean removal of contaminated soils, recovery of free product, or financial hardship. An "emergency" or "emergency action" would normally be expected to be directly related to a sudden event or discovery and would last until the threat to public health is mitigated.

(j) "Groundwater" means underground water that occurs within the saturated zone and geologic materials where the fluid pressure in the pore space is equal to or greater than the atmospheric pressure.

(k) "Inactive drycleaning facility" means a drycleaning facility that is not being used for drycleaning operations and is not registered under this Act.

(l) "Maintaining a place of business in this State" or any like term means (1) having or maintaining within this State, directly or through a subsidiary, an office, distribution facility, distribution house, sales house, warehouse, or other place of business or (2) operating within this State as an agent or representative for a person or a person's subsidiary engaged in the business of selling to persons within this State, irrespective of whether the place of business or agent or other representative is located in this State permanently or temporary, or whether the person or the person's subsidiary engages in the business of selling in this State.

(m) "No Further Remediation Letter" means a letter provided by the Agency pursuant to Section 58.10 of Title XVII of the Environmental Protection Act.

(n) "Operator" means a person or entity holding a business license to operate a licensed drycleaning facility or the business operation of which the drycleaning facility is a part.

(o) "Owner" means (1) a person who owns or has possession or control of a drycleaning facility at the time a release is discovered, regardless of whether the facility remains in operation or (2) a parent corporation of the person under item (1) of this subdivision.

(p) "Parent corporation" means a business entity or other business arrangement that has elements of common ownership or control or that uses a long-term contractual arrangement with a person to avoid direct responsibility for conditions at a drycleaning facility.

(q) "Person" means an individual, trust, firm, joint stock company, corporation, consortium, joint

venture, or other commercial entity.

(r) "Program year" means the period beginning on July 1 and ending on the following June 30.

(s) "Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or dispersing of drycleaning solvents from a drycleaning facility to groundwater, surface water, or subsurface soils.

(t) "Remedial action" means activities taken to comply with Sections 58.6 and 58.7 of the Environmental Protection Act and rules adopted by the Pollution Control Board under those Sections.

(u) "Responsible party" means an owner, operator, or other person financially responsible for costs of remediation of a release of drycleaning solvents from a drycleaning facility.

(v) "Service provider" means a consultant, testing laboratory, monitoring well installer, soil boring contractor, other contractor, lender, or any other person who provides a product or service for which a claim for reimbursement has been or will be filed against the remedial account or insurance account, or a subcontractor of such a person.

(w) "Virgin facility" means a drycleaning facility that has never had chlorine-based or petroleum-based drycleaning solvents or other hazardous chemicals or materials stored or used at the property prior to it becoming a green solvent drycleaning facility. (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

(415 ILCS 135/15)

Sec. 15. Creation of Council. (a) The Drycleaner Environmental Response Trust Fund Council is established and shall consist of the following voting members to be appointed by the Governor:

(1) Four ~~Three~~ members who own or operate a drycleaning facility. ~~Two of these members must be members of the Illinois State Fabricare Association.~~ These members shall serve 3 year terms, except that of the initial members appointed, one shall be appointed for a term of one year, one for a term of 2 years, and one for a term of 3 years.

(2) One member who represents wholesale distributors of drycleaning solvents. This member shall serve for a term of 3 years.

(3) One member who represents the drycleaning equipment manufacturers and vendor community. This member shall serve for a term of 3 years.

(4) One member ~~Two members~~ with experience in financial markets or the insurance industry. This member ~~These members~~ shall serve ~~3 year terms, except that of the initial appointments, one shall be appointed for a term of 2 years, and one~~ for a term of 3 years.

Each member shall have experience, knowledge, and expertise relating to the subject matter of this Act.

(b) The Governor may remove any member of the Council for incompetency, neglect of duty, or malfeasance in office after service on him or her of a copy of the written charges against him or her and after an opportunity to be publicly heard in person or by counsel in his or her own defense no earlier than 10 days after the Governor has provided notice of the opportunity to the Council member. Evidence of incompetency, neglect of duty, or malfeasance in office may be provided to the Governor by the Agency or the Auditor General following the annual audit described in Section 80.

(c) Members of the Council are entitled to receive reimbursement of actual expenses incurred in the discharge of their duties within the limit of funds appropriated to the Council or made available to the Fund. The Governor shall appoint a chairperson of the Council from among the members of the Council.

(d) The Attorney General's office or its designee shall provide legal counsel to the Council. (Source: P.A. 90-502, eff. 8-19-97.)

(415 ILCS 135/25)

Sec. 25. Powers and duties of the Council. (a) The Council shall have all of the general powers reasonably necessary and convenient to carry out its purposes and may perform the following functions, subject to any express limitations contained in this Act:

(1) Take actions and enter into agreements necessary to reimburse claimants for eligible remedial action expenses, assist the Agency to protect the environment from releases, reduce costs associated with remedial actions, and establish and implement an insurance program.

(2) Acquire and hold personal property to be used for the purpose of remedial action.

(3) Purchase, construct, improve, furnish, equip, lease, option, sell, exchange, or otherwise dispose of one or more improvements under the terms it determines. The Council may define "improvements" by rule for purposes of this Act.

(4) Grant a lien, pledge, assignment, or other encumbrance on one or more revenues, assets of right, accounts, or funds established or received in connection with the Fund, including revenues derived from fees or taxes collected under this Act.

(5) Contract for the acquisition or construction of one or more improvements or parts of one or more improvements or for the leasing, subleasing, sale, or other disposition of one or more improvements in a

manner the Council determines.

(6) Cooperate with the Agency in the implementation and administration of this Act to minimize unnecessary duplication of effort, reporting, or paperwork and to maximize environmental protection within the funding limits of this Act.

(7) Except as otherwise provided by law, inspect any document in the possession of an owner, operator, service provider, or any other person if the document is relevant to a claim for reimbursement under this Section or may inspect a drycleaning facility for which a claim for benefits under this Act has been submitted.

(b) The Council shall pre-approve, and the contracting parties shall seek pre-approval for, a contract entered into under this Act if the cost of the contract exceeds $75,000. The Council or its designee shall review and approve or disapprove all contracts entered into under this Act. However, review by the Council or its designee shall not be required when an emergency situation exists. All contracts entered into by the Council shall be awarded on a competitive basis to the maximum extent practical. In those situations where it is determined that bidding is not practical, the basis for the determination of impracticability shall be documented by the Council or its designee.

(c) The Council may prioritize the expenditure of funds from the remedial action account whenever it determines that there are not sufficient funds to settle all current claims. In prioritizing, the Council may consider the following:

(1) the degree to which human health is affected by the exposure posed by the release;

(2) the reduction of risk to human health derived from remedial action compared to the cost of the remedial action;

(3) the present and planned uses of the impacted property; and

(4) other factors as determined by the Council.

(d) The Council shall adopt rules allowing the direct payment from the Fund to a contractor who performs remediation. The rules concerning the direct payment shall include a provision that any applicable deductible must be paid by the drycleaning facility prior to any direct payment from the Fund.

(e) The Council may purchase reinsurance coverage to reduce the Fund's potential liability for reimbursement of remedial action costs. (Source: P.A. 90-502, eff. 8-19-97.)

(415 ILCS 135/30)

Sec. 30. Independent contractors retained by Council. (a) A contract entered into to retain a person to act as the administrator of the Fund shall be subject to public bid, provided that no such contract shall be entered into without the review and approval of the Director of the Agency. The Council may enter into a contract or an agreement authorized under this Act with a person, the Agency, the Department of Revenue, other departments, agencies, or governmental subdivisions of this State, another state, or the United States, in connection with its administration and implementation of this Act.

(b) The Council may reimburse a public or private contractor retained pursuant to this Section for expenses incurred in the execution of a contract or agreement. Reimbursable expenses include the costs of performing duties or powers specifically delegated by the Council. (Source: P.A. 90-502, eff. 8-19-97.)

(415 ILCS 135/40)

Sec. 40. Remedial action account. (a) The remedial action account is established to provide reimbursement to eligible claimants for drycleaning solvent investigation, remedial action planning, and remedial action activities for existing drycleaning solvent contamination discovered at their drycleaning facilities.

(b) The following persons are eligible for reimbursement from the remedial action account:

(1) In the case of claimant who is the owner or operator of an active drycleaning facility licensed by the Council under this Act at the time of application for remedial action benefits afforded under the Fund, the claimant is only eligible for reimbursement of remedial action costs incurred in connection with a release from that drycleaning facility, subject to any other limitations under this Act.

(2) In the case of a claimant who is the owner of an inactive drycleaning facility and was the owner or operator of the drycleaning facility when it was an active drycleaning facility, the claimant is only eligible for reimbursement of remedial action costs incurred in connection with a release from the drycleaning facility, subject to any other limitations under this Act.

(c) An eligible claimant requesting reimbursement from the remedial action account shall meet all of the following:

(1) The claimant demonstrates that the source of the release is from the claimant's drycleaning facility.

(2) At the time the release was discovered by the claimant, the claimant and the drycleaning facility

were in compliance with the Agency reporting and technical operating requirements.

(3) The claimant reported the release in a timely manner to the Agency in accordance with State law.

(4) The claimant applying for reimbursement has not filed for bankruptcy on or after the date of his or her discovery of the release.

(5) If the claimant is the owner or operator of an active drycleaning facility, the claimant has provided to the Council proof of implementation and maintenance of the following pollution prevention measures:

(A) That all drycleaning solvent wastes generated at a drycleaning facility be managed in accordance with applicable State waste management laws and rules.

(B) A prohibition on the discharge of wastewater from drycleaning machines or of drycleaning solvent from drycleaning operations to a sanitary sewer or septic tank or to the surface or in groundwater.

(C) That every drycleaning facility:

(I) install a containment dike or other containment structure around each machine, ~~or~~ item of equipment, ~~or the entire~~ drycleaning area, and portable waste container in which any drycleaning solvent is utilized, which shall be capable of containing leaks, spills, or releases ~~any leak, spill, or release~~ of drycleaning solvent from that machine, item, ~~or~~ area, or container. The containment dike or other containment structure shall be capable of at least the following: (i) containing a capacity of 110% of the drycleaning solvent in the largest tank or vessel within the machine; (ii) containing 100% of the drycleaning solvent of each item of equipment or drycleaning area; and (iii) containing 100% of the drycleaning solvent of the largest portable waste container or at least 10% of the total volume of the portable waste containers stored within the containment dike or structure, whichever is greater.

Petroleum underground storage tank systems that are upgraded in accordance with USEPA upgrade standards pursuant to 40 CFR Part 280 for the tanks and related piping systems and use a leak detection system approved by the USEPA or IEPA are exempt from this secondary containment requirement; and

(II) seal or otherwise render impervious those portions of diked floor surfaces on which a drycleaning solvent may leak, spill, or otherwise be released.

(D) A requirement that all drycleaning solvent shall be delivered to drycleaning facilities by means of closed, direct-coupled delivery systems.

(6) An active drycleaning facility has maintained continuous financial assurance for environmental liability coverage in the amount of at least $500,000 at least since the date of award of benefits under this Section or July 1, 2000, whichever is earlier. An uninsured drycleaning facility that has filed an application for insurance with the Fund by January 1, 2004, obtained insurance through that application, and maintained that insurance coverage continuously shall be considered to have conformed with the requirements of this subdivision (6). To conform with this requirement the applicant must pay the equivalent of the total premiums due for the period beginning June 30, 2000 through the date of application plus a 20% penalty of the total premiums due for that period.

(7) The release was discovered on or after July 1, 1997 and before July 1, 2006 ~~2004~~.

(d) A claimant shall submit a completed application form provided by the Council. The application shall contain documentation of activities, plans, and expenditures associated with the eligible costs incurred in response to a release of drycleaning solvent from a drycleaning facility. Application for remedial action account benefits must be submitted to the Council on or before June 30, 2005 ~~2004~~.

(e) Claimants shall be subject to the following deductible requirements, unless modified pursuant to the Council's authority under Section 75:

(1) An eligible claimant submitting a claim for an active drycleaning facility is responsible for the first $5,000 of eligible investigation costs and for the first $10,000 of eligible remedial action costs incurred in connection with the release from the drycleaning facility and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of this Act.

(2) An eligible claimant submitting a claim for an inactive drycleaning facility is responsible for the first $10,000 of eligible investigation costs and for the first $10,000 of eligible remedial action costs incurred in connection with the release from that drycleaning facility, and is only eligible for reimbursement for costs that exceed those amounts, subject to any other limitations of this Act.

(f) Claimants are subject to the following limitations on reimbursement:

(1) Subsequent to meeting the deductible requirements of subsection (e), and pursuant to the requirements of Section 75, reimbursement shall not exceed $300,000 per active drycleaning facility and

$50,000 per inactive drycleaning facility.~~:~~

~~(A) $160,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 1999;~~

~~(B) $150,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2000;~~

~~(C) $140,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2001;~~

~~(D) $130,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2002;~~

~~(E) $120,000 per active drycleaning facility for which an eligible claim is submitted during the program year beginning July 1, 2003; or~~

~~(F) $50,000 per inactive drycleaning facility.~~

(2) A contract in which one of the parties to the contract is a claimant, for goods or services that may be payable or reimbursable from the Council, is void and unenforceable unless and until the Council has found that the contract terms are within the range of usual and customary rates for similar or equivalent goods or services within this State and has found that the goods or services are necessary for the claimant to comply with Council standards or other applicable regulatory standards.

(3) A claimant may appoint the Council as an agent for the purposes of negotiating contracts with suppliers of goods or services reimbursable by the Fund. The Council may select another contractor for goods or services other than the one offered by the claimant if the scope of the proposed work or actual work of the claimant's offered contractor does not reflect the quality of workmanship required or if the costs are determined to be excessive, as determined by the Council.

(4) The Council may require a claimant to obtain and submit 3 bids and may require specific terms and conditions in a contract subject to approval.

(5) The Council may enter into a contract or an exclusive contract with the supplier of goods or services required by a claimant or class of claimants, in connection with an expense reimbursable from the Fund, for a specified good or service at a gross maximum price or fixed rate, and may limit reimbursement accordingly.

(6) Unless emergency conditions exist, a service provider shall obtain the Council's approval of the budget for the remediation work before commencing the work. No expense incurred that is above the budgeted amount shall be paid unless the Council approves the expense prior to its being incurred. All invoices and bills relating to the remediation work shall be submitted with appropriate documentation, as deemed necessary by the Council, not later than 30 days after the work has been performed.

(7) Neither the Council nor an eligible claimant is responsible for payment for costs incurred that have not been previously approved by the Council, unless an emergency exists.

(8) The Council may determine the usual and customary costs of each item for which reimbursement may be awarded under this Section. The Council may revise the usual and customary costs from time to time as necessary, but costs submitted for reimbursement shall be subject to the rates in effect at the time the costs were incurred.

(9) If a claimant has pollution liability insurance coverage other than coverage provided by the insurance account under this Act, that coverage shall be primary. Reimbursement from the remedial account shall be limited to the deductible amounts under the primary coverage and the amount that exceeds the policy limits of the primary coverage, subject to the deductible amounts of this Act. If there is a dispute between the claimant and the primary insurance provider, reimbursement from the remedial action account may be made to the claimant after the claimant assigns all of his or her interests in the insurance coverage to the Council.

(g) The source of funds for the remedial action account shall be moneys allocated to the account by the Council according to the Fund budget approved by the Council.

(h) A drycleaning facility will be classified as active or inactive for purposes of determining benefits under this Section based on the status of the facility on the date a claim is filed.

(i) Eligible claimants shall conduct remedial action in accordance with the Site Remediation Program under the Environmental Protection Act and Part 740 of Title 35 of the Illinois Administrative Code and the Tiered Approach to Cleanup Objectives under Part 742 of Title 35 of the Illinois Administrative Code. (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

(415 ILCS 135/45)

Sec. 45. Insurance account. (a) The insurance account shall offer financial assurance for a qualified owner or operator of a drycleaning facility under the terms and conditions provided for under this Section.

Coverage may be provided to either the owner or the operator of a drycleaning facility. The Council is not required to resolve whether the owner or operator, or both, are responsible for a release under the terms of an agreement between the owner and operator.

(b) The source of funds for the insurance account shall be as follows:

(1) Moneys appropriated to the Council or moneys allocated to the insurance account by the Council according to the Fund budget approved by the Council.

(2) Moneys collected as an insurance premium, including service fees, if any.

(3) Investment income attributed to the insurance account by the Council.

(c) An owner or operator may purchase coverage of up to $500,000 per drycleaning facility subject to the terms and conditions under this Section and those adopted by the Council. Coverage shall be limited to remedial action costs associated with soil and groundwater contamination resulting from a release of drycleaning solvent at an insured drycleaning facility, including third-party liability for soil and groundwater contamination. Coverage is not provided for a release that occurred before the date of coverage.

(d) An owner or operator, subject to underwriting requirements and terms and conditions deemed necessary and convenient by the Council, may purchase insurance coverage from the insurance account provided that the drycleaning facility to be insured meets the following conditions:

(1) a site investigation designed to identify soil and groundwater contamination resulting from the release of a drycleaning solvent has been completed. The Council shall determine if the site investigation is adequate. This investigation must be completed by June 30, 2006 ~~2004~~. For drycleaning facilities that apply for insurance coverage ~~become active~~ after June 30, 2006 ~~2004~~, the site investigation must be completed prior to issuance of insurance coverage; and

(2) the drycleaning facility is participating in and meets all requirements of a drycleaning compliance program approved by the Council.

(e) The annual premium for insurance coverage shall be:

(1) For the year July 1, 1999 through June 30, 2000, $250 per drycleaning facility.

(2) For the year July 1, 2000 through June 30, 2001, $375 per drycleaning facility.

(3) For the year July 1, 2001 through June 30, 2002, $500 per drycleaning facility.

(4) For the year July 1, 2002 through June 30, 2003, $625 per drycleaning facility.

(5) For subsequent years, an owner or operator applying for coverage shall pay an annual actuarially-sound insurance premium for coverage by the insurance account. The Council may approve Fund coverage through the payment of a premium established on an actuarially-sound basis, taking into consideration the risk to the insurance account presented by the insured. Risk factor adjustments utilized to determine actuarially-sound insurance premiums should reflect the range of risk presented by the variety of drycleaning systems, monitoring systems, drycleaning volume, risk management practices, and other factors as determined by the Council. As used in this item, "actuarially sound" is not limited to Fund premium revenue equaling or exceeding Fund expenditures for the general drycleaning facility population. Actuarially-determined premiums shall be published at least 180 days prior to the premiums becoming effective.

(f) If coverage is purchased for any part of a year, the purchaser shall pay the full annual premium. The insurance premium is fully earned upon issuance of the insurance policy.

(g) The insurance coverage shall be provided with a $10,000 deductible policy.

(h) A future repeal of this Section shall not terminate the obligations under this Section or authority necessary to administer the obligations until the obligations are satisfied, including but not limited to the payment of claims filed prior to the effective date of any future repeal against the insurance account until moneys in the account are exhausted. Upon exhaustion of the moneys in the account, any remaining claims shall be invalid. If moneys remain in the account following satisfaction of the obligations under this Section, the remaining moneys and moneys due the account shall be used to assist current insureds to obtain a viable insuring mechanism as determined by the Council after public notice and opportunity for comment. (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

(415 ILCS 135/60) (Section scheduled to be repealed on January 1, 2010)

Sec. 60. Drycleaning facility license. (a) On and after January 1, 1998, no person shall operate a drycleaning facility in this State without a license issued by the Council.

(b) The Council shall issue an initial or renewal license to a drycleaning facility on submission by an applicant of a completed form prescribed by the Council and proof of payment of the required fee to the Department of Revenue.

(c) On or after January 1, 2004, the annual fees for licensure are as follows:

(1) $500 for a facility that uses (i) 50 ~~purchases 140~~ gallons or less of chlorine-based or green drycleaning solvents annually, (ii) 250 or less gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) 500 ~~1400~~ gallons or less annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer ~~annually~~.

(2) $500 ~~$1,000~~ for a facility that uses (i) ~~purchases~~ more than 50 ~~140~~ gallons but not more than 100 ~~less than 360~~ gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 250 gallons but not more 500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 500 ~~1400~~ gallons but not more than 1,000 ~~less than 3600~~ gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer ~~annually~~.

(3) $500 ~~$1,500~~ for a facility that uses (i) more than 100 ~~purchases 360~~ gallons but not more than 150 gallons ~~or more~~ of chlorine-based or green drycleaning solvents annually, (ii) more than 500 gallons but not more than 750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 1,000 gallons but not more than 1,500 gallons annually ~~3600 gallons or more~~ of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer ~~annually~~.

(4) $1,000 for a facility that uses (i) more than 150 gallons but not more than 200 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 750 gallons but not more than 1,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 1,500 gallons but not more than 2,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(5) $1,000 for a facility that uses (i) more than 200 gallons but not more than 250 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 1,000 gallons but not more than 1,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 2,000 gallons but not more than 2,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(6) $1,000 for a facility that uses (i) more than 250 gallons but not more than 300 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 1,250 gallons but not more than 1,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 2,500 gallons but not more than 3,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(7) $1,000 for a facility that uses (i) more than 300 gallons but not more than 350 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 1,500 gallons but not more than 1,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 3,000 gallons but not more than 3,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(8) $1,500 for a facility that uses (i) more than 350 gallons but not more than 400 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 1,750 gallons but not more than 2,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 3,500 gallons but not more than 4,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(9) $1,500 for a facility that uses (i) more than 400 gallons but not more than 450 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,000 gallons but not more than 2,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 4,000 gallons but not more than 4,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(10) $1,500 for a facility that uses (i) more than 450 gallons but not more than 500 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,250 gallons but not more than 2,500 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 4,500 gallons but not more than 5,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(11) $1,500 for a facility that uses (i) more than 500 gallons but not more than 550 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,500 gallons but not more than 2,750 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 5,000 gallons but not more than 5,500 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(12) $1,500 for a facility that uses (i) more than 550 gallons but not more than 600 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 2,750 gallons but not more than 3,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 5,500 gallons but not more than 6,000 gallons annually of hydrocarbon-based drycleaning solvents in a drycleaning machine without a solvent reclaimer.

(13) $1,500 for a facility that uses (i) more than 600 gallons of chlorine-based or green drycleaning solvents annually, (ii) more than 3,000 gallons but not more than 3,250 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer, or (iii) more than 6,000 gallons of hydrocarbon-based drycleaning solvents annually in a drycleaning machine equipped without a solvent reclaimer.

(14) $1,500 for a facility that uses more than 3,250 gallons but not more than 3,500 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.

(15) $1,500 for a facility that uses more than 3,500 gallons but not more than 3,750 gallons annually of hydrocarbon-based solvents used in a drycleaning machine equipped with a solvent reclaimer.

(16) $1,500 for a facility that uses more than 3,750 gallons but not more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.

(17) $1,500 for a facility that uses more than 4,000 gallons annually of hydrocarbon-based solvents in a drycleaning machine equipped with a solvent reclaimer.

For purpose of this subsection, the quantity of drycleaning solvents used ~~purchased~~ annually shall be determined as follows:

(1) in the case of an initial applicant, the quantity of drycleaning solvents that the applicant estimates will be used during his or her initial license year. A fee assessed under this subdivision is subject to audited adjustment for that year; or

(2) in the case of a renewal applicant, the quantity of drycleaning solvents actually used in the preceding license year.

The Council may adjust licensing fees annually based on the published Consumer Price Index - All Urban Consumers ("CPI-U") or as otherwise determined by the Council.

(d) A license issued under this Section shall expire one year after the date of issuance and may be renewed on reapplication to the Council and submission of proof of payment of the appropriate fee to the Department of Revenue in accordance with subsections (c) and (e). At least 30 days before payment of a renewal licensing fee is due, the Council shall attempt to:

(1) notify the operator of each licensed drycleaning facility concerning the requirements of this Section; and

(2) submit a license fee payment form to the licensed operator of each drycleaning facility.

(e) An operator of a drycleaning facility shall submit the appropriate application form provided by the Council with the license fee in the form of cash or guaranteed remittance to the Department of Revenue. The license fee payment form and the actual license fee payment shall be administered by the Department of Revenue under rules adopted by that Department.

(f) The Department of Revenue shall issue a proof of payment receipt to each operator of a drycleaning facility who has paid the appropriate fee in cash or by guaranteed remittance. However, the Department of Revenue shall not issue a proof of payment receipt to a drycleaning facility that is liable to the Department of Revenue for a tax imposed under this Act. The original receipt shall be presented to the Council by the operator of a drycleaning facility.

(g) An operator of a dry cleaning facility who is required to pay a license fee under this Act and fails to pay the license fee when the fee is due may ~~shall~~ be assessed a penalty of $5 for each day after the license fee is due and until the license fee is paid. The penalty shall be effective for license fees due on or after July 1, 1999.

(h) The Council and the Department of Revenue may adopt rules as necessary to administer the licensing requirements of this Act. (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)

(415 ILCS 135/65) (Section scheduled to be repealed on January 1, 2010)

Sec. 65. Drycleaning solvent tax. (a) On and after January 1, 1998, a tax is imposed upon the use of drycleaning solvent by a person engaged in the business of operating a drycleaning facility in this State at the rate of $3.50 per gallon of perchloroethylene or other chlorinated drycleaning solvents used in drycleaning operations, ~~and~~ $0.35 per gallon of petroleum-based drycleaning solvent, and $3.50 per gallon of green solvents, unless the green solvent is used at a virgin facility, in which case the rate is $0.35 per gallon. The Council shall determine by rule which products are chlorine-based solvents, ~~and~~ which products are petroleum-based solvents, and which products are green solvents. All drycleaning solvents

shall be considered chlorinated solvents unless the Council determines that the solvents are petroleum-based drycleaning solvents or green solvents ~~subject to the lower tax~~.

(b) The tax imposed by this Act shall be collected from the purchaser at the time of sale by a seller of drycleaning solvents maintaining a place of business in this State and shall be remitted to the Department of Revenue under the provisions of this Act.

(c) The tax imposed by this Act that is not collected by a seller of drycleaning solvents shall be paid directly to the Department of Revenue by the purchaser or end user who is subject to the tax imposed by this Act.

(d) No tax shall be imposed upon the use of drycleaning solvent if the drycleaning solvent will not be used in a drycleaning facility or if a floor stock tax has been imposed and paid on the drycleaning solvent. Prior to the purchase of the solvent, the purchaser shall provide a written and signed certificate to the drycleaning solvent seller stating:

(1) the name and address of the purchaser;

(2) the purchaser's signature and date of signing; and

(3) one of the following:

(A) that the drycleaning solvent will not be used in a drycleaning facility; or

(B) that a floor stock tax has been imposed and paid on the drycleaning solvent.

A person who provides a false certification under this subsection shall be liable for a civil penalty not to exceed $500 for a first violation and a civil penalty not to exceed $5,000 for a second or subsequent violation.

(e) On January 1, 1998, there is imposed on each operator of a drycleaning facility a tax on drycleaning solvent held by the operator on that date for use in a drycleaning facility. The tax imposed shall be the tax that would have been imposed under subsection (a) if the drycleaning solvent held by the operator on that date had been purchased by the operator during the first year of this Act.

(f) On or before the 25th day of the 1st month following the end of the calendar quarter, a seller of drycleaning solvents who has collected a tax pursuant to this Section during the previous calendar quarter, or a purchaser or end user of drycleaning solvents required under subsection (c) to submit the tax directly to the Department, shall file a return with the Department of Revenue. The return shall be filed on a form prescribed by the Department of Revenue and shall contain information that the Department of Revenue reasonably requires, but at a minimum will require the reporting of the volume of drycleaning solvent sold to each licensed drycleaner. The Department of Revenue shall report quarterly to the Council the volume of drycleaning solvent purchased for the quarter by each licensed drycleaner. Each seller of drycleaning solvent maintaining a place of business in this State who is required or authorized to collect the tax imposed by this Act shall pay to the Department the amount of the tax at the time when he or she is required to file his or her return for the period during which the tax was collected. Purchasers or end users remitting the tax directly to the Department under subsection (c) shall file a return with the Department of Revenue and pay the tax so incurred by the purchaser or end user during the preceding calendar quarter.

(g) The tax on drycleaning solvents used in drycleaning facilities and the floor stock tax shall be administered by Department of Revenue under rules adopted by that Department.

(h) On and after January 1, 1998, no person shall knowingly sell or transfer drycleaning solvent to an operator of a drycleaning facility that is not licensed by the Council under Section 60. A person who violates this subsection is liable for a civil penalty not to exceed $500 for a first violation and a civil penalty not to exceed $5,000 for a second or subsequent violation.

(i) The Department of Revenue may adopt rules as necessary to implement this Section. (Source: P.A. 90-502, eff. 8-19-97.)

(415 ILCS 135/85)

Sec. 85. Repeal of fee and tax provisions. Sections 60 and 65 of this Act are repealed on January 1, 2020 ~~2010~~. (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)".

Representative Smith offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 1000, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 6, after "65,", by inserting "75,"; and
on page 4, by replacing line 30 with "solvents stored or"; and
on page 24, line 30, by replacing "$3.50" with "$1.75"; and
on page 27, after line 10, by inserting the following:

"(415 ILCS 135/75)

Sec. 75. Adjustment of fees and taxes. Beginning January 1, 2000, and annually after that date, the Council shall adjust the copayment obligation of subsection (e) of Section 40, the drycleaning solvent taxes of Section 65, the license fees of Section 60, or any combination of adjustment of each, after notice and opportunity for public comment, in a manner determined necessary and appropriate to ensure viability of the Fund and to encourage the owner or operator of a drycleaning facility to use green solvents. Viability of the Fund shall consider the settlement of all current claims subject to prioritization of benefits under subsection (c) of Section 25, consistent with the purposes of this Act. (Source: P.A. 90-502, eff. 8-19-97; 91-453, eff. 8-6-99.)".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Smith, SENATE BILL 1000 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:

63, Yeas; 54, Nays; 0, Answering Present.

(ROLL CALL 13)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 1101. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Biggins offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 1101, AS AMENDED, by replacing the introductory clause of Section 15 with the following:

"Section 15. The Simplified Municipal Telecommunications Tax Act is amended by changing Sections 5-7, 5-10, 5-20, and 5-50 as follows:"; and

in Section 15, immediately below Sec. 5-10, by inserting the following:

"(35 ILCS 636/5-20)

Sec. 5-20. Imposition. (a) On and after January 1, 2003, for municipalities with populations of less than 500,000, the tax authorized by this Act shall be imposed (except as provided in Sections 5-25 and 5-30 of this Act), amended, or repealed by an ordinance adopted by the municipality, which ordinance shall be filed by the municipality with the Department pursuant to the rules of the Department.

(1) Any ordinance adopted by a municipality with a population of less than 500,000 which attempts to impose, amend or repeal the tax authorized by this Act shall be of no force and effect until properly filed with an appropriate form with the Department.

(2) Any certified copy of an ordinance (i) filed with the Department prior to October 1, 2002 shall be effective with respect to gross charges billed by telecommunications retailers on or after January 1, 2003 and (ii) ~~thereafter any certified copy of an ordinance~~ filed with the Department on or after October 1, 2002 and before April 1, 2003 ~~prior to any April 1 or October 1~~ shall be effective with respect to gross charges billed by telecommunications retailers on or after ~~the following~~ July 1, 2003 ~~or January 1, respectively~~. On and after April 1, 2003, any certified copy of an ordinance filed with the Department on

or before September 20 or March 20 shall be effective with respect to gross charges billed by telecommunications retailers on or after the following January 1 or July 1, respectively. If the certified ordinance is filed with the Department on or before September 20, the Department shall determine by October 10 whether the ordinance meets the criteria under this Act. If the certified ordinance is filed with the Department on or before March 20, the Department shall determine by April 10 whether the ordinance meets the criteria under this Act. If the ordinance meets the criteria, the Department shall notify the telecommunications retailers via a posting on the Department's web site that the ordinance is approved and shall list the rate. For ordinances filed with the Department on or before September 20, notification must be made no later than October 10. For ordinances filed with the Department on or before March 20, notification must be made no later than April 10.

(b) On and after January 1, 2003, for municipalities with populations of 500,000 or more, the tax authorized by this Act shall be imposed, amended, or repealed, and any authorized exemptions granted, by the adoption of an ordinance and notification to the telecommunications retailers. (Source: P.A. 92-526, eff. 7-1-02.)

"; and

by replacing Section 99 with the following:

"Section 99. Effective date. This Act takes effect on January 1, 2004, except that this Section and the changes to Sections 5-10, 5-20, and 5-50 of the Simplified Municipal Telecommunications Tax Act take effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Biggins, SENATE BILL 1101 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 14)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILLS ON SECOND READING

SENATE BILL 75. Having been read by title a second time on May 22, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Franks offered the following amendment and moved its adoption.

AMENDMENT NO. 3

AMENDMENT NO. 3____. Amend Senate Bill 75, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-7 and 7-8 as follows:

(10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

Sec. 7-7. For the purpose of making nominations in certain instances as provided in this Article and this Act, the following committees are authorized and shall constitute the central or managing committees of each political party, viz: A State central committee, a congressional committee for each congressional district, a county central committee for each county, a municipal central committee for each city,

incorporated town or village, a ward committeeman for each ward in cities containing a population of 500,000 or more; a township committeeman for each township or part of a township that lies outside of cities having a population of 200,000 or more, in counties having a population of 2,000,000 or more; a precinct committeeman for each precinct in counties having a population of less than 2,000,000; a county board district committee for each county board district created under Division 2-3 of the Counties Code; a State's Attorney committee for each group of 2 or more counties which jointly elect a State's Attorney; a Superintendent of Multi-County Educational Service Region committee for each group of 2 or more counties which jointly elect a Superintendent of a Multi-County Educational Service Region; and a judicial subcircuit committee in a judicial circuit divided into subcircuits ~~Cook County~~ for each judicial subcircuit in that circuit ~~Cook County~~. (Source: P.A. 87-1052.)

(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central

committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election held on the third Tuesday in March, 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary

shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits ~~Cook County~~ shall be composed of (i) the ward and township committeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; each precinct committeeman shall have one vote for each ballot voted in his precinct or part of a precinct, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects it members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors

of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section. (Source: P.A. 90-627, eff. 7-10-98; 91-426, eff. 8-6-99.)

Section 10. The Circuit Courts Act is amended by changing Sections 1 and 2 and by adding Sections 2f-1, 2f-2, 2f-4, and 2f-5 as follows:

(705 ILCS 35/1) (from Ch. 37, par. 72.1)

Sec. 1. Judicial circuits created. The county of Cook shall be one judicial circuit and the State of Illinois, exclusive of the county of Cook, shall be and is divided into judicial circuits as follows:

First Circuit--The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.

Second Circuit--The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.

Third Circuit--The counties of Madison and Bond.

Fourth Circuit--The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

Fifth Circuit--The counties of Vermilion, Edgar, Clark, Cumberland and Coles.

Sixth Circuit--The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.

Seventh Circuit--The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.

Eighth Circuit--The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.

Ninth Circuit--The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.

Tenth Circuit--The counties of Peoria, Marshall, Putnam, Stark and Tazewell.

Eleventh Circuit--The counties of McLean, Livingston, Logan, Ford and Woodford.

Twelfth Circuit--The county of Will.

Thirteenth Circuit--The counties of Bureau, LaSalle and Grundy.

Fourteenth Circuit--The counties of Rock Island, Mercer, Whiteside and Henry.

Fifteenth Circuit--The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.

Sixteenth Circuit--The counties of Kane, DeKalb and Kendall.

Seventeenth Circuit--The counties of Winnebago and Boone.

Eighteenth Circuit--The county of DuPage.

Nineteenth Circuit--Before December 4, 2006, the counties of Lake and McHenry. On and after December 4, 2006, the County of Lake.

Twentieth Circuit--The counties of Randolph, Monroe, St. Clair, Washington and Perry.

Twenty-first Circuit--The counties of Iroquois and Kankakee.

Twenty-second Circuit--On and after December 4, 2006, the County of McHenry. (Source: P.A. 84-1030.)

(705 ILCS 35/2) (from Ch. 37, par. 72.2)

Sec. 2. Circuit judges shall be elected at the general elections and for terms as provided in Article VI of the Illinois Constitution. Ninety-four circuit judges shall be elected in the Circuit of Cook County and 3 circuit judges shall be elected in each of the other circuits, but in circuits other than Cook County containing a population of 230,000 or more inhabitants and in which there is included a county containing a population of 200,000 or more inhabitants, or in circuits other than Cook County containing a population of 270,000 or more inhabitants, according to the last preceding federal census and in the circuit where the seat of State government is situated at the time fixed by law for the nomination of judges of the Circuit Court in such circuit and in any circuit which meets the requirements set out in Section 2a of this Act, 4 circuit judges shall be elected in the manner provided by law. In circuits other than Cook County in which each county in the circuit has a population of 475,000 or more, 4 circuit judges shall be elected in addition to the 4 circuit judges provided for in this Section. In any circuit composed of 2 counties having a total population of 350,000 or more, one circuit judge shall be elected in addition to the 4 circuit judges provided for in this Section.

Notwithstanding the provisions of this Section or any other law, the number of at large judgeships of the 12th judicial circuit may be reduced by one or 2 judgeships as provided in subsection (a-10) of Section 2f-4.

The several judges of the circuit courts of this State, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation, which shall be filed in the office of the Secretary of State:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United

States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of judge of.... court, according to the best of my ability."

One of the 3 additional circuit judgeships authorized by this amendatory Act in circuits other than Cook County in which each county in the circuit has a population of 475,000 or more may be filled when this Act becomes law. The 2 remaining circuit judgeships in such circuits shall not be filled until on or after July 1, 1977. (Source: P.A. 86-786; 86-1478.)

(705 ILCS 35/2f-1 new)

Sec. 2f-1. 19th and 22nd judicial circuits.

(a) On December 4, 2006, the 19th judicial circuit is divided into the 19th and 22nd judicial circuits as provided in Section 1 of the Circuit Courts Act. This division does not invalidate any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006. This division does not affect any person's rights, obligations, or duties, including applicable civil and criminal penalties, arising out of any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006.

(b) Of the 7 circuit judgeships elected at large in the 19th circuit before the general election in 2006, the Supreme Court shall assign 5 to the 19th circuit and 2 to the 22nd circuit, based on residency of the circuit judges then holding those judgeships. The 5 assigned to the 19th circuit shall continue to be elected at large. The 2 assigned to the 22nd circuit shall continue to be elected at large.

(c) The 6 resident judgeships elected from Lake County before the general election in 2006 shall become resident judgeships in the 19th circuit on December 4, 2006, and the 3 resident judgeships elected from McHenry County before the general election in 2006 shall become resident judgeships in the 22nd circuit on December 4, 2006.

(d) On December 4, 2006, the Supreme Court shall allocate the associate judgeships of the 19th circuit before that date between the 19th and 22nd circuits based on the population of those circuits.

(e) On December 4, 2006, the Supreme Court shall allocate personnel, books, records, documents, property (real and personal), funds, assets, liabilities, and pending matters concerning the 19th circuit before that date between the 19th and 22nd circuits based on the population and staffing needs of those circuits and the efficient and proper administration of the judicial system. The rights of employees under applicable collective bargaining agreements are not affected by this amendatory Act of the 93rd General Assembly.

(f) The judgeships set forth in this Section include the judgeships authorized under Sections 2g, 2h, and 2j. The judgeships authorized in those Sections are not in addition to those set forth in this Section.

(705 ILCS 35/2f-2 new)

Sec. 2f-2. 19th judicial circuit; subcircuits.

(a) The 19th circuit shall be divided into 6 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits on or before February 1, 2004, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 6 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) The 19th circuit shall have a total of 6 resident judgeships.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 19th circuit existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election and (ii) the resident judgeships of the 19th circuit filled at the 2004 general election as those judgeships thereafter become vacant, for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident judge of the 19th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 19th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-4 new)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits on or

before February 1, 2004, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(a-5) Two of the 12th circuit's associate judgeships shall be allotted as 12th circuit resident judgeships under subsection (c) as those associate judgeships are converted to resident judgeships in accordance with Section 2 of the Associate Judges Act.

(a-10) Of the 12th circuit's 10 existing circuit judgeships (8 at large and 2 resident), 2 shall be allotted as 12th circuit resident judgeships under subsection (c) as the first 2 of any of those at large and resident judgeships become vacant on or after the effective date of this amendatory Act of the 93rd General Assembly. As used in this subsection, a vacancy does not include the expiration of a term of an at large or resident judge who seeks retention in that office at the next term.

(b) The 12th circuit shall have one additional resident judgeship, as well as its 2 existing resident judgeships, 8 at large judgeships, and 2 former associate judgeships, for a total of 13 judgeships available to be allotted to the 5 subcircuit resident judgeships. The additional resident judgeship created by this amendatory Act of the 93rd General Assembly shall be filled by election beginning at the general election in 2006. After the subcircuits are created by law, the Supreme Court shall fill by appointment the additional resident judgeship created by this amendatory Act of the 93rd General Assembly until the 2006 general election.

(c) The Supreme Court shall allot (i) the additional resident judgeship of the 12th circuit created by this amendatory Act of the 93rd General Assembly, (ii) the first 2 vacancies in the at large and resident judgeships of the 12th circuit as provided in subsection (a-10), and (iii) 2 associate judgeships of the 12th circuit as they are converted to resident judgeships as provided in subsection (a-5), for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No at large or resident judge of the 12th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as at large or resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-5 new)

Sec. 2f-5. 22nd circuit; subcircuits.

(a) The 22nd circuit shall be divided into 3 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly by law shall create the subcircuits on or before February 1, 2004, using population data as determined by the 2000 federal census, and shall determine a numerical order for the 3 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(b) The 22nd circuit shall have a total of 3 resident judgeships.

(c) The Supreme Court shall allot (i) all vacancies in resident judgeships of the 22nd circuit existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election and (ii) the resident judgeships of the 22nd circuit filled at the 2004 general election as those judgeships thereafter become vacant, for election from the various subcircuits until there is one resident judge to be elected from each subcircuit. No resident judge of the 22nd circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(e) Vacancies in resident judgeships of the 22nd circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

Section 15. The Judicial Vacancies Act is amended by changing Section 2 as follows:

(705 ILCS 40/2) (from Ch. 37, par. 72.42)

Sec. 2. (a) Except as provided in paragraphs (1), (2), (3), ~~and~~ (4), and (5) of this subsection (a), vacancies in the office of a resident circuit judge in any county or in any unit or subcircuit of any circuit

shall not be filled.

(1) If in any county of less than 45,000 inhabitants there remains in office no other resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(2) If in any county of 45,000 or more but less than 60,000 inhabitants there remains in office only one resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(3) If in any county of 60,000 or more inhabitants, other than the County of Cook or as provided in paragraph (5), there remain in office no more than 2 resident judges following the occurrence of a vacancy, such vacancy shall be filled.

(4) The County of Cook shall have 165 resident judges on and after the effective date of this amendatory Act of 1990. Of those resident judgeships, (i) 56 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County within Chicago, (ii) 27 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County outside Chicago, (iii) 12 shall be additional resident judgeships first elected at the general election in November of 1992, (iv) 10 shall be additional resident judgeships first elected at the general election in November of 1994, and (v) 60 shall be additional resident judgeships to be authorized one each for each reduction upon vacancy in the office of associate judge in the Circuit of Cook County as those vacancies exist or occur on and after the effective date of this amendatory Act of 1990 and as those vacancies are determined under subsection (b) of Section 2 of the Associate Judges Act until the total resident judgeships authorized under this item (v) is 60. Seven of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning on the effective date of this amendatory Act of 1990 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning July 1, 1991 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1992 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December of 1994. The remaining 5 of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1993 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December 1994. The additional resident judgeships created upon vacancy in the office of associate judge provided in item (v) may be filled by appointment by the Supreme Court beginning on the effective date of this amendatory Act of 1990; but no additional resident judgeships created upon vacancy in the office of associate judge provided in item (v) shall be filled during the 59 day period before the next primary election to nominate judges. The Circuit of Cook County shall be divided into units to be known as subcircuits as provided in Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the effective date of this amendatory Act of 1990, but before the date the subcircuits are created by law, shall be filled by appointment by the Supreme Court from the unit within Chicago or the unit outside Chicago, as the case may be, in which the vacancy occurs and filled by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the date the subcircuits are created by law shall be filled by appointment by the Supreme Court and by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act.

(5) Resident judges in the 12th, 19th, and 22nd judicial circuits are as provided in Sections 2f-1, 2f-2, 2f-4, and 2f-5 of the Circuit Courts Act.

(b) Nothing in paragraphs (2) or (3) of subsection (a) of this Section shall be construed to require or permit in any county a greater number of resident judges than there were resident associate judges on January 1, 1967.

(c) Vacancies authorized to be filled by this Section 2 shall be filled in the manner provided in Article VI of the Constitution.

(d) A person appointed to fill a vacancy in the office of circuit judge shall be, at the time of appointment, a resident of the subcircuit from which the person whose vacancy is being filled was elected if the vacancy occurred in a circuit divided into subcircuits ~~Cook County~~. If a vacancy in the office of circuit judge occurred in a circuit not divided into subcircuits ~~other than Cook County~~, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the circuit from which the person

whose vacancy is being filled was elected. Except as provided in Sections 2f-1, 2f-2, 2f-4, and 2f-5 of the Circuit Courts Act, if a vacancy occurred in the office of a resident circuit judge, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the county from which the person whose vacancy is being filled was elected. (Source: P.A. 90-342, eff. 8-8-97.)

Section 20. The Associate Judges Act is amended by changing Section 2 as follows:

(705 ILCS 45/2) (from Ch. 37, par. 160.2)

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14, except that the minimum in the 22nd circuit shall be 8. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than 309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 335,000 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 173,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists on or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed.

(c) The maximum number of associate judges authorized under subsection (a) for the 12th judicial circuit shall be reduced as provided in this subsection (c). For each vacancy that exists on or occurs after the effective date of this amendatory Act of the 93rd General Assembly, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 2. A vacancy exists or occurs when (i) a new associate judgeship has been authorized under subsection (a) for the 12th judicial circuit, but has not been filled by appointment or (ii) an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term. A vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed. (Source: P.A. 92-17, eff. 6-28-01.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Franks, SENATE BILL 75 was taken up and read by title a third time.

Representative Kosel requests a verified roll call.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

64, Yeas; 51, Nays; 1, Answering Present.

(ROLL CALL 15)

The roll call was verified.

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILLS ON SECOND READING

SENATE BILL 719. Having been read by title a second time on May 27, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered the following amendments and moved their adoption.

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 719 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Central Management Services Law of the Civil Administrative Code of Illinois is amended by changing Section 405-315 as follows:

(20 ILCS 405/405-315) (was 20 ILCS 405/67.24)

Sec. 405-315. Management of State buildings; security force; fees. (a) To manage, operate, maintain, and preserve from waste the State buildings listed below. The Department may rent portions of these and other State buildings when in the judgment of the Director those leases or subleases will be in the best interests of the State. The leases or subleases shall not exceed 5 years unless a greater term is specifically authorized.

a. Peoria Regional Office Building
5415 North University
Peoria, Illinois 61614

b. Springfield Regional Office Building
4500 South 6th Street
Springfield, Illinois 62703

c. Champaign Regional Office Building
2125 South 1st Street
Champaign, Illinois 61820

d. Illinois State Armory Building
124 East Adams
Springfield, Illinois 62706

e. Marion Regional Office Building
2209 West Main Street
Marion, Illinois 62959

f. Kenneth Hall Regional State Office Building
#10 Collinsville Avenue
East St. Louis, Illinois 62201

g. Rockford Regional Office Building
4402 North Main Street
P.O. Box 915
Rockford, Illinois 61105

h. State of Illinois Building
160 North LaSalle
Chicago, Illinois 60601

i. Office and Laboratory Building
2121 West Taylor Street
Chicago, Illinois 60602

j. Central Computer Facility
201 West Adams
Springfield, Illinois 62706

k. Elgin Office Building

595 South State Street
Elgin, Illinois 60120

l. James R. Thompson Center
Bounded by Lake, Clark, Randolph and
LaSalle Streets
Chicago, Illinois

m. The following buildings located within the Chicago Medical Center District:

1. Lawndale Day Care Center
2929 West 19th Street

2. Edwards Center
2020 Roosevelt Road

3. Illinois Center for Rehabilitation and Education
1950 West Roosevelt Road and 1151 South Wood Street

4. Department of Children and Family Services District Office
1026 South Damen

5. The William Heally School
1731 West Taylor

6. Administrative Office Building
1100 South Paulina Street

7. Metro Children and Adolescents Center
1601 West Taylor Street

n. E.J. "Zeke" Giorgi Center
200 Wyman Street
Rockford, Illinois

o. Suburban North Facility
9511 Harrison
Des Plaines, Illinois

p. The following buildings located within the Revenue Center in Springfield:

1. State Property Control Warehouse
11th & amp; Ash

2. Illinois State Museum Research & amp; Collections Center
1011 East Ash Street

q. Effingham Regional Office Building
401 Industrial Drive
Effingham, Illinois

r. The Communications Center
120 West Jefferson
Springfield, Illinois

s. Portions or all of the basement and ground floor of the
State of Illinois Building
160 North LaSalle
Chicago, Illinois 60601

may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to exceed 15 years when in the judgment of the Director those leases or subleases will be in the best interests of the State.

Portions or all of the commercial space, which includes the sub-basement, storage mezzanine, concourse, and ground and second floors of the

James R. Thompson Center
Bounded by Lake, Clark, Randolph and LaSalle Streets
Chicago, Illinois

may be leased or subleased to persons, firms, partnerships, associations, or individuals for terms not to

exceed 15 years subject to renewals when in the judgment of the Director those leases or subleases will be in the best interests of the State.

The Director is authorized to rent portions of the above described facilities to persons, firms, partnerships, associations, or individuals for terms not to exceed 30 days when those leases or subleases will not interfere with State usage of the facility. This authority is meant to supplement and shall not in any way be interpreted to restrict the Director's ability to make portions of the State of Illinois Building and the James R. Thompson Center available for long-term commercial leases or subleases.

Provided however, that all rentals or fees charged to persons, firms, partnerships, associations, or individuals for any lease or use of space in the above described facilities made for terms not to exceed 30 days in length shall be deposited in a special fund in the State treasury to be known as the Special Events Revolving Fund.

Notwithstanding the provisions above, the Department of Children and Family Services and the Department of Human Services (as successor to the Department of Rehabilitation Services and the Department of Mental Health and Developmental Disabilities) shall determine the allocation of space for direct recipient care in their respective facilities. The Department of Central Management Services shall consult with the affected agency in the allocation and lease of surplus space in these facilities. Potential lease arrangements shall not endanger the direct recipient care responsibilities in these facilities.

(b) To appoint, subject to the Personnel Code, persons to be members of a police and security force. Members of the security force shall be peace officers when performing duties pursuant to this Section and as such shall have all of the powers possessed by policemen in cities and sheriffs, including the power to make arrests on view or issue citations for violations of State statutes or city or county ordinances, except that in counties of more than 1,000,000 population, any powers created by this subsection shall be exercised only (i) when necessary to protect the property, personnel, or interests of the Department or any State agency for whom the Department manages, operates, or maintains property or (ii) when specifically requested by appropriate State or local law enforcement officials, and except that within counties of 1,000,000 or less population, these powers shall be exercised only when necessary to protect the property, personnel, or interests of the State of Illinois and only while on property managed, operated, or maintained by the Department.

Nothing in this subsection shall be construed so as to make it conflict with any provisions of, or rules promulgated under, the Personnel Code.

(c) To charge reasonable fees to all State agencies utilizing facilities operated by the Department for occupancy related fees and charges. All fees collected under this subsection shall be deposited in a special fund in the State treasury known as the Facilities Management Revolving Fund. As used in this subsection, the term "State agencies" means all departments, officers, commissions, institutions, boards, and bodies politic and corporate of the State.

(d) Provisions of this Section relating to the James R. Thompson Center are subject to the provisions of Section 7.4 of the State Property Control Act. (Source: P.A. 91-239, eff. 1-1-00; 92-302, eff. 8-9-01.)

Section 10. The State Finance Act is amended by changing Section 25 as follows:

(30 ILCS 105/25) (from Ch. 127, par. 161)

Sec. 25. Fiscal year limitations. (a) All appropriations shall be available for expenditure for the fiscal year or for a lesser period if the Act making that appropriation so specifies. A deficiency or emergency appropriation shall be available for expenditure only through June 30 of the year when the Act making that appropriation is enacted unless that Act otherwise provides.

(b) Outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations during the 2-month period ending at the close of business on August 31. Any service involving professional or artistic skills or any personal services by an employee whose compensation is subject to income tax withholding must be performed as of June 30 of the fiscal year in order to be considered an "outstanding liability as of June 30" that is thereby eligible for payment out of the expiring appropriation.

However, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code may be made by the State Board of Education from its appropriations for those respective purposes for any fiscal year, even though the claims reimbursed by the payment may be claims attributable to a prior fiscal year, and payments may be made at the direction of the State Superintendent of Education from the fund from which the appropriation is made without regard to any fiscal year limitations.

Medical payments may be made by the Department of Veterans' Affairs from its appropriations for those purposes for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year.

Medical payments may be made by the Department of Public Aid and child care payments may be made by the Department of Human Services (as successor to the Department of Public Aid) from appropriations for those purposes for any fiscal year, without regard to the fact that the medical or child care services being compensated for by such payment may have been rendered in a prior fiscal year; and payments may be made at the direction of the Department of Central Management Services from the Health Insurance Reserve Fund and the Local Government Health Insurance Reserve Fund without regard to any fiscal year limitations.

Additionally, payments may be made by the Department of Human Services from its appropriations, or any other State agency from its appropriations with the approval of the Department of Human Services, from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986, without regard to any fiscal year limitations.

Further, with respect to costs incurred in fiscal years 2002 and 2003 only, payments may be made by the State Treasurer from its appropriations from the Capital Litigation Trust Fund without regard to any fiscal year limitations.

Lease payments may be made by the Department of Central Management Services under the sale and leaseback provisions of Section 7.4 of the State Property Control Act with respect to the James R. Thompson Center and the Elgin Mental Health Center and surrounding land from appropriations for that purpose without regard to any fiscal year limitations.

Lease payments may be made under the sale and leaseback provisions of Section 7.5 of the State Property Control Act with respect to the Illinois State Toll Highway Authority headquarters building and surrounding land without regard to any fiscal year limitations.

(c) Further, payments may be made by the Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) from their respective appropriations for grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children Nutrition Program, for any fiscal year without regard to the fact that the services being compensated for by such payment may have been rendered in a prior fiscal year.

(d) The Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(e) The Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before November 30, a report that shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for (i) services provided in prior fiscal years and (ii) services for which claims were received in prior fiscal years.

(f) The Department of Human Services (as successor to the Department of Public Aid) shall annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services (other than medical care) provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(g) In addition, each annual report required to be submitted by the Department of Public Aid under subsection (e) shall include the following information with respect to the State's Medicaid program:

(1) Explanations of the exact causes of the variance between the previous year's estimated and actual liabilities.

(2) Factors affecting the Department of Public Aid's liabilities, including but not limited to numbers of aid recipients, levels of medical service utilization by aid recipients, and inflation in the cost of

medical services.

(3) The results of the Department's efforts to combat fraud and abuse.

(h) As provided in Section 4 of the General Assembly Compensation Act, any utility bill for service provided to a General Assembly member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

(i) An agency which administers a fund classified by the Comptroller as an internal service fund may issue rules for:

(1) billing user agencies in advance based on estimated charges for goods or services;

(2) issuing credits during the subsequent fiscal year for all user agency payments received during the prior fiscal year which were in excess of the final amounts owed by the user agency for that period; and

(3) issuing catch-up billings to user agencies during the subsequent fiscal year for amounts remaining due when payments received from the user agency during the prior fiscal year were less than the total amount owed for that period.

User agencies are authorized to reimburse internal service funds for catch-up billings by vouchers drawn against their respective appropriations for the fiscal year in which the catch-up billing was issued. (Source: P.A. 92-885, eff. 1-13-03.)

Section 10. The Illinois Procurement Code is amended by adding Sections 40-45 and 40-46 as follows:

(30 ILCS 500/40-45 new)

Sec. 40-45. Leases exempt from Article. A lease entered into by the State under Section 7.4 of the State Property Control Act is not subject to the provisions of this Article.

(30 ILCS 500/40-46 new)

Sec. 40-46. Leases exempt from Article. A lease entered into under Section 7.5 of the State Property Control Act is not subject to the provisions of this Article.

Section 15. The State Property Control Act is amended by adding Sections 7.4 and 7.5 as follows:

(30 ILCS 605/7.4 new)

Sec. 7.4. James R. Thompson Center; Elgin Mental Health Center.

(a) Notwithstanding any other provision of this Act or any other law to the contrary, the administrator is authorized under this Section to dispose of or mortgage (i) the James R. Thompson Center located in Chicago, Illinois and (ii) the Elgin Mental Health Center and surrounding land located at 750 S. State Street, Elgin, Illinois in any of the following ways:

(1) The administrator may sell the property as provided in subsection (b).

(2) The administrator may sell the property as provided in subsection (b), and the administrator may immediately thereafter enter into a leaseback or other agreement that directly or indirectly gives the State a right to use, control, and possess the property. Notwithstanding any other provision of law, a lease entered into by the administrator under this subdivision (a)(2) may last for any period not exceeding 99 years.

(3) The administrator may enter into a mortgage agreement, using the property as collateral, to receive a loan or a line of credit based on the equity available in the property. Any loan obtained or line of credit established under this subdivision (a)(3) must require repayment in full in 20 years or less.

(b) The administrator shall obtain 3 appraisals of the real property transferred under subdivision (a)(1) or (a)(2) of this Section, one of which shall be performed by an appraiser residing in the county in which the real property is located. The average of these 3 appraisals, plus the costs of obtaining the appraisals, shall represent the fair market value of the real property. No property may be conveyed under subdivision (a)(1) or (a)(2) of this Section by the administrator for less than the fair market value. The administrator may sell the real property by public auction following notice of the sale by publication on 3 separate days not less than 15 nor more than 30 days prior to the sale in a daily newspaper having general circulation in the county in which the real property is located. The administrator shall post "For Sale" signs of a conspicuous nature on the real property offered for sale to the public. If no acceptable offers for the real property are received, the administrator may have new appraisals of the property made. The administrator shall have all power necessary to convey real property under subdivision (a)(1) or (a)(2) of this Section.

The administrator shall have authority to order such surveys, abstracts of title, or commitments for title insurance as may, in his or her reasonable discretion, be deemed necessary to demonstrate to prospective purchasers, bidders, or mortgagees good and marketable title in any property offered for sale or mortgage under this Section. Unless otherwise specifically authorized by the General Assembly, all conveyances of property made by the administrator under subdivision (a)(1) or (a)(2) of this Section shall be by quit claim deed.

(c) All moneys received from the sale or mortgage of real property under this Section shall be deposited

into the General Revenue Fund.

(d) The administrator is authorized to enter into any agreements and execute any documents necessary to exercise the authority granted by this Section.

(e) Any agreement to dispose of or mortgage (i) the James R. Thompson Center located in Chicago, Illinois or (ii) the Elgin Mental Health Center and surrounding land located at 750 S. State Street, Elgin, Illinois pursuant to the authority granted by this Section must be entered into no later than one year after the effective date of this amendatory Act of the 93rd General Assembly.

(30 ILCS 605/7.5 new)

Sec. 7.5. Illinois State Toll Highway Authority headquarters.

(a) Notwithstanding any other provision of this Act or any other law to the contrary, the Illinois State Toll Highway Authority, as set forth in items (1) through (3), is authorized under this Section to dispose of or mortgage the Illinois State Toll Highway Authority headquarters building and surrounding land, located at 2700 Ogden Avenue, Downers Grove, Illinois in any of the following ways:

(1) The Authority may sell the property as provided in subsection (b).

(2) The Authority may sell the property as provided in subsection (b) and may immediately thereafter enter into a leaseback or other agreement that directly or indirectly gives the State or the Authority a right to use, control, and possess the property. Notwithstanding any other provision of law, a lease entered into under this subdivision (a)(2) may last for any period not exceeding 99 years.

(3) The Authority may enter into a mortgage agreement, using the property as collateral, to receive a loan or a line of credit based on the equity available in the property. Any loan obtained or line of credit established under this subdivision (a)(3) must require repayment in full in 20 years or less.

(b) The Illinois State Toll Highway Authority shall obtain 3 appraisals of the real property transferred under subdivision (a)(1) or (a)(2) of this Section, one of which shall be performed by an appraiser residing in the county in which the real property is located. The average of these 3 appraisals, plus the costs of obtaining the appraisals, shall represent the fair market value of the real property. No property may be conveyed under subdivision (a)(1) or (a)(2) of this Section by the Authority for less than the fair market value. The Authority may sell the real property by public auction following notice of the sale by publication on 3 separate days not less than 15 nor more than 30 days prior to the sale in a daily newspaper having general circulation in the county in which the real property is located. The Authority shall post "For Sale" signs of a conspicuous nature on the real property offered for sale to the public. If no acceptable offers for the real property are received, the Authority may have new appraisals of the property made. The Authority shall have all power necessary to convey real property under subdivision (a)(1) or (a)(2) of this Section.

The Illinois State Toll Highway Authority shall have authority to order such surveys, abstracts of title, or commitments for title insurance as may, in his or her reasonable discretion, be deemed necessary to demonstrate to prospective purchasers, bidders, or mortgagees good and marketable title in any property offered for sale or mortgage under this Section. Unless otherwise specifically authorized by the General Assembly, all conveyances of property made by the Authority under subdivision (a)(1) or (a)(2) of this Section shall be by quit claim deed.

(c) All moneys received from the sale or mortgage of real property under this Section shall be deposited into the General Revenue Fund.

(d) The Authority is authorized to enter into any agreements and execute any documents necessary to exercise the authority granted by this Section.

(e) Any agreement to dispose of or mortgage the Illinois State Toll Highway Authority headquarters building and surrounding land located at 2700 Ogden Avenue, Downers Grove, Illinois pursuant to the authority granted by this Section must be entered into no later than one year after the effective date of this amendatory Act of the 93rd General Assembly.

Section 20. The Property Tax Code is amended by changing Sections 9-195 and 15-55 and adding Section 15-185 as follows:

(35 ILCS 200/9-195)

Sec. 9-195. Leasing of exempt property. (a) Except as provided in Sections 15-35, 15-55, 15-60, 15-100, ~~and~~ 15-103, and 15-185, when property which is exempt from taxation is leased to another whose property is not exempt, and the leasing of which does not make the property taxable, the leasehold estate and the appurtenances shall be listed as the property of the lessee thereof, or his or her assignee. Taxes on that property shall be collected in the same manner as on property that is not exempt, and the lessee shall be liable for those taxes. However, no tax lien shall attach to the exempt real estate. The changes made by this amendatory Act of 1997 and by this amendatory Act of the 91st General Assembly are declaratory of

existing law and shall not be construed as a new enactment. The changes made by Public Acts 88-221 and 88-420 that are incorporated into this Section by this amendatory Act of 1993 are declarative of existing law and are not a new enactment.

(b) The provisions of this Section regarding taxation of leasehold interests in exempt property do not apply to any leasehold interest created pursuant to any transaction described in subsection (e) of Section 15-35, subsection (c-5) of Section 15-60, subsection (b) of Section 15-100, ~~or~~ Section 15-103, or Section 15-185. (Source: P.A. 91-513, eff. 8-13-99; 92-844, eff. 8-23-02; 92-846, eff. 8-23-02.)

(35 ILCS 200/15-55)

Sec. 15-55. State property. (a) All property belonging to the State of Illinois is exempt. However, the State agency holding title shall file the certificate of ownership and use required by Section 15-10, together with a copy of any written lease or agreement, in effect on March 30 of the assessment year, concerning parcels of 1 acre or more, or an explanation of the terms of any oral agreement under which the property is leased, subleased or rented.

The leased property shall be assessed to the lessee and the taxes thereon extended and billed to the lessee, and collected in the same manner as for property which is not exempt. The lessee shall be liable for the taxes and no lien shall attach to the property of the State.

For the purposes of this Section, the word "leases" includes licenses, franchises, operating agreements and other arrangements under which private individuals, associations or corporations are granted the right to use property of the Illinois State Toll Highway Authority and includes all property of the Authority used by others without regard to the size of the leased parcel.

(b) However, all property of every kind belonging to the State of Illinois, which is or may hereafter be leased to the Illinois Prairie Path Corporation, shall be exempt from all assessments, taxation or collection, despite the making of any such lease, if it is used for:

(1) ~~(a)~~ conservation, nature trail or any other charitable, scientific, educational or recreational purposes with public benefit, including the preserving and aiding in the preservation of natural areas, objects, flora, fauna or biotic communities;

(2) ~~(b)~~ the establishment of footpaths, trails and other protected areas;

(3) ~~(c)~~ the conservation of the proper use of natural resources or the promotion of the study of plant and animal communities and of other phases of ecology, natural history and conservation;

(4) ~~(d)~~ the promotion of education in the fields of nature, preservation and conservation; or

(5) ~~(e)~~ similar public recreational activities conducted by the Illinois Prairie Path Corporation.

No lien shall attach to the property of the State. No tax liability shall become the obligation of or be enforceable against Illinois Prairie Path Corporation.

(c) If the State sells the James R. Thompson Center or the Elgin Mental Health Center and surrounding land located at 750 S. State Street, Elgin, Illinois, as provided in subdivision (a)(2) of Section 7.4 of the State Property Control Act, to another entity whose property is not exempt and immediately thereafter enters into a leaseback or other agreement that directly or indirectly gives the State a right to use, control, and possess the property, that portion of the property leased and occupied exclusively by the State shall remain exempt under this Section. For the property to remain exempt under this subsection (c), the State must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the State.

If the property has been conveyed as described in this subsection (c), the property is no longer exempt pursuant to this Section as of the date when:

(1) the right of the State to use, control, and possess the property has been terminated; or

(2) the State no longer has an option to purchase or otherwise acquire the property and there is no provision for a reverter of the property to the State within the limitations period for reverters.

Pursuant to Sections 15-15 and 15-20 of this Code, the State shall notify the chief county assessment officer of any transaction under this subsection (c). The chief county assessment officer shall determine initial and continuing compliance with the requirements of this Section for tax exemption. Failure to notify the chief county assessment officer of a transaction under this subsection (c) or to otherwise comply with the requirements of Sections 15-15 and 15-20 of this Code shall, in the discretion of the chief county assessment officer, constitute cause to terminate the exemption, notwithstanding any other provision of this Code.

(c-1) If the Illinois State Toll Highway Authority sells the Illinois State Toll Highway Authority headquarters building and surrounding land, located at 2700 Ogden Avenue, Downers Grove, Illinois as provided in subdivision (a)(2) of Section 7.5 of the State Property Control Act, to another entity whose property is not exempt and immediately thereafter enters into a leaseback or other agreement that directly

or indirectly gives the State or the Illinois State Toll Highway Authority a right to use, control, and possess the property, that portion of the property leased and occupied exclusively by the State or the Authority shall remain exempt under this Section. For the property to remain exempt under this subsection (c), the Authority must retain an option to purchase the property at a future date or, within the limitations period for reverters, the property must revert back to the Authority.

If the property has been conveyed as described in this subsection (c), the property is no longer exempt pursuant to this Section as of the date when:

(1) the right of the State or the Authority to use, control, and possess the property has been terminated; or

(2) the Authority no longer has an option to purchase or otherwise acquire the property and there is no provision for a reverter of the property to the Authority within the limitations period for reverters.

Pursuant to Sections 15-15 and 15-20 of this Code, the Authority shall notify the chief county assessment officer of any transaction under this subsection (c). The chief county assessment officer shall determine initial and continuing compliance with the requirements of this Section for tax exemption. Failure to notify the chief county assessment officer of a transaction under this subsection (c) or to otherwise comply with the requirements of Sections 15-15 and 15-20 of this Code shall, in the discretion of the chief county assessment officer, constitute cause to terminate the exemption, notwithstanding any other provision of this Code.

(d) Public Act 81-1026 applies to all leases or agreements entered into or renewed on or after September 24, 1979. (Source: P.A. 86-413; 88-455.)

(35 ILCS 200/15-185 new)

Sec. 15-185. Leaseback exemption. Notwithstanding anything in this Code to the contrary, all property owned by a municipality with a population of over 500,000 inhabitants, or a unit of local government whose jurisdiction includes territory located in whole or in part within a municipality with a population of over 500,000 inhabitants, shall remain exempt from taxation and any leasehold interest in that property shall not be subject to taxation under Section 9-195 if, for the purpose of obtaining financing, the property is directly or indirectly leased, sold, or otherwise transferred to another entity whose property is not exempt and immediately thereafter is the subject of a leaseback or other agreement that directly or indirectly gives the municipality or unit of local government (i) a right to use, control, and possess the property or (ii) a right to require the other entity, or the other entity's designee or assignee, to use the property in the performance of services for the municipality or unit of local government. The property shall no longer be exempt under this Section as of the date when the right of the municipality or unit of local government to use, control, and possess the property or to require the performance of services is terminated and the municipality or unit of local government no longer has any option to purchase or otherwise reacquire the interest in the property which was transferred by the municipality or unit of local government.

For purposes of this Section, "municipality" means a municipality as defined in Section 1-1-2 of the Illinois Municipal Code, and "unit of local government" means a unit of local government as defined in Article VII, Section 1 of the Constitution of the State of Illinois. The provisions of this Section supersede and control over any conflicting provisions of this Code.

Section 25. The Liquor Control Act of 1934 is amended by changing Section 6-15 as follows:

(235 ILCS 5/6-15) (from Ch. 43, par. 130)

Sec. 6-15. No alcoholic liquors shall be sold or delivered in any building belonging to or under the control of the State or any political subdivision thereof except as provided in this Act. The corporate authorities of any city, village, incorporated town or township may provide by ordinance, however, that alcoholic liquor may be sold or delivered in any specifically designated building belonging to or under the control of the municipality or township, or in any building located on land under the control of the municipality; provided that such township complies with all applicable local ordinances in any incorporated area of the township. Alcoholic liquors may be delivered to and sold at any airport belonging to or under the control of a municipality of more than 25,000 inhabitants, or in any building or on any golf course owned by a park district organized under the Park District Code, subject to the approval of the governing board of the district, or in any building or on any golf course owned by a forest preserve district organized under the Downstate Forest Preserve District Act, subject to the approval of the governing board of the district, or on the grounds within 500 feet of any building owned by a forest preserve district organized under the Downstate Forest Preserve District Act during times when food is dispensed for consumption within 500 feet of the building from which the food is dispensed, subject to the approval of the governing board of the district, or in a building owned by a Local Mass Transit District organized under the Local Mass Transit District Act, subject to the approval of the governing Board of the District, or in Bicentennial

Park, or on the premises of the City of Mendota Lake Park located adjacent to Route 51 in Mendota, Illinois, or on the premises of Camden Park in Milan, Illinois, or in the community center owned by the City of Loves Park that is located at 1000 River Park Drive in Loves Park, Illinois, or, in connection with the operation of an established food serving facility during times when food is dispensed for consumption on the premises, and at the following aquarium and museums located in public parks: Art Institute of Chicago, Chicago Academy of Sciences, Chicago Historical Society, Field Museum of Natural History, Museum of Science and Industry, DuSable Museum of African American History, John G. Shedd Aquarium and Adler Planetarium, or at Lakeview Museum of Arts and Sciences in Peoria, or in connection with the operation of the facilities of the Chicago Zoological Society or the Chicago Horticultural Society on land owned by the Forest Preserve District of Cook County, or on any land used for a golf course or for recreational purposes owned by the Forest Preserve District of Cook County, subject to the control of the Forest Preserve District Board of Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage, and harm, or in any building located on land owned by the Chicago Park District if approved by the Park District Commissioners, or on any land used for a golf course or for recreational purposes and owned by the Illinois International Port District if approved by the District's governing board, or at any airport, golf course, faculty center, or facility in which conference and convention type activities take place belonging to or under control of any State university or public community college district, provided that with respect to a facility for conference and convention type activities alcoholic liquors shall be limited to the use of the convention or conference participants or participants in cultural, political or educational activities held in such facilities, and provided further that the faculty or staff of the State university or a public community college district, or members of an organization of students, alumni, faculty or staff of the State university or a public community college district are active participants in the conference or convention, or in Memorial Stadium on the campus of the University of Illinois at Urbana-Champaign during games in which the Chicago Bears professional football team is playing in that stadium during the renovation of Soldier Field, not more than one and a half hours before the start of the game and not after the end of the third quarter of the game, or by a catering establishment which has rented facilities from a board of trustees of a public community college district, or, if approved by the District board, on land owned by the Metropolitan Sanitary District of Greater Chicago and leased to others for a term of at least 20 years. Nothing in this Section precludes the sale or delivery of alcoholic liquor in the form of original packaged goods in premises located at 500 S. Racine in Chicago belonging to the University of Illinois and used primarily as a grocery store by a commercial tenant during the term of a lease that predates the University's acquisition of the premises; but the University shall have no power or authority to renew, transfer, or extend the lease with terms allowing the sale of alcoholic liquor; and the sale of alcoholic liquor shall be subject to all local laws and regulations. After the acquisition by Winnebago County of the property located at 404 Elm Street in Rockford, a commercial tenant who sold alcoholic liquor at retail on a portion of the property under a valid license at the time of the acquisition may continue to do so for so long as the tenant and the County may agree under existing or future leases, subject to all local laws and regulations regarding the sale of alcoholic liquor. Each facility shall provide dram shop liability in maximum insurance coverage limits so as to save harmless the State, municipality, State university, airport, golf course, faculty center, facility in which conference and convention type activities take place, park district, Forest Preserve District, public community college district, aquarium, museum, or sanitary district from all financial loss, damage or harm. Alcoholic liquors may be sold at retail in buildings of golf courses owned by municipalities in connection with the operation of an established food serving facility during times when food is dispensed for consumption upon the premises. Alcoholic liquors may be delivered to and sold at retail in any building owned by a fire protection district organized under the Fire Protection District Act, provided that such delivery and sale is approved by the board of trustees of the district, and provided further that such delivery and sale is limited to fundraising events and to a maximum of 6 events per year.

Alcoholic liquor may be delivered to and sold at retail in the Dorchester Senior Business Center owned by the Village of Dolton if the alcoholic liquor is sold or dispensed only in connection with organized functions for which the planned attendance is 20 or more persons, and if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance in maximum limits so as to hold harmless the Village of Dolton and the State from all financial loss, damage and harm.

Alcoholic liquors may be delivered to and sold at retail in any building used as an Illinois State Armory provided:

(i) the Adjutant General's written consent to the issuance of a license to sell alcoholic liquor in such

building is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons; and

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to save harmless the facility and the State from all financial loss, damage or harm.

Alcoholic liquors may be delivered to and sold at retail in the Chicago Civic Center, provided that:

(i) the written consent of the Public Building Commission which administers the Chicago Civic Center is filed with the Commission;

(ii) the alcoholic liquor is sold or dispensed only in connection with organized functions held on special occasions;

(iii) the organized function is one for which the planned attendance is 25 or more persons;

(iv) the facility selling or dispensing the alcoholic liquors has provided dram shop liability insurance in maximum limits so as to hold harmless the Civic Center, the City of Chicago and the State from all financial loss, damage or harm; and

(v) all applicable local ordinances are complied with.

Alcoholic liquors may be delivered or sold in any building belonging to or under the control of any city, village or incorporated town where more than 75% of the physical properties of the building is used for commercial or recreational purposes, and the building is located upon a pier extending into or over the waters of a navigable lake or stream or on the shore of a navigable lake or stream. Alcoholic liquor may be sold in buildings under the control of the Department of Natural Resources when written consent to the issuance of a license to sell alcoholic liquor in such buildings is filed with the Commission by the Department of Natural Resources. Notwithstanding any other provision of this Act, alcoholic liquor sold by a United States Army Corps of Engineers or Department of Natural Resources concessionaire who was operating on June 1, 1991 for on-premises consumption only is not subject to the provisions of Articles IV and IX. Beer and wine may be sold on the premises of the Joliet Park District Stadium owned by the Joliet Park District when written consent to the issuance of a license to sell beer and wine in such premises is filed with the local liquor commissioner by the Joliet Park District. Beer and wine may be sold in buildings on the grounds of State veterans' homes when written consent to the issuance of a license to sell beer and wine in such buildings is filed with the Commission by the Department of Veterans' Affairs, and the facility shall provide dram shop liability in maximum insurance coverage limits so as to save the facility harmless from all financial loss, damage or harm. Such liquors may be delivered to and sold at any property owned or held under lease by a Metropolitan Pier and Exposition Authority or Metropolitan Exposition and Auditorium Authority.

Beer and wine may be sold and dispensed at professional sporting events and at professional concerts and other entertainment events conducted on premises owned by the Forest Preserve District of Kane County, subject to the control of the District Commissioners and applicable local law, provided that dram shop liability insurance is provided at maximum coverage limits so as to hold the District harmless from all financial loss, damage and harm.

Nothing in this Section shall preclude the sale or delivery of beer and wine at a State or county fair or the sale or delivery of beer or wine at a city fair in any otherwise lawful manner.

Alcoholic liquors may be sold at retail in buildings in State parks under the control of the Department of Natural Resources, provided:

a. the State park has overnight lodging facilities with some restaurant facilities or, not having overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Department of Natural Resources, and

c. the alcoholic liquors are sold by the State park lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight. Notwithstanding any other provision of this Act, alcoholic liquor sold by the State park or restaurant concessionaire is not subject to the provisions of Articles IV and IX.

Alcoholic liquors may be sold at retail in buildings on properties under the control of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum provided:

a. the property has overnight lodging facilities with some restaurant facilities or, not having

overnight lodging facilities, has restaurant facilities which serve complete luncheon and dinner or supper meals,

b. consent to the issuance of a license to sell alcoholic liquors in the buildings has been filed with the commission by the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum, and

c. the alcoholic liquors are sold by the lodge or restaurant concessionaire only during the hours from 11 o'clock a.m. until 12 o'clock midnight.

The sale of alcoholic liquors pursuant to this Section does not authorize the establishment and operation of facilities commonly called taverns, saloons, bars, cocktail lounges, and the like except as a part of lodge and restaurant facilities in State parks or golf courses owned by Forest Preserve Districts with a population of less than 3,000,000 or municipalities or park districts.

Alcoholic liquors may be sold at retail in the Springfield Administration Building of the Department of Transportation and the Illinois State Armory in Springfield; provided, that the controlling government authority may consent to such sales only if

a. the request is from a not-for-profit organization;

b. such sales would not impede normal operations of the departments involved;

c. the not-for-profit organization provides dram shop liability in maximum insurance coverage limits and agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm;

d. no such sale shall be made during normal working hours of the State of Illinois; and

e. the consent is in writing.

Alcoholic liquors may be sold at retail in buildings in recreational areas of river conservancy districts under the control of, or leased from, the river conservancy districts. Such sales are subject to reasonable local regulations as provided in Article IV; however, no such regulations may prohibit or substantially impair the sale of alcoholic liquors on Sundays or Holidays.

Alcoholic liquors may be provided in long term care facilities owned or operated by a county under Division 5-21 or 5-22 of the Counties Code, when approved by the facility operator and not in conflict with the regulations of the Illinois Department of Public Health, to residents of the facility who have had their consumption of the alcoholic liquors provided approved in writing by a physician licensed to practice medicine in all its branches.

Alcoholic liquors may be delivered to and dispensed in State housing assigned to employees of the Department of Corrections. No person shall furnish or allow to be furnished any alcoholic liquors to any prisoner confined in any jail, reformatory, prison or house of correction except upon a physician's prescription for medicinal purposes.

Alcoholic liquors may be sold at retail or dispensed at the Willard Ice Building in Springfield, at the State Library in Springfield, and at Illinois State Museum facilities by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the controlling government authority, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at authorized functions.

The controlling government authority for the Willard Ice Building in Springfield shall be the Director of the Department of Revenue. The controlling government authority for Illinois State Museum facilities shall be the Director of the Illinois State Museum. The controlling government authority for the State Library in Springfield shall be the Secretary of State.

Alcoholic liquors may be delivered to and sold at retail or dispensed at any facility, property or building under the jurisdiction of the Historic Sites and Preservation Division of the Historic Preservation Agency or the Abraham Lincoln Presidential Library and Museum where the delivery, sale or dispensing is by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains

written permission to sell or dispense alcoholic liquors from a controlling government authority, or by (2) a not-for-profit organization provided that such organization:

a. Obtains written consent from the controlling government authority;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal workings of State offices or operations located at the facility, property or building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity of the not-for-profit organization in the facility, property or building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

The controlling government authority for the Historic Sites and Preservation Division of the Historic Preservation Agency shall be the Director of the Historic Sites and Preservation, and the controlling government authority for the Abraham Lincoln Presidential Library and Museum shall be the Director of the Abraham Lincoln Presidential Library and Museum.

Alcoholic liquors may be sold at retail or dispensed at the James R. Thompson Center in Chicago, subject to the provisions of Section 7.4 of the State Property Control Act, and 222 South College Street in Springfield, Illinois by (1) a commercial tenant or subtenant conducting business on the premises under a lease or sublease made pursuant to Section 405-315 of the Department of Central Management Services Law (20 ILCS 405/405-315), provided that such tenant or subtenant who sells or dispenses alcoholic liquors shall procure and maintain dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, indemnify and save harmless the State of Illinois from all financial loss, damage or harm arising out of the sale or dispensing of alcoholic liquors, or by (2) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Director of Central Management Services, or by (3) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Director of Central Management Services.

Alcoholic liquors may be sold or delivered at any facility owned by the Illinois Sports Facilities Authority provided that dram shop liability insurance has been made available in a form, with such coverage and in such amounts as the Authority reasonably determines is necessary.

Alcoholic liquors may be sold at retail or dispensed at the Rockford State Office Building by (1) an agency of the State, whether legislative, judicial or executive, provided that such agency first obtains written permission to sell or dispense alcoholic liquors from the Department of Central Management Services, or by (2) a not-for-profit organization, provided that such organization:

a. Obtains written consent from the Department of Central Management Services;

b. Sells or dispenses the alcoholic liquors in a manner that does not impair normal operations of State offices located in the building;

c. Sells or dispenses alcoholic liquors only in connection with an official activity in the building;

d. Provides, or its catering service provides, dram shop liability insurance in maximum coverage limits and in which the carrier agrees to defend, save harmless and indemnify the State of Illinois from all financial loss, damage or harm arising out of the selling or dispensing of alcoholic liquors.

Nothing in this Act shall prevent a not-for-profit organization or agency of the State from employing the services of a catering establishment for the selling or dispensing of alcoholic liquors at functions authorized by the Department of Central Management Services.

Alcoholic liquors may be sold or delivered in a building that is owned by McLean County, situated on land owned by the county in the City of Bloomington, and used by the McLean County Historical Society if the sale or delivery is approved by an ordinance adopted by the county board, and the municipality in which the building is located may not prohibit that sale or delivery, notwithstanding any other provision of this Section. The regulation of the sale and delivery of alcoholic liquor in a building that is owned by

McLean County, situated on land owned by the county, and used by the McLean County Historical Society as provided in this paragraph is an exclusive power and function of the State and is a denial and limitation under Article VII, Section 6, subsection (h) of the Illinois Constitution of the power of a home rule municipality to regulate that sale and delivery.

Alcoholic liquors may be sold or delivered in any building situated on land held in trust for any school district organized under Article 34 of the School Code, if the building is not used for school purposes and if the sale or delivery is approved by the board of education.

Alcoholic liquors may be sold or delivered in buildings owned by the Community Building Complex Committee of Boone County, Illinois if the person or facility selling or dispensing the alcoholic liquor has provided dram shop liability insurance with coverage and in amounts that the Committee reasonably determines are necessary.

Alcoholic liquors may be sold or delivered in the building located at 1200 Centerville Avenue in Belleville, Illinois and occupied by either the Belleville Area Special Education District or the Belleville Area Special Services Cooperative. (Source: P.A. 91-239, eff. 1-1-00; 91-922, eff. 7-7-00; 92-512, eff. 1-1-02; 92-583, eff. 6-26-02; 92-600, eff. 7-1-02; revised 9-3-02.)

Section 30. The Toll Highway Act is amended by changing Section 8 as follows:

(605 ILCS 10/8) (from Ch. 121, par. 100-8)

Sec. 8. The Authority shall have the power:

(a) To acquire, own, use, hire, lease, operate and dispose of personal property, real property <u>(except with respect to the headquarters building and surrounding land of the Authority located at 2700 Ogden Avenue, Downers Grove, Illinois, which may be sold or mortgaged only as provided in Section 7.5 of the State Property Control Act)</u>, any interest therein, including rights-of-way, franchises and easements.

(b) To enter into all contracts and agreements necessary or incidental to the performance of its powers under this Act. All employment contracts let under this Act shall be in conformity with the applicable provisions of "An Act regulating wages of laborers, mechanics and other workers employed under contracts for public works," approved June 26, 1941, as amended.

(c) To employ and discharge, without regard to the requirements of any civil service or personnel act, such administrative, engineering, traffic, architectural, construction, and financial experts, and inspectors, and such other employees, as are necessary in the Authority's judgment to carry out the purposes of this Act; and to establish and administer standards of classification of all of such persons with respect to their compensation, duties, performance, and tenure; and to enter into contracts of employment with such persons for such periods and on such terms as the Authority deems desirable.

(d) To appoint by and with the consent of the Attorney General, assistant attorneys for such Authority, which said assistant attorneys shall be under the control, direction and supervision of the Attorney General and shall serve at his pleasure.

(e) To retain special counsel, subject to the approval of the Attorney General, as needed from time to time, and fix their compensation, provided however, such special counsel shall be subject to the control, direction and supervision of the Attorney General and shall serve at his pleasure.

(f) To acquire, construct, relocate, operate, regulate and maintain a system of toll highways through and within the State of Illinois. However, the Authority does not have the power to acquire, operate, regulate or maintain any system of toll highways or toll bridges or portions of them (including but not limited to any system organized pursuant to Division 108 of Article 11 of the Illinois Municipal Code) in the event either of the following conditions exists at the time the proposed acquisition, operation, regulation or maintenance of such system is to become effective:

(1) the principal or interest on bonds or other instruments evidencing indebtedness of the system are in default; or

(2) the principal or interest on bonds or other instruments evidencing indebtedness of the system have been in default at any time during the 5 year period prior to the proposed acquisition.

To facilitate such construction, operation and maintenance and subject to the approval of the Division of Highways of the Department of Transportation, the Authority shall have the full use and advantage of the engineering staff and facilities of the Department. (Source: P.A. 83-1258.)

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

<u>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.</u>

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

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 719, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 15, below line 22, by inserting the following:

"(f) The provisions of this Section apply and control notwithstanding any other provision of this Act or any other law to the contrary.".

AMENDMENT NO. 3

AMENDMENT NO. 3____. Amend Senate Bill 719, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 11, line 2, by replacing "Section 10" with "Section 12"; and on page 12, by replacing lines 24 through 26 with the following:

"in which the real property is located. If no"; and

on page 14, by replacing lines 27 through 29 with the following:

"in the county in which the real property is located. If no".

AMENDMENT NO. 4

AMENDMENT NO. 4____. Amend Senate Bill 719, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 34, line 22, after "Control Act", by inserting "to the extent that such property is subject to the State Property Control Act at the time of the proposed sale".

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1, 2, 3 and 4 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 719 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:

72, Yeas; 44, Nays; 0, Answering Present.

(ROLL CALL 16)

This bill, as amended, 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 in the House amendment/s adopted.

ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Black moved to discharge the Committee on Rules from further consideration of HOUSE BILL 3813 and advance to the order of Second Reading-Standard Debate.

Representative Currie objects.

The motion fails.

Representative Black moves to overrule the chair.

The question is shall the chair be sustained.

And on that motion, a vote was taken resulting as follows:

66, Yeas; 49, Nays; 0, Answering Present.

(ROLL CALL 17)

The chair is sustained.

The motion prevailed.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Delgado, SENATE BILL 1548 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:

114, Yeas; 2, 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.

On motion of Representative Molaro, SENATE BILL 741 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:

116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 19)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Delgado, SENATE BILL 1064 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:

96, Yeas; 19, 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.

SENATE BILL ON SECOND READING

SENATE BILL 774. Having been read by title a second time on May 27, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered and withdrew Amendment No. 1.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 774, AS AMENDED, by replacing the title with the following:

"AN ACT concerning taxation."; and

by replacing everything after the enacting clause with the following:

"Section 3. The State Finance Act is amended by changing Section 8.20 as follows:

(30 ILCS 105/8.20) (from Ch. 127, par. 144.20)

Sec. 8.20. Appropriations for the ordinary and contingent expenses of the Illinois Liquor Control Commission shall be paid from the Dram Shop Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund

shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Shop Fund that is the same as the proportion of the license fee paid by the licensee under Section 5-3 of the Liquor Control Act of 1934, as now or hereafter amended, for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

In addition to any other permitted use of moneys in the Fund, and notwithstanding any restriction on the use of the Fund, moneys in the Dram Shop Fund may be transferred to the General Revenue Fund as authorized by Public Act 87-14. The General Assembly finds that an excess of moneys existed in the Fund on July 30, 1991, and the Governor's order of July 30, 1991, requesting the Comptroller and Treasurer to transfer an amount from the Fund to the General Revenue Fund is hereby validated. (Source: P.A. 90-372, eff. 7-1-98; 91-25, eff. 6-9-99.)

Section 5. The Retailers' Occupation Tax Act is amended by changing Section 3 as follows:

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;

2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;

3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;

4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;

6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;

8. The amount of tax due;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

A retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

Beginning on October 1, 2003, any person who is not a licensed distributor, importing distributor, or manufacturer, as defined in the Liquor Control Act of 1934, but is engaged in the business of selling, at retail, alcoholic liquor shall file a statement with the Department of Revenue, in a format and at a time prescribed by the Department, showing the total amount paid for alcoholic liquor purchased during the preceding month and such other information as is reasonably required by the Department. The Department may adopt rules to require that this statement be filed in an electronic or telephonic format. Such rules may provide for exceptions from the filing requirements of this paragraph. For the purposes of this paragraph, the term "alcoholic liquor" shall have the meaning prescribed in the Liquor Control Act of 1934.

Beginning on October 1, 2003, every distributor, importing distributor, and manufacturer of alcoholic liquor as defined in the Liquor Control Act of 1934, shall file a statement with the Department of Revenue, no later than the 10th day of month for the preceding month during which transactions occurred, by electronic means, showing the total amount of gross receipts from the sale of alcoholic liquor sold or distributed during the preceding month to purchasers; identifying the purchaser to whom it was sold or distributed; the purchaser's tax registration number; and such other information reasonably required by the Department. A copy of the monthly statement shall be sent to the retailer no later than the 10th day of the month for the preceding month during which transactions occurred.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its

agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of

the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the

preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which 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.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8%

thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	$54,800,000
1987	$76,650,000
1988	$80,480,000
1989	$88,510,000
1990	$115,330,000
1991	$145,470,000
1992	$182,730,000
1993	$206,520,000;

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	246,000,000
2022	260,000,000
2023 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.	275,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section. (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

Section 10. The Cigarette Tax Act is amended by changing Sections 3 and 29 as follows:

(35 ILCS 130/3) (from Ch. 120, par. 453.3)

Sec. 3. Affixing tax stamp; remitting tax to the Department. Payment of the taxes imposed by Section 2 of this Act shall (except as hereinafter provided) be evidenced by revenue tax stamps affixed to each original package of cigarettes. Each distributor of cigarettes, before delivering or causing to be delivered any original package of cigarettes in this State to a purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper, as hereinafter provided.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

The Department, or any person authorized by the Department, shall sell such stamps only to persons holding valid licenses as distributors under this Act. <u>On and after July 1, 2003, payment for such stamps must be made by means of electronic funds transfer.</u> The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act. Beginning on the effective date of this amendatory Act of the 92nd General Assembly and through June 30, 2002, persons holding valid licenses as distributors may purchase cigarette tax stamps up to an amount equal to 115% of the distributor's average monthly cigarette tax stamp purchases over the 12 calendar months prior to the effective date of this amendatory Act of the 92nd General Assembly.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final

payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The Bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

On and after December 1, 1985 and until July 1, 2003, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) Such taxpayer becomes a prior continuous compliance taxpayer; or

(2) Such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible after his final tax return has been filed. If the Department cannot make such final determination within 45 days after receiving the

final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

The Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting tax meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

Illinois cigarette manufacturers who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, and similar out-of-State cigarette manufacturers who elect to qualify and are accepted by the Department as distributors under Section 4b of this Act, shall pay the taxes imposed by this Act by remitting the amount thereof to the Department by the 5th day of each month covering cigarettes shipped or otherwise delivered in Illinois to purchasers during the preceding calendar month. Such manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to remit the taxes due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may designate. Such imprinted language shall acknowledge the manufacturer's payment of or liability for the tax imposed by this Act with respect to the distribution of such cigarettes.

A distributor shall not affix, or cause to be affixed, any stamp or imprint to a package of cigarettes, as provided for in this Section, if the tobacco product manufacturer, as defined in Section 10 of the Tobacco Product Manufacturers' Escrow Act, that made or sold the cigarettes has failed to become a participating manufacturer, as defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers' Escrow Act, or has failed to create a qualified escrow fund for any cigarettes manufactured by the tobacco product manufacturer and sold in this State or otherwise failed to bring itself into compliance with subdivision (a)(2) of Section 15 of the Tobacco Product Manufacturers' Escrow Act. (Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02; 92-536, eff. 6-6-02; 92-737, eff. 7-25-02; revised 9-10-02.)

(35 ILCS 130/29) (from Ch. 120, par. 453.29)

Sec. 29. All moneys received by the Department from the one-half mill tax imposed by the Sixty-fourth General Assembly and all interest and penalties, received in connection therewith under the provisions of this Act shall be paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund. All other moneys received by the Department under this Act shall be paid into the General Revenue Fund in the State treasury. After there has been paid into the Metropolitan Fair and Exposition Authority Reconstruction Fund sufficient money to pay in full both principal and interest, all of the outstanding bonds issued pursuant to the "Fair and Exposition Authority Reconstruction Act", the State Treasurer and Comptroller shall transfer to the General Revenue Fund the balance of moneys remaining in the Metropolitan Fair and Exposition Authority Reconstruction Fund except for $2,500,000 which shall remain in the Metropolitan Fair and Exposition Authority Reconstruction Fund and which may be appropriated by the General Assembly for the corporate purposes of the Metropolitan Pier and Exposition Authority. All monies received by the Department in fiscal year 1978 and thereafter from the one-half mill tax imposed by the Sixty-fourth General Assembly, and all interest and penalties received in connection therewith under the provisions of this Act, shall be paid into the General Revenue Fund, except that the Department shall pay the first $4,800,000 received in fiscal years 1979 through 2001 from that one-half mill tax into the Metropolitan Fair and Exposition Authority Reconstruction Fund which monies may be appropriated by the General Assembly for the corporate purposes of the Metropolitan Pier and Exposition Authority.

In fiscal year 2002 and ~~each~~ fiscal year 2003 ~~thereafter~~, the first $4,800,000 from the one-half mill tax shall be paid into the Statewide Economic Development Fund. (Source: P.A. 92-208, eff. 8-2-01.)

Section 15. The Cigarette Use Tax Act is amended by changing Section 3 as follows:

(35 ILCS 135/3) (from Ch. 120, par. 453.33)

Sec. 3. Stamp payment. The tax hereby imposed shall be collected by a distributor maintaining a place of business in this State or a distributor authorized by the Department pursuant to Section 7 hereof to collect the tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor. Collection of the tax shall be evidenced by a stamp or stamps affixed to each original package of cigarettes or by an authorized substitute for such stamp imprinted on each original package of such

cigarettes underneath the sealed transparent outside wrapper of such original package, except as hereinafter provided. Each distributor who is required or authorized to collect the tax herein imposed, before delivering or causing to be delivered any original packages of cigarettes in this State to any purchaser, shall firmly affix a proper stamp or stamps to each such package, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) shall imprint the required language on the original package of cigarettes beneath such outside wrapper as hereinafter provided. Such stamp or stamps need not be affixed to the original package of any cigarettes with respect to which the distributor is required to affix a like stamp or stamps by virtue of the Cigarette Tax Act, however, and no tax imprint need be placed underneath the sealed transparent wrapper of an original package of cigarettes with respect to which the distributor is required or authorized to employ a like tax imprint by virtue of the Cigarette Tax Act.

No stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 U.S.C. 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6, the Department shall revoke the license of any distributor that is determined to have violated this paragraph. A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this paragraph that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

Stamps, when required hereunder, shall be purchased from the Department, or any person authorized by the Department, by distributors. On and after July 1, 2003, payment for such stamps must be made by means of electronic funds transfer. The Department may refuse to sell stamps to any person who does not comply with the provisions of this Act. Beginning on June 6, 2002 ~~the effective date of this amendatory Act of the 92nd General Assembly~~ and through June 30, 2002, persons holding valid licenses as distributors may purchase cigarette tax stamps up to an amount equal to 115% of the distributor's average monthly cigarette tax stamp purchases over the 12 calendar months prior to June 6, 2002 ~~the effective date of this amendatory Act of the 92nd General Assembly~~.

Prior to December 1, 1985, the Department shall allow a distributor 21 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 21 days thereafter: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 80% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $500,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 21-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 25% of the amount of such draft.

On and after December 1, 1985 and until July 1, 2003, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes, and which shall be payable within 30 days thereafter, and beginning on January 1, 2003 and thereafter, the draft shall be payable by means of electronic funds transfer: Provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the bond required under Section 4 of this Act, payable to the Department in an amount equal to 150% of such distributor's average monthly tax liability to the Department under this Act during the preceding calendar year or $750,000, whichever is less, except that as to bonds filed on or after January 1, 1987, such additional bond shall be in an amount equal to 100% of such distributor's average monthly tax liability under this Act during the preceding calendar year or $750,000, whichever is less. The bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes, or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under this Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the

Department for a penalty equal to 25% of the amount of such draft.

Every prior continuous compliance taxpayer shall be exempt from all requirements under this Section concerning the furnishing of such bond, as defined in this Section, as a condition precedent to his being authorized to engage in the business licensed under this Act. This exemption shall continue for each such taxpayer until such time as he may be determined by the Department to be delinquent in the filing of any returns, or is determined by the Department (either through the Department's issuance of a final assessment which has become final under the Act, or by the taxpayer's filing of a return which admits tax to be due that is not paid) to be delinquent or deficient in the paying of any tax under this Act, at which time that taxpayer shall become subject to the bond requirements of this Section and, as a condition of being allowed to continue to engage in the business licensed under this Act, shall be required to furnish bond to the Department in such form as provided in this Section. Such taxpayer shall furnish such bond for a period of 2 years, after which, if the taxpayer has not been delinquent in the filing of any returns, or delinquent or deficient in the paying of any tax under this Act, the Department may reinstate such person as a prior continuance compliance taxpayer. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

Any person aggrieved by any decision of the Department under this Section may, within the time allowed by law, protest and request a hearing, whereupon the Department shall give notice and shall hold a hearing in conformity with the provisions of this Act and then issue its final administrative decision in the matter to such person. In the absence of such a protest filed within the time allowed by law, the Department's decision shall become final without any further determination being made or notice given.

The Department shall discharge any surety and shall release and return any bond or security deposited, assigned, pledged, or otherwise provided to it by a taxpayer under this Section within 30 days after:

(1) such Taxpayer becomes a prior continuous compliance taxpayer; or

(2) such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. The Department shall make a final determination of the taxpayer's outstanding tax liability as expeditiously as possible after his final tax return has been filed. If the Department cannot make such final determination within 45 days after receiving the final tax return, within such period it shall so notify the taxpayer, stating its reasons therefor.

At the time of purchasing such stamps from the Department when purchase is required by this Act, or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department when that method of remitting the tax that has been collected is required or authorized by this Act, the distributor shall be allowed a discount during any year commencing July 1 and ending the following June 30 in accordance with the schedule set out hereinbelow, from the amount to be paid by him to the Department for such stamps, or to be paid by him to the Department on the basis of monthly remittances (as the case may be), to cover the cost, to such distributor, of collecting the tax herein imposed by affixing such stamps to the original packages of cigarettes sold by such distributor or by placing tax imprints underneath the sealed transparent wrapper of original packages of cigarettes sold by such distributor (as the case may be): (1) Prior to December 1, 1985, a discount equal to 1-2/3% of the amount of the tax up to and including the first $700,000 paid hereunder by such distributor to the Department during any such year; 1-1/3% of the next $700,000 of tax or any part thereof, paid hereunder by such distributor to the Department during any such year; 1% of the next $700,000 of tax, or any part thereof, paid hereunder by such distributor to the Department during any such year; and 2/3 of 1% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year or (2) On and after December 1, 1985, a discount equal to 1.75% of the amount of the tax payable under this Act up to and including the first $3,000,000 paid hereunder by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid hereunder by such distributor to the Department during any such year.

Two or more distributors that use a common means of affixing revenue tax stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

Cigarette manufacturers who are distributors under this Act, and who place their cigarettes in original packages which are contained inside a sealed transparent wrapper, shall be required to remit the tax which they are required to collect under this Act to the Department by remitting the amount thereof to the Department by the 5th day of each month, covering cigarettes shipped or otherwise delivered to points in

Illinois to purchasers during the preceding calendar month, but a distributor need not remit to the Department the tax so collected by him from purchasers under this Act to the extent to which such distributor is required to remit the tax imposed by the Cigarette Tax Act to the Department with respect to the same cigarettes. All taxes upon cigarettes under this Act are a direct tax upon the retail consumer and shall conclusively be presumed to be precollected for the purpose of convenience and facility only. Distributors who are manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper, before delivering such cigarettes or causing such cigarettes to be delivered in this State to purchasers, shall evidence their obligation to collect and remit the tax due with respect to such cigarettes by imprinting language to be prescribed by the Department on each original package of such cigarettes underneath the sealed transparent outside wrapper of such original package, in such place thereon and in such manner as the Department may prescribe; provided (as stated hereinbefore) that this requirement does not apply when such distributor is required or authorized by the Cigarette Tax Act to place the tax imprint provided for in the last paragraph of Section 3 of that Act underneath the sealed transparent wrapper of such original package of cigarettes. Such imprinted language shall acknowledge the manufacturer's collection and payment of or liability for the tax imposed by this Act with respect to such cigarettes.

The Department shall adopt the design or designs of the tax stamps and shall procure the printing of such stamps in such amounts and denominations as it deems necessary to provide for the affixation of the proper amount of tax stamps to each original package of cigarettes.

Where tax stamps are required, the Department may authorize distributors to affix revenue tax stamps by imprinting tax meter stamps upon original packages of cigarettes. The Department shall adopt rules and regulations relating to the imprinting of such tax meter stamps as will result in payment of the proper taxes as herein imposed. No distributor may affix revenue tax stamps to original packages of cigarettes by imprinting meter stamps thereon unless such distributor has first obtained permission from the Department to employ this method of affixation. The Department shall regulate the use of tax meters and may, to assure the proper collection of the taxes imposed by this Act, revoke or suspend the privilege, theretofore granted by the Department to any distributor, to imprint tax meter stamps upon original packages of cigarettes.

The tax hereby imposed and not paid pursuant to this Section shall be paid to the Department directly by any person using such cigarettes within this State, pursuant to Section 12 hereof.

A distributor shall not affix, or cause to be affixed, any stamp or imprint to a package of cigarettes, as provided for in this Section, if the tobacco product manufacturer, as defined in Section 10 of the Tobacco Product Manufacturers' Escrow Act, that made or sold the cigarettes has failed to become a participating manufacturer, as defined in subdivision (a)(1) of Section 15 of the Tobacco Product Manufacturers' Escrow Act, or has failed to create a qualified escrow fund for any cigarettes manufactured by the tobacco product manufacturer and sold in this State or otherwise failed to bring itself into compliance with subdivision (a)(2) of Section 15 of the Tobacco Product Manufacturers' Escrow Act. (Source: P.A. 91-246, eff. 7-22-99; 92-322, eff. 1-1-02; 92-536, eff. 6-6-02; 92-737, eff. 7-25-02; revised 9-10-02.)

Section 20. The Liquor Control Act of 1934 is amended by changing Sections 5-3, 7-5, 7-6, and 8-2 as follows:

(235 ILCS 5/5-3) (from Ch. 43, par. 118)

Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for.

The fee for licenses issued by the State Commission shall be as follows:

For a manufacturer's license:

Class 1. Distiller	$3,600
Class 2. Rectifier	3,600
Class 3. Brewer	900
Class 4. First-class Wine Manufacturer	600
Class 5. Second-class	

Wine Manufacturer	1,200
Class 6. First-class wine-maker	600
Class 7. Second-class wine-maker	1200
Class 8. Limited Wine Manufacturer	120
For a Brew Pub License	1,050
For a caterer retailer's license	200
For a foreign importer's license	25
For an importing distributor's license	25
For a distributor's license	270
For a non-resident dealer's license (500,000 gallons or over)	270
For a non-resident dealer's license (under 500,000 gallons)	90
For a wine-maker's premises license	100
For a wine-maker's premises license, second location	350
For a wine-maker's premises license, third location	350
For a retailer's license	500 ~~175~~
For a special event retailer's license, (not-for-profit)	25
For a special use permit license, one day only	50
2 days or more	100
For a railroad license	60

For a boat license	180
For an airplane license, times the licensee's maximum number of aircraft in flight, serving liquor over the State at any given time, which either originate, terminate, or make an intermediate stop in the State	60
For a non-beverage user's license:	
Class 1	24
Class 2	60
Class 3	120
Class 4	240
Class 5	600
For a broker's license	600
For an auction liquor license	50

Fees collected under this Section shall be paid into the Dram Shop Fund. On and after July 1, 2003, of the funds received for a retailer's license, in addition to the first $175, an additional $75 shall be paid into the Dram Shop Fund, and $250 shall be paid into the General Revenue Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 91-25, eff. 6-9-99; 91-357, eff. 7-29-99; 92-378, eff. 8-16-01.)

(235 ILCS 5/7-5) (from Ch. 43, par. 149)

Sec. 7-5. The local liquor control commissioner may revoke or suspend any license issued by him if he determines that the licensee has violated any of the provisions of this Act or of any valid ordinance or resolution enacted by the particular city council, president, or board of trustees or county board (as the case may be) or any applicable rule or regulations established by the local liquor control commissioner or the State commission which is not inconsistent with law. Upon notification by the Illinois Department of

Revenue, the State Commission shall revoke any license issued by it if the licensee has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. In addition to the suspension, the local liquor control commissioner in any county or municipality may levy a fine on the licensee for such violations. The fine imposed shall not exceed $1000 for a first violation within a 12-month period, $1,500 for a second violation within a 12-month period, and $2,500 for a third or subsequent violation within a 12-month period. Each day on which a violation continues shall constitute a separate violation. Not more than $15,000 in fines under this Section may be imposed against any licensee during the period of his license. Proceeds from such fines shall be paid into the general corporate fund of the county or municipal treasury, as the case may be.

However, no such license shall be so revoked or suspended and no licensee shall be fined except after a public hearing by the local liquor control commissioner with a 3 day written notice to the licensee affording the licensee an opportunity to appear and defend. All such hearings shall be open to the public and the local liquor control commissioner shall reduce all evidence to writing and shall maintain an official record of the proceedings. If the local liquor control commissioner has reason to believe that any continued operation of a particular licensed premises will immediately threaten the welfare of the community he may, upon the issuance of a written order stating the reason for such conclusion and without notice or hearing order the licensed premises closed for not more than 7 days, giving the licensee an opportunity to be heard during that period, except that if such licensee shall also be engaged in the conduct of another business or businesses on the licensed premises such order shall not be applicable to such other business or businesses.

The local liquor control commissioner shall within 5 days after such hearing, if he determines after such hearing that the license should be revoked or suspended or that the licensee should be fined, state the reason or reasons for such determination in a written order, and either the amount of the fine, the period of suspension, or that the license has been revoked, and shall serve a copy of such order within the 5 days upon the licensee.

If the premises for which the license was issued are located outside of a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee after the receipt of such order of suspension or revocation shall have the privilege within a period of 20 days after the receipt of such order of suspension or revocation of appealing the order to the State commission for a decision sustaining, reversing or modifying the order of the local liquor control commissioner. If the State commission affirms the local commissioner's order to suspend or revoke the license at the first hearing, the appellant shall cease to engage in the business for which the license was issued, until the local commissioner's order is terminated by its own provisions or reversed upon rehearing or by the courts.

If the premises for which the license was issued are located within a city, village or incorporated town having a population of 500,000 or more inhabitants, the licensee shall have the privilege, within a period of 20 days after the receipt of such order of fine, suspension or revocation, of appealing the order to the local license appeal commission and upon the filing of such an appeal by the licensee the license appeal commission shall determine the appeal upon certified record of proceedings of the local liquor commissioner in accordance with the provisions of Section 7-9. Within 30 days after such appeal was heard the license appeal commission shall render a decision sustaining or reversing the order of the local liquor control commissioner. (Source: P.A. 91-854, eff. 1-1-01.)

(235 ILCS 5/7-6) (from Ch. 43, par. 150)

Sec. 7-6. All proceedings for the revocation or suspension of licenses of manufacturers, distributors, importing distributors, non-resident dealers, foreign importers, non-beverage users, railroads, airplanes and boats shall be before the State Commission. All such proceedings and all proceedings for the revocation or suspension of a retailer's license before the State commission shall be in accordance with rules and regulations established by it not inconsistent with law. However, no such license shall be so revoked or suspended except after a hearing by the State commission with reasonable notice to the licensee served by registered or certified mail with return receipt requested at least 10 days prior to the hearings at the last known place of business of the licensee and after an opportunity to appear and defend. Such notice shall specify the time and place of the hearing, the nature of the charges, the specific provisions of the Act and rules violated, and the specific facts supporting the charges or violation. The findings of the Commission shall be predicated upon competent evidence. The revocation of a local license shall automatically result in the revocation of a State license. Upon notification by the Illinois Department of Revenue, the State Commission shall revoke any license issued by it if the licensee has violated the provisions of Section 3 of the Retailers' Occupation Tax Act. All procedures for the suspension or revocation of a license, as enumerated above, are applicable to the levying of fines for violations of this Act or any rule or regulation issued pursuant thereto. (Source: P.A. 91-553, eff. 8-14-99.)

(235 ILCS 5/8-2) (from Ch. 43, par. 159)

Sec. 8-2. It is the duty of each manufacturer with respect to alcoholic liquor produced or imported by such manufacturer, or purchased tax-free by such manufacturer from another manufacturer or importing distributor, and of each importing distributor as to alcoholic liquor purchased by such importing distributor from foreign importers or from anyone from any point in the United States outside of this State or purchased tax-free from another manufacturer or importing distributor, to pay the tax imposed by Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by such manufacturer or by such importing distributor other than in an authorized tax-free manner or to pay that tax electronically as provided in this Section.

Each manufacturer and each importing distributor shall make payment under one of the following methods: (1) on or before the 15th day of each calendar month, file in person or by United States first-class mail, postage pre-paid, with the Department of Revenue, on forms prescribed and furnished by the Department, a report in writing in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. Payment of the tax in the amount disclosed by the report shall accompany the report or, (2) on or before the 15th day of each calendar month, electronically file with the Department of Revenue, on forms prescribed and furnished by the Department, an electronic report in such form as may be required by the Department in order to compute, and assure the accuracy of, the tax due on all taxable sales and uses of alcoholic liquor occurring during the preceding month. An electronic payment of the tax in the amount disclosed by the report shall accompany the report. A manufacturer or distributor who files an electronic report and electronically pays the tax imposed pursuant to Section 8-1 to the Department of Revenue on or before the 15th day of the calendar month following the calendar month in which such alcoholic liquor is sold or used by that manufacturer or importing distributor other than in an authorized tax-free manner shall pay to the Department the amount of the tax imposed pursuant to Section 8-1, less a discount ~~of 1.75% or $1,250 per return, whichever is less,~~ which is allowed to reimburse the manufacturer or importing distributor for the expenses incurred in keeping and maintaining records, preparing and filing the electronic returns, remitting the tax, and supplying data to the Department upon request.

The discount shall be in an amount as follows:

(1) For original returns due on or after January 1, 2003 through September 30, 2003, the discount shall be 1.75% or $1,250 per return, whichever is less;

(2) For original returns due on or after October 1, 2003 through September 30, 2004, the discount shall be 2% or $3,000 per return, whichever is less; and

(3) For original returns due on or after October 1, 2004, the discount shall be 2% or $2,000 per return, whichever is less.

The Department may, if it deems it necessary in order to insure the payment of the tax imposed by this Article, require returns to be made more frequently than and covering periods of less than a month. Such return shall contain such further information as the Department may reasonably require.

It shall be presumed that all alcoholic liquors acquired or made by any importing distributor or manufacturer have been sold or used by him in this State and are the basis for the tax imposed by this Article unless proven, to the satisfaction of the Department, that such alcoholic liquors are (1) still in the possession of such importing distributor or manufacturer, or (2) prior to the termination of possession have been lost by theft or through unintentional destruction, or (3) that such alcoholic liquors are otherwise exempt from taxation under this Act.

The Department may require any foreign importer to file monthly information returns, by the 15th day of the month following the month which any such return covers, if the Department determines this to be necessary to the proper performance of the Department's functions and duties under this Act. Such return shall contain such information as the Department may reasonably require.

Every manufacturer and importing distributor shall also file, with the Department, a bond in an amount not less than $1,000 and not to exceed $100,000 on a form to be approved by, and with a surety or sureties satisfactory to, the Department. Such bond shall be conditioned upon the manufacturer or importing distributor paying to the Department all monies becoming due from such manufacturer or importing distributor under this Article. The Department shall fix the penalty of such bond in each case, taking into consideration the amount of alcoholic liquor expected to be sold and used by such manufacturer or importing distributor, and the penalty fixed by the Department shall be sufficient, in the Department's opinion, to protect the State of Illinois against failure to pay any amount due under this Article, but the amount of the penalty fixed by the Department shall not exceed twice the amount of tax liability of a monthly return, nor shall the amount of such penalty be less than $1,000. The Department shall notify the

Commission of the Department's approval or disapproval of any such manufacturer's or importing distributor's bond, or of the termination or cancellation of any such bond, or of the Department's direction to a manufacturer or importing distributor that he must file additional bond in order to comply with this Section. The Commission shall not issue a license to any applicant for a manufacturer's or importing distributor's license unless the Commission has received a notification from the Department showing that such applicant has filed a satisfactory bond with the Department hereunder and that such bond has been approved by the Department. Failure by any licensed manufacturer or importing distributor to keep a satisfactory bond in effect with the Department or to furnish additional bond to the Department, when required hereunder by the Department to do so, shall be grounds for the revocation or suspension of such manufacturer's or importing distributor's license by the Commission. If a manufacturer or importing distributor fails to pay any amount due under this Article, his bond with the Department shall be deemed forfeited, and the Department may institute a suit in its own name on such bond.

After notice and opportunity for a hearing the State Commission may revoke or suspend the license of any manufacturer or importing distributor who fails to comply with the provisions of this Section. Notice of such hearing and the time and place thereof shall be in writing and shall contain a statement of the charges against the licensee. Such notice may be given by United States registered or certified mail with return receipt requested, addressed to the person concerned at his last known address and shall be given not less than 7 days prior to the date fixed for the hearing. An order revoking or suspending a license under the provisions of this Section may be reviewed in the manner provided in Section 7-10 of this Act. No new license shall be granted to a person whose license has been revoked for a violation of this Section or, in case of suspension, shall such suspension be terminated until he has paid to the Department all taxes and penalties which he owes the State under the provisions of this Act.

Every manufacturer or importing distributor who has, as verified by the Department, continuously complied with the conditions of the bond under this Act for a period of 2 years shall be considered to be a prior continuous compliance taxpayer. In determining the consecutive period of time for qualification as a prior continuous compliance taxpayer, any consecutive period of time of qualifying compliance immediately prior to the effective date of this amendatory Act of 1987 shall be credited to any manufacturer or importing distributor.

Every prior continuous compliance taxpayer shall be exempt from the bond requirements of this Act until the Department has determined the taxpayer to be delinquent in the filing of any return or deficient in the payment of any tax under this Act. Any taxpayer who fails to pay an admitted or established liability under this Act may also be required to post bond or other acceptable security with the Department guaranteeing the payment of such admitted or established liability.

The Department shall discharge any surety and shall release and return any bond or security deposit assigned, pledged or otherwise provided to it by a taxpayer under this Section within 30 days after: (1) such taxpayer becomes a prior continuous compliance taxpayer; or (2) such taxpayer has ceased to collect receipts on which he is required to remit tax to the Department, has filed a final tax return, and has paid to the Department an amount sufficient to discharge his remaining tax liability as determined by the Department under this Act. (Source: P.A. 92-393, eff. 1-1-03.)

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

And on that motion, a vote was taken resulting as follows:
62, Yeas; 53, Nays; 1, Answering Present.
(ROLL CALL 21)

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Currie, SENATE BILL 774 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:

61, Yeas; 54, Nays; 1, Answering Present.

(ROLL CALL 22)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 945. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Acevedo offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 945, AS AMENDED, 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 Drug Paraphernalia Control Act is amended by changing Sections 2 and 4 as follows:

(720 ILCS 600/2) (from Ch. 56 1/2, par. 2102)

Sec. 2. As used in this Act, unless the context otherwise requires:

(a) The term "cannabis" shall have the meaning ascribed to it in Section 3 of the "Cannabis Control Act", as if that definition were incorporated herein.

(b) The term "controlled substance" shall have the meaning ascribed to it in Section 102 of the "Illinois Controlled Substances Act", as if that definition were incorporated herein.

(c) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession, with or without consideration, whether or not there is an agency relationship.

(d) "Drug paraphernalia" means all equipment, products and materials of any kind, home made or manufactured, which are associated with ~~peculiar to~~ or ~~and~~ marketed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body cannabis or a controlled substance in violation of the "Cannabis Control Act" or the "Illinois Controlled Substances Act". It includes, but is not limited to:

(1) Kits, home made or manufactured, associated with ~~peculiar to~~ or ~~and~~ marketed for use in manufacturing, compounding, converting, producing, processing or preparing cannabis or a controlled substance;

(2) Isomerization devices, home made or manufactured, associated with ~~peculiar to~~ or ~~and~~ marketed for use in increasing the potency of any species of plant which is cannabis or a controlled substance;

(3) Testing equipment, home made or manufactured, associated with ~~peculiar to~~ or ~~and~~ marketed for private home use in identifying or in analyzing the strength, effectiveness or purity of cannabis or controlled substances;

(4) Diluents and adulterants, home made or manufactured, associated with ~~peculiar to~~ or ~~and~~ marketed for cutting cannabis or a controlled substance by private persons;

(5) Objects, home made or manufactured, associated with ~~peculiar to~~ or ~~and~~ marketed for use in ingesting, inhaling, or otherwise introducing cannabis or a controlled substance~~, cocaine, hashish, or hashish oil~~ into the human body including, where applicable, the following items:

(A) water pipes;

(B) carburetion tubes and devices;

(C) smoking and carburetion masks;

(D) miniature cocaine spoons and cocaine vials;

(E) carburetor pipes;

(F) electric pipes;

(G) air-driven pipes;

(H) chillums;

(I) bongs;

(J) ice pipes or chillers;

(6) Any item whose purpose, as announced or described by the seller, is for use in violation of this Act;

(7) Objects, home made or manufactured, which may have uses, other than as drug paraphernalia as described in this subsection (d), but are intended by the manufacturer, maker, or user of those objects to be used as drug paraphernalia or which a reasonable person would believe would be used as drug paraphernalia. (Source: P.A. 82-1032.)

(720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

Sec. 4. Exemptions. This Act shall not apply to:

(a) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of cannabis or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(b) Items marketed for, or historically and customarily used in connection with, the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

Items exempt under this subsection include, but are not limited to, garden hoes, rakes, sickles, baggies, tobacco pipes, and cigarette-rolling papers.

(c) Items listed in Section 2 of this Act which are marketed for decorative purposes, when such items have been rendered completely inoperable or incapable of being used for any illicit purpose prohibited by this Act.

In determining whether or not a particular item is exempt under this subsection, the trier of fact should consider, in addition to all other logically relevant factors, the following:

(1) the general, usual, customary, and historical use to which the item involved has been put;

(2) expert evidence concerning the ordinary or customary use of the item and the effect of any peculiarity in the design or engineering of the device upon its functioning;

(3) any written instructions accompanying the delivery of the item concerning the purposes or uses to which the item can or may be put;

(4) any oral instructions provided by the seller of the item at the time and place of sale or commercial delivery;

(5) any national or local advertising concerning the design, purpose or use of the item involved, and the entire context in which such advertising occurs;

(6) the manner, place and circumstances in which the item was displayed for sale, as well as any item or items displayed for sale or otherwise exhibited upon the premises where the sale was made;

(7) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(8) the existence and scope of legitimate uses for the object in the community.

(d) Objects used for ingesting, inhaling, or otherwise introducing into the body cannabis or a controlled substance or objects, home made or manufactured, that may have uses, other than as drug paraphernalia, but are intended by the manufacturer, maker, or user of those objects to be used as drug paraphernalia or which a reasonable person would believe would be used as drug paraphernalia are not exempt under this Act. (Source: P.A. 91-357, eff. 7-29-99.)

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

Representative Flowers requests a roll call vote on Floor Amendment No. 2

Representative Bailey moves the previous question.

The motion prevails.

And on that motion, a vote was taken resulting as follows:

110, Yeas; 6, Nays; 0, Answering Present.

(ROLL CALL 23)

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 1 and 2 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Colvin, SENATE BILL 945 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:

112, Yeas; 4, Nays; 0, Answering Present.

(ROLL CALL 24)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 1634. Having been read by title a second time on May 27, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered and withdrew Amendment No. 1.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 1634 by replacing the title with the following:

"AN ACT concerning taxes."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Income Tax Act is amended by changing Sections 201, 204, and 207 as follows:

(35 ILCS 5/201) (from Ch. 120, par. 2-201)

Sec. 201. Tax Imposed. (a) In general. A tax measured by net income is hereby imposed on every individual, corporation, trust and estate for each taxable year ending after July 31, 1969 on the privilege of earning or receiving income in or as a resident of this State. Such tax shall be in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(b) Rates. The tax imposed by subsection (a) of this Section shall be determined as follows, except as adjusted by subsection (d-1):

(1) In the case of an individual, trust or estate, for taxable years ending prior to July 1, 1989, an amount equal to 2 1/2% of the taxpayer's net income for the taxable year.

(2) In the case of an individual, trust or estate, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 2 1/2% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 3% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(3) In the case of an individual, trust or estate, for taxable years beginning after June 30, 1989, an amount equal to 3% of the taxpayer's net income for the taxable year.

(4) (Blank).

(5) (Blank).

(6) In the case of a corporation, for taxable years ending prior to July 1, 1989, an amount equal to 4% of the taxpayer's net income for the taxable year.

(7) In the case of a corporation, for taxable years beginning prior to July 1, 1989 and ending after June 30, 1989, an amount equal to the sum of (i) 4% of the taxpayer's net income for the period prior to July 1, 1989, as calculated under Section 202.3, and (ii) 4.8% of the taxpayer's net income for the period after June 30, 1989, as calculated under Section 202.3.

(8) In the case of a corporation, for taxable years beginning after June 30, 1989, an amount equal to 4.8% of the taxpayer's net income for the taxable year.

(c) Personal Property Tax Replacement Income Tax. Beginning on July 1, 1979 and thereafter, in addition to such income tax, there is also hereby imposed the Personal Property Tax Replacement Income

Tax measured by net income on every corporation (including Subchapter S corporations), partnership and trust, for each taxable year ending after June 30, 1979. Such taxes are imposed on the privilege of earning or receiving income in or as a resident of this State. The Personal Property Tax Replacement Income Tax shall be in addition to the income tax imposed by subsections (a) and (b) of this Section and in addition to all other occupation or privilege taxes imposed by this State or by any municipal corporation or political subdivision thereof.

(d) Additional Personal Property Tax Replacement Income Tax Rates. The personal property tax replacement income tax imposed by this subsection and subsection (c) of this Section in the case of a corporation, other than a Subchapter S corporation and except as adjusted by subsection (d-1), shall be an additional amount equal to 2.85% of such taxpayer's net income for the taxable year, except that beginning on January 1, 1981, and thereafter, the rate of 2.85% specified in this subsection shall be reduced to 2.5%, and in the case of a partnership, trust or a Subchapter S corporation shall be an additional amount equal to 1.5% of such taxpayer's net income for the taxable year.

(d-1) Rate reduction for certain foreign insurers. In the case of a foreign insurer, as defined by Section 35A-5 of the Illinois Insurance Code, whose state or country of domicile imposes on insurers domiciled in Illinois a retaliatory tax (excluding any insurer whose premiums from reinsurance assumed are 50% or more of its total insurance premiums as determined under paragraph (2) of subsection (b) of Section 304, except that for purposes of this determination premiums from reinsurance do not include premiums from inter-affiliate reinsurance arrangements), beginning with taxable years ending on or after December 31, 1999, the sum of the rates of tax imposed by subsections (b) and (d) shall be reduced (but not increased) to the rate at which the total amount of tax imposed under this Act, net of all credits allowed under this Act, shall equal (i) the total amount of tax that would be imposed on the foreign insurer's net income allocable to Illinois for the taxable year by such foreign insurer's state or country of domicile if that net income were subject to all income taxes and taxes measured by net income imposed by such foreign insurer's state or country of domicile, net of all credits allowed or (ii) a rate of zero if no such tax is imposed on such income by the foreign insurer's state of domicile. For the purposes of this subsection (d-1), an inter-affiliate includes a mutual insurer under common management.

(1) For the purposes of subsection (d-1), in no event shall the sum of the rates of tax imposed by subsections (b) and (d) be reduced below the rate at which the sum of:

(A) the total amount of tax imposed on such foreign insurer under this Act for a taxable year, net of all credits allowed under this Act, plus

(B) the privilege tax imposed by Section 409 of the Illinois Insurance Code, the fire insurance company tax imposed by Section 12 of the Fire Investigation Act, and the fire department taxes imposed under Section 11-10-1 of the Illinois Municipal Code,

equals 1.25% <u>for taxable years ending prior to December 31, 2003, or 1.75% for taxable years ending on or after December 31, 2003,</u> of the net taxable premiums written for the taxable year, as described by subsection (1) of Section 409 of the Illinois Insurance Code. This paragraph will in no event increase the rates imposed under subsections (b) and (d).

(2) Any reduction in the rates of tax imposed by this subsection shall be applied first against the rates imposed by subsection (b) and only after the tax imposed by subsection (a) net of all credits allowed under this Section other than the credit allowed under subsection (i) has been reduced to zero, against the rates imposed by subsection (d).

This subsection (d-1) is exempt from the provisions of Section 250.

(e) Investment credit. A taxpayer shall be allowed a credit against the Personal Property Tax Replacement Income Tax for investment in qualified property.

(1) A taxpayer shall be allowed a credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1984. There shall be allowed an additional credit equal to .5% of the basis of qualified property placed in service during the taxable year, provided such property is placed in service on or after July 1, 1986, and the taxpayer's base employment within Illinois has increased by 1% or more over the preceding year as determined by the taxpayer's employment records filed with the Illinois Department of Employment Security. Taxpayers who are new to Illinois shall be deemed to have met the 1% growth in base employment for the first year in which they file employment records with the Illinois Department of Employment Security. The provisions added to this Section by Public Act 85-1200 (and restored by Public Act 87-895) shall be construed as declaratory of existing law and not as a new enactment. If, in any year, the increase in base employment within Illinois over the preceding year is less than 1%, the additional credit shall be limited to that percentage times a fraction, the numerator of which is .5% and

the denominator of which is 1%, but shall not exceed .5%. The investment credit shall not be allowed to the extent that it would reduce a taxpayer's liability in any tax year below zero, nor may any credit for qualified property be allowed for any year other than the year in which the property was placed in service in Illinois. For tax years ending on or after December 31, 1987, and on or before December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years if the taxpayer (i) makes investments which cause the creation of a minimum of 2,000 full-time equivalent jobs in Illinois, (ii) is located in an enterprise zone established pursuant to the Illinois Enterprise Zone Act and (iii) is certified by the Department of Commerce and Community Affairs as complying with the requirements specified in clause (i) and (ii) by July 1, 1986. The Department of Commerce and Community Affairs shall notify the Department of Revenue of all such certifications immediately. For tax years ending after December 31, 1988, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit years. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(2) The term "qualified property" means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings and signs that are real property, but not including land or improvements to real property that are not a structural component of a building such as landscaping, sewer lines, local access roads, fencing, parking lots, and other appurtenances;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (e);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in Illinois by a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing; and

(E) has not previously been used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (e) or subsection (f).

(3) For purposes of this subsection (e), "manufacturing" means the material staging and production of tangible personal property by procedures commonly regarded as manufacturing, processing, fabrication, or assembling which changes some existing material into new shapes, new qualities, or new combinations. For purposes of this subsection (e) the term "mining" shall have the same meaning as the term "mining" in Section 613(c) of the Internal Revenue Code. For purposes of this subsection (e), the term "retailing" means the sale of tangible personal property or services rendered in conjunction with the sale of tangible consumer goods or commodities.

(4) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(5) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(6) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(7) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the Personal Property Tax Replacement Income Tax for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation and, (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (7), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(8) Unless the investment credit is extended by law, the basis of qualified property shall not include costs incurred after December 31, 2003, except for costs incurred pursuant to a binding contract entered

into on or before December 31, 2003.

(9) Each taxable year ending before December 31, 2000, a partnership may elect to pass through to its partners the credits to which the partnership is entitled under this subsection (e) for the taxable year. A partner may use the credit allocated to him or her under this paragraph only against the tax imposed in subsections (c) and (d) of this Section. If the partnership makes that election, those credits shall be allocated among the partners in the partnership in accordance with the rules set forth in Section 704(b) of the Internal Revenue Code, and the rules promulgated under that Section, and the allocated amount of the credits shall be allowed to the partners for that taxable year. The partnership shall make this election on its Personal Property Tax Replacement Income Tax return for that taxable year. The election to pass through the credits shall be irrevocable.

For taxable years ending on or after December 31, 2000, a partner that qualifies its partnership for a subtraction under subparagraph (I) of paragraph (2) of subsection (d) of Section 203 or a shareholder that qualifies a Subchapter S corporation for a subtraction under subparagraph (S) of paragraph (2) of subsection (b) of Section 203 shall be allowed a credit under this subsection (e) equal to its share of the credit earned under this subsection (e) during the taxable year by the partnership or Subchapter S corporation, determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. This paragraph is exempt from the provisions of Section 250.

(f) Investment credit; Enterprise Zone.

(1) A taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service in an Enterprise Zone created pursuant to the Illinois Enterprise Zone Act. For partners, shareholders of Subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (f) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and Subchapter S of the Internal Revenue Code. The credit shall be .5% of the basis for such property. The credit shall be available only in the taxable year in which the property is placed in service in the Enterprise Zone and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1985, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (f);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code;

(D) is used in the Enterprise Zone by the taxpayer; and

(E) has not been previously used in Illinois in such a manner and by such a person as would qualify for the credit provided by this subsection (f) or subsection (e).

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in the Enterprise Zone by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside the Enterprise Zone within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such

computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(g) Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone.

(1) A taxpayer conducting a trade or business in an enterprise zone or a High Impact Business designated by the Department of Commerce and Community Affairs conducting a trade or business in a federally designated Foreign Trade Zone or Sub-Zone shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section in the amount of $500 per eligible employee hired to work in the zone during the taxable year.

(2) To qualify for the credit:

(A) the taxpayer must hire 5 or more eligible employees to work in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone during the taxable year;

(B) the taxpayer's total employment within the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone must increase by 5 or more full-time employees beyond the total employed in that zone at the end of the previous tax year for which a jobs tax credit under this Section was taken, or beyond the total employed by the taxpayer as of December 31, 1985, whichever is later; and

(C) the eligible employees must be employed 180 consecutive days in order to be deemed hired for purposes of this subsection.

(3) An "eligible employee" means an employee who is:

(A) Certified by the Department of Commerce and Community Affairs as "eligible for services" pursuant to regulations promulgated in accordance with Title II of the Job Training Partnership Act, Training Services for the Disadvantaged or Title III of the Job Training Partnership Act, Employment and Training Assistance for Dislocated Workers Program.

(B) Hired after the enterprise zone or federally designated Foreign Trade Zone or Sub-Zone was designated or the trade or business was located in that zone, whichever is later.

(C) Employed in the enterprise zone or Foreign Trade Zone or Sub-Zone. An employee is employed in an enterprise zone or federally designated Foreign Trade Zone or Sub-Zone if his services are rendered there or it is the base of operations for the services performed.

(D) A full-time employee working 30 or more hours per week.

(4) For tax years ending on or after December 31, 1985 and prior to December 31, 1988, the credit shall be allowed for the tax year in which the eligible employees are hired. For tax years ending on or after December 31, 1988, the credit shall be allowed for the tax year immediately following the tax year in which the eligible employees are hired. If the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, earlier credit shall be applied first.

(5) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this subsection (g).

(6) The credit shall be available for eligible employees hired on or after January 1, 1986.

(h) Investment credit; High Impact Business.

(1) Subject to subsections (b) and (b-5) of Section 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for investment in qualified property which is placed in service by a Department of Commerce and Community Affairs designated High Impact Business. The credit shall be .5% of the basis for such property. The credit shall not be available (i) until the minimum investments in qualified property set forth in subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act have been satisfied or (ii) until the time authorized in subsection (b-5) of the Illinois Enterprise Zone Act for entities designated as High Impact Businesses under subdivisions (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone Act, and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections (a) and (b) of this Section to below zero. The credit applicable to such investments shall be taken in the taxable year in which such investments have been completed. The credit for additional investments beyond the minimum investment by a designated high impact business authorized under subdivision (a)(3)(A) of Section 5.5 of the Illinois Enterprise Zone Act shall be available only in the taxable year in which the property is placed in service and shall not be allowed to the extent that it would reduce a taxpayer's liability for the tax imposed by subsections

(a) and (b) of this Section to below zero. For tax years ending on or after December 31, 1987, the credit shall be allowed for the tax year in which the property is placed in service, or, if the amount of the credit exceeds the tax liability for that year, whether it exceeds the original liability or the liability as later amended, such excess may be carried forward and applied to the tax liability of the 5 taxable years following the excess credit year. The credit shall be applied to the earliest year for which there is a liability. If there is credit from more than one tax year that is available to offset a liability, the credit accruing first in time shall be applied first.

Changes made in this subdivision (h)(1) by Public Act 88-670 restore changes made by Public Act 85-1182 and reflect existing law.

(2) The term qualified property means property which:

(A) is tangible, whether new or used, including buildings and structural components of buildings;

(B) is depreciable pursuant to Section 167 of the Internal Revenue Code, except that "3-year property" as defined in Section 168(c)(2)(A) of that Code is not eligible for the credit provided by this subsection (h);

(C) is acquired by purchase as defined in Section 179(d) of the Internal Revenue Code; and

(D) is not eligible for the Enterprise Zone Investment Credit provided by subsection (f) of this Section.

(3) The basis of qualified property shall be the basis used to compute the depreciation deduction for federal income tax purposes.

(4) If the basis of the property for federal income tax depreciation purposes is increased after it has been placed in service in a federally designated Foreign Trade Zone or Sub-Zone located in Illinois by the taxpayer, the amount of such increase shall be deemed property placed in service on the date of such increase in basis.

(5) The term "placed in service" shall have the same meaning as under Section 46 of the Internal Revenue Code.

(6) If during any taxable year ending on or before December 31, 1996, any property ceases to be qualified property in the hands of the taxpayer within 48 months after being placed in service, or the situs of any qualified property is moved outside Illinois within 48 months after being placed in service, the tax imposed under subsections (a) and (b) of this Section for such taxable year shall be increased. Such increase shall be determined by (i) recomputing the investment credit which would have been allowed for the year in which credit for such property was originally allowed by eliminating such property from such computation, and (ii) subtracting such recomputed credit from the amount of credit previously allowed. For the purposes of this paragraph (6), a reduction of the basis of qualified property resulting from a redetermination of the purchase price shall be deemed a disposition of qualified property to the extent of such reduction.

(7) Beginning with tax years ending after December 31, 1996, if a taxpayer qualifies for the credit under this subsection (h) and thereby is granted a tax abatement and the taxpayer relocates its entire facility in violation of the explicit terms and length of the contract under Section 18-183 of the Property Tax Code, the tax imposed under subsections (a) and (b) of this Section shall be increased for the taxable year in which the taxpayer relocated its facility by an amount equal to the amount of credit received by the taxpayer under this subsection (h).

(i) Credit for Personal Property Tax Replacement Income Tax. For tax years ending prior to December 31, 2003, a credit shall be allowed against the tax imposed by subsections (a) and (b) of this Section for the tax imposed by subsections (c) and (d) of this Section. This credit shall be computed by multiplying the tax imposed by subsections (c) and (d) of this Section by a fraction, the numerator of which is base income allocable to Illinois and the denominator of which is Illinois base income, and further multiplying the product by the tax rate imposed by subsections (a) and (b) of this Section.

Any credit earned on or after December 31, 1986 under this subsection which is unused in the year the credit is computed because it exceeds the tax liability imposed by subsections (a) and (b) for that year (whether it exceeds the original liability or the liability as later amended) may be carried forward and applied to the tax liability imposed by subsections (a) and (b) of the 5 taxable years following the excess credit year, provided that no credit may be carried forward to any year ending on or after December 31, 2003. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first.

If, during any taxable year ending on or after December 31, 1986, the tax imposed by subsections (c) and (d) of this Section for which a taxpayer has claimed a credit under this subsection (i) is reduced, the

amount of credit for such tax shall also be reduced. Such reduction shall be determined by recomputing the credit to take into account the reduced tax imposed by subsections (c) and (d). If any portion of the reduced amount of credit has been carried to a different taxable year, an amended return shall be filed for such taxable year to reduce the amount of credit claimed.

(j) Training expense credit. Beginning with tax years ending on or after December 31, 1986 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) under this Section for all amounts paid or accrued, on behalf of all persons employed by the taxpayer in Illinois or Illinois residents employed outside of Illinois by a taxpayer, for educational or vocational training in semi-technical or technical fields or semi-skilled or skilled fields, which were deducted from gross income in the computation of taxable income. The credit against the tax imposed by subsections (a) and (b) shall be 1.6% of such training expenses. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection (j) to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

Any credit allowed under this subsection which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability the earliest credit arising under this subsection shall be applied first. No carryforward credit may be claimed in any tax year ending on or after December 31, 2003.

(k) Research and development credit.

For ~~Beginning with~~ tax years ending after July 1, 1990 and prior to December 31, 2003, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for increasing research activities in this State. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 6 1/2% of the qualifying expenditures for increasing research activities in this State. For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

For purposes of this subsection, "qualifying expenditures" means the qualifying expenditures as defined for the federal credit for increasing research activities which would be allowable under Section 41 of the Internal Revenue Code and which are conducted in this State, "qualifying expenditures for increasing research activities in this State" means the excess of qualifying expenditures for the taxable year in which incurred over qualifying expenditures for the base period, "qualifying expenditures for the base period" means the average of the qualifying expenditures for each year in the base period, and "base period" means the 3 taxable years immediately preceding the taxable year for which the determination is being made.

Any credit in excess of the tax liability for the taxable year may be carried forward. A taxpayer may elect to have the unused credit shown on its final completed return carried over as a credit against the tax liability for the following 5 taxable years or until it has been fully used, whichever occurs first; provided that no credit may be carried forward to any year ending on or after December 31, 2003.

If an unused credit is carried forward to a given year from 2 or more earlier years, that credit arising in the earliest year will be applied first against the tax liability for the given year. If a tax liability for the given year still remains, the credit from the next earliest year will then be applied, and so on, until all credits have been used or no tax liability for the given year remains. Any remaining unused credit or credits then will be carried forward to the next following year in which a tax liability is incurred, except that no credit can be carried forward to a year which is more than 5 years after the year in which the expense for which the credit is given was incurred.

~~Unless extended by law, the credit shall not include costs incurred after December 31, 2004, except for costs incurred pursuant to a binding contract entered into on or before December 31, 2004.~~

No inference shall be drawn from this amendatory Act of the 91st General Assembly in construing this Section for taxable years beginning before January 1, 1999.

(l) Environmental Remediation Tax Credit.

(i) For tax years ending after December 31, 1997 and on or before December 31, 2001, a taxpayer shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for certain amounts paid for unreimbursed eligible remediation costs, as specified in this subsection. For purposes

of this Section, "unreimbursed eligible remediation costs" means costs approved by the Illinois Environmental Protection Agency ("Agency") under Section 58.14 of the Environmental Protection Act that were paid in performing environmental remediation at a site for which a No Further Remediation Letter was issued by the Agency and recorded under Section 58.10 of the Environmental Protection Act. The credit must be claimed for the taxable year in which Agency approval of the eligible remediation costs is granted. The credit is not available to any taxpayer if the taxpayer or any related party caused or contributed to, in any material respect, a release of regulated substances on, in, or under the site that was identified and addressed by the remedial action pursuant to the Site Remediation Program of the Environmental Protection Act. After the Pollution Control Board rules are adopted pursuant to the Illinois Administrative Procedure Act for the administration and enforcement of Section 58.9 of the Environmental Protection Act, determinations as to credit availability for purposes of this Section shall be made consistent with those rules. For purposes of this Section, "taxpayer" includes a person whose tax attributes the taxpayer has succeeded to under Section 381 of the Internal Revenue Code and "related party" includes the persons disallowed a deduction for losses by paragraphs (b), (c), and (f)(1) of Section 267 of the Internal Revenue Code by virtue of being a related taxpayer, as well as any of its partners. The credit allowed against the tax imposed by subsections (a) and (b) shall be equal to 25% of the unreimbursed eligible remediation costs in excess of $100,000 per site, except that the $100,000 threshold shall not apply to any site contained in an enterprise zone as determined by the Department of Commerce and Community Affairs. The total credit allowed shall not exceed $40,000 per year with a maximum total of $150,000 per site. For partners and shareholders of subchapter S corporations, there shall be allowed a credit under this subsection to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(ii) A credit allowed under this subsection that is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first earned until it is used. The term "unused credit" does not include any amounts of unreimbursed eligible remediation costs in excess of the maximum credit per site authorized under paragraph (i). This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this subsection from more than one tax year that is available to offset a liability, the earliest credit arising under this subsection shall be applied first. A credit allowed under this subsection may be sold to a buyer as part of a sale of all or part of the remediation site for which the credit was granted. The purchaser of a remediation site and the tax credit shall succeed to the unused credit and remaining carry-forward period of the seller. To perfect the transfer, the assignor shall record the transfer in the chain of title for the site and provide written notice to the Director of the Illinois Department of Revenue of the assignor's intent to sell the remediation site and the amount of the tax credit to be transferred as a portion of the sale. In no event may a credit be transferred to any taxpayer if the taxpayer or a related party would not be eligible under the provisions of subsection (i).

(iii) For purposes of this Section, the term "site" shall have the same meaning as under Section 58.2 of the Environmental Protection Act.

(m) Education expense credit. Beginning with tax years ending after December 31, 1999, a taxpayer who is the custodian of one or more qualifying pupils shall be allowed a credit against the tax imposed by subsections (a) and (b) of this Section for qualified education expenses incurred on behalf of the qualifying pupils. The credit shall be equal to 25% of qualified education expenses, but in no event may the total credit under this subsection claimed by a family that is the custodian of qualifying pupils exceed $500. In no event shall a credit under this subsection reduce the taxpayer's liability under this Act to less than zero. This subsection is exempt from the provisions of Section 250 of this Act.

For purposes of this subsection:

"Qualifying pupils" means individuals who (i) are residents of the State of Illinois, (ii) are under the age of 21 at the close of the school year for which a credit is sought, and (iii) during the school year for which a credit is sought were full-time pupils enrolled in a kindergarten through twelfth grade education program at any school, as defined in this subsection.

"Qualified education expense" means the amount incurred on behalf of a qualifying pupil in excess of $250 for tuition, book fees, and lab fees at the school in which the pupil is enrolled during the regular school year.

"School" means any public or nonpublic elementary or secondary school in Illinois that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, except that nothing shall be construed to require a child to attend any particular

public or nonpublic school to qualify for the credit under this Section.

"Custodian" means, with respect to qualifying pupils, an Illinois resident who is a parent, the parents, a legal guardian, or the legal guardians of the qualifying pupils. (Source: P.A. 91-9, eff. 1-1-00; 91-357, eff. 7-29-99; 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; 91-860, eff. 6-22-00; 91-913, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 92-846, eff. 8-23-02.)

(35 ILCS 5/204) (from Ch. 120, par. 2-204)

Sec. 204. Standard Exemption. (a) Allowance of exemption. In computing net income under this Act, there shall be allowed as an exemption the sum of the amounts determined under subsections (b), (c) and (d), multiplied by a fraction the numerator of which is the amount of the taxpayer's base income allocable to this State for the taxable year and the denominator of which is the taxpayer's total base income for the taxable year.

(b) Basic amount. For the purpose of subsection (a) of this Section, except as provided by subsection (a) of Section 205 and in this subsection, each taxpayer shall be allowed a basic amount of $1000, except that for corporations the basic amount shall be zero for tax years ending on or after December 31, 2003, and for individuals the basic amount shall be:

(1) for taxable years ending on or after December 31, 1998 and prior to December 31, 1999, $1,300;

(2) for taxable years ending on or after December 31, 1999 and prior to December 31, 2000, $1,650;

(3) for taxable years ending on or after December 31, 2000, $2,000.

For taxable years ending on or after December 31, 1992, a taxpayer whose Illinois base income exceeds the basic amount and who is claimed as a dependent on another person's tax return under the Internal Revenue Code of 1986 shall not be allowed any basic amount under this subsection.

(c) Additional amount for individuals. In the case of an individual taxpayer, there shall be allowed for the purpose of subsection (a), in addition to the basic amount provided by subsection (b), an additional exemption equal to the basic amount for each exemption in excess of one allowable to such individual taxpayer for the taxable year under Section 151 of the Internal Revenue Code.

(d) Additional exemptions for an individual taxpayer and his or her spouse. In the case of an individual taxpayer and his or her spouse, he or she shall each be allowed additional exemptions as follows:

(1) Additional exemption for taxpayer or spouse 65 years of age or older.

(A) For taxpayer. An additional exemption of $1,000 for the taxpayer if he or she has attained the age of 65 before the end of the taxable year.

(B) For spouse when a joint return is not filed. An additional exemption of $1,000 for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse has attained the age of 65 before the end of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(2) Additional exemption for blindness of taxpayer or spouse.

(A) For taxpayer. An additional exemption of $1,000 for the taxpayer if he or she is blind at the end of the taxable year.

(B) For spouse when a joint return is not filed. An additional exemption of $1,000 for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the end of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

(C) Blindness defined. For purposes of this subsection, an individual is blind only if his or her central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his or her visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual fields subtends an angle no greater than 20 degrees.

(e) Cross reference. See Article 3 for the manner of determining base income allocable to this State.

(f) Application of Section 250. Section 250 does not apply to the amendments to this Section made by Public Act 90-613. (Source: P.A. 90-613, eff. 7-9-98; 91-357, eff. 7-29-99.)

(35 ILCS 5/207) (from Ch. 120, par. 2-207)

Sec. 207. Net Losses. (a) If after applying all of the modifications provided for in paragraph (2) of Section 203(b), paragraph (2) of Section 203(c) and paragraph (2) of Section 203(d) and the allocation and apportionment provisions of Article 3 of this Act, the taxpayer's net income results in a loss;

(1) for any taxable year ending prior to December 31, 1999, such loss shall be allowed as a carryover or carryback deduction in the manner allowed under Section 172 of the Internal Revenue Code; ~~and~~

(2) for any taxable year ending on or after December 31, 1999 and prior to December 31, 2003, such loss shall be allowed as a carryback to each of the 2 taxable years preceding the taxable year of such loss and shall be a net operating carryover to each of the 20 taxable years following the taxable year of such loss; and

(3) for any taxable year ending on or after December 31, 2003, such loss shall be allowed as a net operating carryover to each of the 12 taxable years following the taxable year of such loss.

(a-5) Election to relinquish carryback and order of application of losses.

(A) For losses incurred in tax years ending prior to December 31, 2003, the taxpayer may elect to relinquish the entire carryback period with respect to such loss. Such election shall be made in the form and manner prescribed by the Department and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year in which such loss is incurred, and such election, once made, shall be irrevocable.

(B) The entire amount of such loss shall be carried to the earliest taxable year to which such loss may be carried. The amount of such loss which shall be carried to each of the other taxable years shall be the excess, if any, of the amount of such loss over the sum of the deductions for carryback or carryover of such loss allowable for each of the prior taxable years to which such loss may be carried.

(b) Any loss determined under subsection (a) of this Section must be carried back or carried forward in the same manner for purposes of subsections (a) and (b) of Section 201 of this Act as for purposes of subsections (c) and (d) of Section 201 of this Act. (Source: P.A. 91-541, eff. 8-13-99.)

Section 10. The Illinois Insurance Code is amended by changing Sections 445 and 531.13 as follows:

(215 ILCS 5/445) (from Ch. 73, par. 1057)

Sec. 445. Surplus line. (1) Surplus line defined; surplus line insurer requirements. Surplus line insurance is insurance on an Illinois risk of the kinds specified in Classes 2 and 3 of Section 4 of this Code procured from an unauthorized insurer or a domestic surplus line insurer as defined in Section 445a after the insurance producer representing the insured or the surplus line producer is unable, after diligent effort, to procure said insurance from insurers which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a.

Insurance producers may procure surplus line insurance only if licensed as a surplus line producer under this Section and may procure that insurance only from an unauthorized insurer or from a domestic surplus line insurer as defined in Section 445a:

(a) that based upon information available to the surplus line producer has a policyholders surplus of not less than $15,000,000 determined in accordance with accounting rules that are applicable to authorized insurers; and

(b) that has standards of solvency and management that are adequate for the protection of policyholders; and

(c) where an unauthorized insurer does not meet the standards set forth in (a) and (b) above, a surplus line producer may, if necessary, procure insurance from that insurer only if prior written warning of such fact or condition is given to the insured by the insurance producer or surplus line producer.

(2) Surplus line producer; license. Any licensed producer who is a resident of this State, or any nonresident who qualifies under Section 500-40, may be licensed as a surplus line producer upon:

(a) completing a prelicensing course of study. The course provided for by this Section shall be conducted under rules and regulations prescribed by the Director. The Director may administer the course or may make arrangements, including contracting with an outside educational service, for administering the course and collecting the non-refundable application fee provided for in this subsection. Any charges assessed by the Director or the educational service for administering the course shall be paid directly by the individual applicants. Each applicant required to take the course shall enclose with the application a non-refundable $10 application fee payable to the Director plus a separate course administration fee. An applicant who fails to appear for the course as scheduled, or appears but fails to complete the course, shall not be entitled to any refund, and shall be required to submit a new request to attend the course together with all the requisite fees before being rescheduled for another course at a later date; and

(b) payment of an annual license fee of $200; and

(c) procurement of the surety bond required in subsection (4) of this Section.

A surplus line producer so licensed shall keep a separate account of the business transacted thereunder which shall be open at all times to the inspection of the Director or his representative.

The prelicensing course of study requirement in (a) above shall not apply to insurance producers who were licensed under the Illinois surplus line law on or before the effective date of this amendatory Act of the 92nd General Assembly.

(3) Taxes and reports.

(a) Surplus line tax and penalty for late payment.

A surplus line producer shall file with the Director on or before February 1 and August 1 of each year a report in the form prescribed by the Director on all surplus line insurance procured from unauthorized insurers during the preceding 6 month period ending December 31 or June 30 respectively, and on the filing of such report shall pay to the Director for the use and benefit of the State a sum equal to 3.5% ~~3%~~ of the gross premiums less returned premiums upon all surplus line insurance procured or cancelled during the preceding 6 months.

Any surplus line producer who fails to pay the full amount due under this subsection is liable, in addition to the amount due, for such penalty and interest charges as are provided for under Section 412 of this Code. The Director, through the Attorney General, may institute an action in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the recovery of the amount of such taxes and penalties due, and prosecute the same to final judgment, and take such steps as are necessary to collect the same.

(b) Fire Marshal Tax.

Each surplus line producer shall file with the Director on or before March 31 of each year a report in the form prescribed by the Director on all fire insurance procured from unauthorized insurers subject to tax under Section 12 of the Fire Investigation Act and shall pay to the Director the fire marshal tax required thereunder.

(c) Taxes and fees charged to insured. The taxes imposed under this subsection and the countersigning fees charged by the Surplus Line Association of Illinois may be charged to and collected from surplus line insureds.

(4) Bond. Each surplus line producer, as a condition to receiving a surplus line producer's license, shall execute and deliver to the Director a surety bond to the People of the State in the penal sum of $20,000, with a surety which is authorized to transact business in this State, conditioned that the surplus line producer will pay to the Director the tax, interest and penalties levied under subsection (3) of this Section.

(5) Submission of documents to Surplus Line Association of Illinois. A surplus line producer shall submit every insurance contract issued under his or her license to the Surplus Line Association of Illinois for recording and countersignature. The submission and countersignature may be effected through electronic means. The submission shall set forth:

(a) the name of the insured;

(b) the description and location of the insured property or risk;

(c) the amount insured;

(d) the gross premiums charged or returned;

(e) the name of the unauthorized insurer or domestic surplus line insurer as defined in Section 445a from whom coverage has been procured;

(f) the kind or kinds of insurance procured; and

(g) amount of premium subject to tax required by Section 12 of the Fire Investigation Act.

Proposals, endorsements, and other documents which are incidental to the insurance but which do not affect the premium charged are exempted from filing and countersignature.

The submission of insuring contracts to the Surplus Line Association of Illinois constitutes a certification by the surplus line producer or by the insurance producer who presented the risk to the surplus line producer for placement as a surplus line risk that after diligent effort the required insurance could not be procured from insurers which are authorized to transact business in this State other than domestic surplus line insurers as defined in Section 445a and that such procurement was otherwise in accordance with the surplus line law.

(6) Countersignature required. It shall be unlawful for an insurance producer to deliver any unauthorized insurer contract or domestic surplus line insurer contract unless such insurance contract is countersigned by the Surplus Line Association of Illinois.

(7) Inspection of records. A surplus line producer shall maintain separate records of the business transacted under his or her license, including complete copies of surplus line insurance contracts maintained on paper or by electronic means, which records shall be open at all times for inspection by the Director and by the Surplus Line Association of Illinois.

(8) Violations and penalties. The Director may suspend or revoke or refuse to renew a surplus line

producer license for any violation of this Code. In addition to or in lieu of suspension or revocation, the Director may subject a surplus line producer to a civil penalty of up to $1,000 for each cause for suspension or revocation. Such penalty is enforceable under subsection (5) of Section 403A of this Code.

(9) Director may declare insurer ineligible. If the Director determines that the further assumption of risks might be hazardous to the policyholders of an unauthorized insurer, the Director may order the Surplus Line Association of Illinois not to countersign insurance contracts evidencing insurance in such insurer and order surplus line producers to cease procuring insurance from such insurer.

(10) Service of process upon Director. Insurance contracts delivered under this Section from unauthorized insurers shall contain a provision designating the Director and his successors in office the true and lawful attorney of the insurer upon whom may be served all lawful process in any action, suit or proceeding arising out of such insurance. Service of process made upon the Director to be valid hereunder must state the name of the insured, the name of the unauthorized insurer and identify the contract of insurance. The Director at his option is authorized to forward a copy of the process to the Surplus Line Association of Illinois for delivery to the unauthorized insurer or the Director may deliver the process to the unauthorized insurer by other means which he considers to be reasonably prompt and certain.

(11) The Illinois Surplus Line law does not apply to insurance of property and operations of railroads or aircraft engaged in interstate or foreign commerce, insurance of vessels, crafts or hulls, cargoes, marine builder's risks, marine protection and indemnity, or other risks including strikes and war risks insured under ocean or wet marine forms of policies.

(12) Surplus line insurance procured under this Section, including insurance procured from a domestic surplus line insurer, is not subject to the provisions of the Illinois Insurance Code other than Sections 123, 123.1, 401, 401.1, 402, 403, 403A, 408, 412, 445, 445.1, 445.2, 445.3, 445.4, and all of the provisions of Article XXXI to the extent that the provisions of Article XXXI are not inconsistent with the terms of this Act. (Source: P.A. 92-386, eff. 1-1-02.)

(215 ILCS 5/531.13) (from Ch. 73, par. 1065.80-13)

Sec. 531.13. Tax offset. In the event the aggregate Class A, B and C assessments for all member insurers do not exceed $3,000,000 in any one calendar year, no member insurer shall receive a tax offset. However, for any one calendar year before 1998 in which the total of such assessments exceeds $3,000,000, the amount in excess of $3,000,000 shall be subject to a tax offset to the extent of 20% of the amount of such assessment for each of the 5 calendar years following the year in which such assessment was paid, and ending prior to January 1, 2003, and each member insurer may offset the proportionate amount of such excess paid by the insurer against its liabilities for the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act. The provisions of this Section shall expire and be given no effect for any tax period commencing on and after January 1, 2003. (Source: P.A. 90-583, eff. 5-29-98.)

Section 15. The Health Maintenance Organization Act is amended by changing Section 6-13 as follows:

(215 ILCS 125/6-13) (from Ch. 111 1/2, par. 1418.13)

Sec. 6-13. Tax offset. In the event the aggregate Class A and B assessments for all member organizations do not exceed $3,000,000 in any one calendar year, no member organization shall receive a tax offset. However, in any one calendar year in which the total of such assessments exceeds $3,000,000, the amount in excess of $3,000,000 shall be subject to a tax offset to the extent of 20% of the amount of such assessment for each of the five calendar years following the year in which such assessment was paid, and ending prior to January 1, 2003, and each member organization may offset the proportionate amount of such excess paid by the organization against its liabilities for the tax imposed by subsections (a) and (b) of Section 201 of the Illinois Income Tax Act. The provisions of this Section shall expire and be given no effect on and after January 1, 2004. (Source: P.A. 85-20.)

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

Representative Hoffman requests a roll call vote on Floor Amendment No. 2.

And on that motion, a vote was taken resulting as follows:

62, Yeas; 54, Nays; 0, Answering Present.

(ROLL CALL 25)

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 1634 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:

60, Yeas; 56, Nays; 0, Answering Present.

(ROLL CALL 26)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Jefferson, SENATE BILL 1021 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; 41, 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.

SENATE BILL ON SECOND READING

SENATE BILL 1701. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Bradley offered the following amendment and moved its adoption.

AMENDMENT NO. 3

AMENDMENT NO. 3____. Amend Senate Bill 1701, AS AMENDED, in the introductory portion of Section 5, before "as follows", by inserting "and adding Sections 8-164.2 and 11-160.2"; and

in Section 5, after the end of Sec. 8-164.1, by inserting the following:

"(40 ILCS 5/8-164.2 new)

Sec. 8-164.2. Payments to board of education for group health benefits.

(a) Should the Board of Education continue to sponsor a retiree health plan, the board is authorized to pay to the Board of Education, on behalf of each eligible annuitant who chooses to participate in the Board of Education's retiree health benefit plan, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 8-173; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the Board of Education under this subsection shall be charged against it.

(b) The Board of Education health benefit plan referred to in this Section and the board's payments to the Board of Education under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970."; and

in Section 5, after the end of Sec. 11-160.1, by inserting the following:

"(40 ILCS 5/11-160.2 new)

Sec. 11-160.2. Payments to board of education for group health benefits.

(a) Should the Board of Education continue to sponsor a retiree health plan, the board is authorized to pay to the Board of Education, on behalf of each eligible annuitant who chooses to participate in the Board of Education's retiree health benefit plan, the following amounts:

(1) From July 1, 2003 through June 30, 2008, $85 per month for each such annuitant who is not eligible to receive Medicare benefits and $55 per month for each such annuitant who is eligible to receive Medicare benefits.

(2) From July 1, 2008 through June 30, 2013, $95 per month for each such annuitant who is not eligible to receive Medicare benefits and $65 per month for each such annuitant who is eligible to receive Medicare benefits.

The payments described in this subsection shall be paid from the tax levy authorized under Section 11-169; such amounts shall be credited to the reserve for group hospital care and group medical and surgical plan benefits, and all payments to the Board of Education under this subsection shall be charged against it.

(b) The Board of Education health benefit plan referred to in this Section and the board's payments to the Board of Education under this Section are not and shall not be construed to be pension or retirement benefits for the purposes of Section 5 of Article XIII of the Illinois Constitution of 1970.".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Bradley, SENATE BILL 1701 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:

95, Yeas; 21, Nays; 0, Answering Present.

(ROLL CALL 28)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Daniels, SENATE BILL 989 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:

116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 29)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Molaro, SENATE BILL 640 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:

68, Yeas; 47, Nays; 1, Answering Present.

(ROLL CALL 30)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Chapa LaVia, SENATE BILL 1912 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:

Representative Black moves the previous question.

The motion prevails.

98, Yeas; 9, Nays; 9, Answering Present.

(ROLL CALL 31)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 1949. Having been read by title a second time on May 28, 2003, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Rules.

Representative Flider offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 1949 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 17-2A as follows:

(105 ILCS 5/17-2A) (from Ch. 122, par. 17-2A)

Sec. 17-2A. Interfund Transfers. The school board of any district having a population of less than 500,000 inhabitants may~~, by proper resolution following a public hearing set by the school board or the president of the school board (that is preceded (i) by at least one published notice over the name of the clerk or secretary of the board, occurring at least 7 days and not more than 30 days prior to the hearing, in a newspaper of general circulation within the school district and (ii) by posted notice over the name of the clerk or secretary of the board, at least 48 hours before the hearing, at the principal office of the school board or at the building where the hearing is to be held if a principal office does not exist, with both notices setting forth the time, date, place, and subject matter of the hearing),~~ transfer money from (1) the Educational Fund to the Operations and Maintenance Fund or the Transportation Fund, (2) the Operations and Maintenance Fund to the Educational Fund or the Transportation Fund, or (3) the Transportation Fund to the Educational Fund or the Operations and Maintenance Fund of said district~~, provided such transfer is made solely for the purpose of meeting one time, non recurring expenses. Any other permanent interfund transfers authorized by any provision or judicial interpretation of this Code for which the transferee fund is not precisely and specifically set forth in the provision of this Code authorizing such transfer shall be made to the fund of the school district most in need of the funds being transferred, as determined by resolution of the school board~~.

It is the intention of the General Assembly in enacting this amendatory Act of the 93rd General Assembly to relieve school districts of the administrative burdens that impede efficiency and accompany single-program funding. This Section does not relieve any district of its obligation to provide services required by law. (Source: P.A. 92-127, eff. 1-1-02; 92-722, eff. 7-25-02.)

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 1949 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:

114, Yeas; 1, Nays; 0, Answering Present.

(ROLL CALL 32)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 843. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 was tabled in the Committee on Revenue.

Floor Amendment No. 2 remained in the Committee on Rules.

Floor Amendment No. 3 remained in the Committee on Revenue.

Representative Osterman offered and withdrew Amendment No. 4.

Representative Osterman offered the following amendments and moved their adoption.

AMENDMENT NO. 5

AMENDMENT NO. 5____. Amend Senate Bill 843 by replacing the title with the following:

"AN ACT concerning local government."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by adding Section 5-1014.3 as follows:

(55 ILCS 5/5-1014.3 new)

Sec. 5-1014.3. Agreements to share or rebate occupation taxes.

(a) On and after June 1, 2003, neither a county board nor a retailer shall enter into any agreement to share or rebate any portion of retailers' occupation taxes generated by retail sales of tangible personal property if: (1) the tax on those retail sales, absent the agreement, would have been paid to another unit of local government; and (2) the retailer maintains, within that other unit of local government, a retail location from which the tangible personal property is delivered to purchasers, or a warehouse from which the tangible personal property is delivered to purchasers. Any unit of local government denied retailers' occupation tax revenue because of an agreement that violates this Section may file an action in circuit court against the county. Any agreement entered into prior to June 1, 2003 is not affected by this amendatory Act of the 93rd General Assembly. Any unit of local government that prevails in the circuit court action is entitled to damages in the amount of the tax revenue it was denied as a result of the agreement, statutory interest, costs, reasonable attorney's fees, and an amount equal to 50% of the tax.

(b) On and after the effective date of this amendatory Act of the 93rd General Assembly, a home rule unit shall not enter into any agreement prohibited by this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

Section 10. The Illinois Municipal Code is amended by adding Section 8-11-21 as follows:

(65 ILCS 5/8-11-21 new)

Sec. 8-11-21. Agreements to share or rebate occupation taxes.

(a) On and after June 1, 2003, neither the corporate authorities of a municipality nor a retailer shall enter into any agreement to share or rebate any portion of retailers' occupation taxes generated by retail sales of tangible personal property if: (1) the tax on those retail sales, absent the agreement, would have

been paid to another unit of local government; and (2) the retailer maintains, within that other unit of local government, a retail location from which the tangible personal property is delivered to purchasers, or a warehouse from which the tangible personal property is delivered to purchasers. Any unit of local government denied retailers' occupation tax revenue because of an agreement that violates this Section may file an action in circuit court against the municipality. Any agreement entered into prior to June 1, 2003 is not affected by this amendatory Act of the 93rd General Assembly. Any unit of local government that prevails in the circuit court action is entitled to damages in the amount of the tax revenue it was denied as a result of the agreement, statutory interest, costs, reasonable attorney's fees, and an amount equal to 50% of the tax.

(b) On and after the effective date of this amendatory Act of the 93rd General Assembly, a home rule unit shall not enter into any agreement prohibited by this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

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

AMENDMENT NO. 6

AMENDMENT NO. 6____. Amend Senate Bill 843, AS AMENDED, with reference to page and line numbers of House Amendment No. 5, on page 1, line 12, by deleting "(a)"; and
on page 2, by deleting lines 11 through 16; and
on page 2, line 22, by deleting "(a)"; and
on page 3, by deleting lines 11 through 16.

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 5 and 6 were adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Osterman, SENATE BILL 843 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:

95, Yeas; 21, Nays; 0, Answering Present.

(ROLL CALL 33)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILLS ON SECOND READING

SENATE BILL 150. Having been recalled on May 20, 2003, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 2 remained in the Committee on Revenue.

Representative Hoffman offered the following amendments and moved their adoption.

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 150, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 1, line 5, after "10-20.21a", by inserting "and changing

Section 29-15"; and

on page 2, below line 24, by inserting the following:

"(105 ILCS 5/29-15) (from Ch. 122, par. 29-15)

Sec. 29-15. Subject to the provisions of Section 10-22.8 of this Act, school districts, which own buses or other vehicular equipment for the transportation of pupils to or from school within such district, may sell or lease such buses or equipment to a Mass Transit District organized under the Local Mass Transit District Act or to an Urban Transportation District organized under the Urban Transportation District Act. Such districts may enter into an intergovernmental agreement under the Intergovernmental Cooperation Act ~~contract~~ with a Mass Transit District, the Regional Transportation Authority or any of its Service Boards, a rural transportation program, or an Urban Transportation District for the transportation of pupils to and from the schools of such districts at a consideration to be determined by negotiation between the parties, and the costs of those intergovernmental agreements are eligible for reimbursement by the State. Such contracts shall otherwise be subject to the provisions of this Article. (Source: P.A. 77-1492.)".

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 150, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 4, by replacing lines 32 through 34 with the following:

"A person may also operate a chartered bus described in this subsection (d-5) if he or she holds a valid CDL and a valid school bus driver permit that was issued on or before December 31, 2003.".

AMENDMENT NO. 5

AMENDMENT NO. 5____. Amend Senate Bill 150, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 2, by replacing lines 2 through 4 with the following:

"(1) SUBMITTED THEIR 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 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION"; and

on page 2, by replacing lines 15 through 17 with the following:

"(1) SUBMITTED THEIR 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 FINGERPRINT CHECK HAS RESULTED IN A DETERMINATION"; and

on page 6, by replacing lines 31 through 34 with the following:

"(1) the person has submitted 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;"; and

on page 7, by deleting lines 1 and 2; and

on page 8, below line 4, by inserting the following:

"The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited into the State Police Services Fund and may not exceed the actual cost of the records check.".

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3, 4 and 5 were adopted and the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Hoffman, SENATE BILL 150 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:

97, Yeas; 19, Nays; 0, Answering Present.

(ROLL CALL 34)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

Having been printed, the following bill was taken up, read by title a second time and advanced to the order of Third Reading: SENATE BILL 788.

ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Black moved to discharge the Committee on Rules from further consideration of HOUSE RESOLUTION 354 and advance to the appropriate order of business.

Representative Currie objects.

The motion fails.

Representative Black moves to overrule the chair.

The question is shall the chair be sustained.

And on that motion, a vote was taken resulting as follows:

66, Yeas; 50, Nays; 0, Answering Present.

(ROLL CALL 35)

The motion prevailed.

SENATE BILL ON SECOND READING

SENATE BILL 1650. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 1650 by replacing everything after the enacting clause with the following:

"Section 5. The Juvenile Court Act of 1987 is amended by changing Section 1-5 as follows:

(705 ILCS 405/1-5) (from Ch. 37, par. 801-5)

Sec. 1-5. Rights of parties to proceedings. (1) Except as provided in this Section and paragraph (2) of Sections 2-22, 3-23, 4-20, 5-610 or 5-705, the minor who is the subject of the proceeding and his parents, guardian, legal custodian or responsible relative who are parties respondent have the right to be present, to be heard, to present evidence material to the proceedings, to cross-examine witnesses, to examine pertinent court files and records and also, although proceedings under this Act are not intended to be adversary in character, the right to be represented by counsel. At the request of any party financially unable to employ counsel, with the exception of a foster parent permitted to intervene under this Section, the court shall appoint the Public Defender or such other counsel as the case may require. Counsel appointed for the minor and any indigent party shall appear at all stages of the trial court proceeding, and such appointment shall continue through the permanency hearings and termination of parental rights proceedings subject to withdrawal or substitution pursuant to Supreme Court Rules or the Code of Civil Procedure. Following the dispositional hearing, the court may require appointed counsel, other than counsel for the minor or counsel for the guardian ad litem, to withdraw his or her appearance upon failure of the

party for whom counsel was appointed under this Section to attend any subsequent proceedings.

No hearing on any petition or motion filed under this Act may be commenced unless the minor who is the subject of the proceeding is represented by counsel. Notwithstanding the preceding sentence, if a guardian ad litem has been appointed for the minor under Section 2-17 of this Act and the guardian ad litem is a licensed attorney at law of this State, or in the event that a court appointed special advocate has been appointed as guardian ad litem and counsel has been appointed to represent the court appointed special advocate, the court may not require the appointment of counsel to represent the minor unless the court finds that the minor's interests are in conflict with what the guardian ad litem determines to be in the best interest of the minor. Each adult respondent shall be furnished a written "Notice of Rights" at or before the first hearing at which he or she appears.

(1.5) The Department shall maintain a system of response to inquiry made by parents or putative parents as to whether their child is under the custody or guardianship of the Department; and if so, the Department shall direct the parents or putative parents to the appropriate court of jurisdiction, including where inquiry may be made of the clerk of the court regarding the case number and the next scheduled court date of the minor's case. Effective notice and the means of accessing information shall be given to the public on a continuing basis by the Department.

(2) (a) Though not appointed guardian or legal custodian or otherwise made a party to the proceeding, any current or previously appointed foster parent or relative caregiver, or representative of an agency or association interested in the minor has the right to be heard by the court, but does not thereby become a party to the proceeding.

In addition to the foregoing right to be heard by the court, any current foster parent or relative caregiver of a minor and the agency designated by the court or the Department of Children and Family Services as custodian of the minor who is alleged to be or has been adjudicated an abused or neglected minor under Section 2-3 or a dependent minor under Section 2-4 of this Act has the right to and shall be given adequate notice at all stages of any hearing or proceeding under this Act.

Any foster parent or relative caregiver who is denied his or her right to be heard under this Section may bring a mandamus action under Article XIV of the Code of Civil Procedure against the court or any public agency to enforce that right. The mandamus action may be brought immediately upon the denial of those rights but in no event later than 30 days after the foster parent has been denied the right to be heard.

(b) If after an adjudication that a minor is abused or neglected as provided under Section 2-21 of this Act and a motion has been made to restore the minor to any parent, guardian, or legal custodian found by the court to have caused the neglect or to have inflicted the abuse on the minor, a foster parent may file a motion to intervene in the proceeding for the sole purpose of requesting that the minor be placed with the foster parent, provided that the foster parent (i) is the current foster parent of the minor or (ii) has previously been a foster parent for the minor for one year or more, has a foster care license or is eligible for a license, and is not the subject of any findings of abuse or neglect of any child. The juvenile court may only enter orders placing a minor with a specific foster parent under this subsection (2)(b) and nothing in this Section shall be construed to confer any jurisdiction or authority on the juvenile court to issue any other orders requiring the appointed guardian or custodian of a minor to place the minor in a designated foster home or facility. This Section is not intended to encompass any matters that are within the scope or determinable under the administrative and appeal process established by rules of the Department of Children and Family Services under Section 5(o) of the Children and Family Services Act. Nothing in this Section shall relieve the court of its responsibility, under Section 2-14(a) of this Act to act in a just and speedy manner to reunify families where it is the best interests of the minor and the child can be cared for at home without endangering the child's health or safety and, if reunification is not in the best interests of the minor, to find another permanent home for the minor. Nothing in this Section, or in any order issued by the court with respect to the placement of a minor with a foster parent, shall impair the ability of the Department of Children and Family Services, or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act, to remove a minor from the home of a foster parent if the Department of Children and Family Services or the person removing the minor has reason to believe that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health and safety or present an imminent risk of harm to that minor's life.

(c) If a foster parent has had the minor who is the subject of the proceeding under Article II in his or her home for more than one year on or after July 3, 1994 and if the minor's placement is being terminated from that foster parent's home, that foster parent shall have standing and intervenor status except in those circumstances where the Department of Children and Family Services or anyone else authorized under Section 5 of the Abused and Neglected Child Reporting Act has removed the minor from the foster parent

because of a reasonable belief that the circumstances or conditions of the minor are such that continuing in the residence or care of the foster parent will jeopardize the child's health or safety or presents an imminent risk of harm to the minor's life.

(d) The court may grant standing to any foster parent if the court finds that it is in the best interest of the child for the foster parent to have standing and intervenor status.

(3) Parties respondent are entitled to notice in compliance with Sections 2-15 and 2-16, 3-17 and 3-18, 4-14 and 4-15 or 5-525 and 5-530, as appropriate. At the first appearance before the court by the minor, his parents, guardian, custodian or responsible relative, the court shall explain the nature of the proceedings and inform the parties of their rights under the first 2 paragraphs of this Section.

If the child is alleged to be abused, neglected or dependent, the court shall admonish the parents that if the court declares the child to be a ward of the court and awards custody or guardianship to the Department of Children and Family Services, the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

Upon an adjudication of wardship of the court under Sections 2-22, 3-23, 4-20 or 5-705, the court shall inform the parties of their right to appeal therefrom as well as from any other final judgment of the court.

When the court finds that a child is an abused, neglected, or dependent minor under Section 2-21, the court shall admonish the parents that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

When the court declares a child to be a ward of the court and awards guardianship to the Department of Children and Family Services under Section 2-22, the court shall admonish the parents, guardian, custodian, or responsible relative that the parents must cooperate with the Department of Children and Family Services, comply with the terms of the service plans, and correct the conditions that require the child to be in care, or risk termination of their parental rights.

(4) No sanction may be applied against the minor who is the subject of the proceedings by reason of his refusal or failure to testify in the course of any hearing held prior to final adjudication under Section 2-22, 3-23, 4-20 or 5-705.

(5) In the discretion of the court, the minor may be excluded from any part or parts of a dispositional hearing and, with the consent of the parent or parents, guardian, counsel or a guardian ad litem, from any part or parts of an adjudicatory hearing.

(6) The general public except for the news media and the victim shall be excluded from any hearing and, except for the persons specified in this Section only persons, including representatives of agencies and associations, who in the opinion of the court have a direct interest in the case or in the work of the court shall be admitted to the hearing. However, the court may, for the minor's safety and protection and for good cause shown, prohibit any person or agency present in court from further disclosing the minor's identity. Nothing in this subsection (6) prevents the court from allowing other juveniles to be present or to participate in a court session being held under the Juvenile Drug Court Treatment Act.

(7) A party shall not be entitled to exercise the right to a substitution of a judge without cause under subdivision (a)(2) of Section 2-1001 of the Code of Civil Procedure in a proceeding under this Act if the judge is currently assigned to a proceeding involving the alleged abuse, neglect, or dependency of the minor's sibling or half sibling and that judge has made a substantive ruling in the proceeding involving the minor's sibling or half sibling. (Source: P.A. 91-357, eff. 7-29-99; 92-559, eff. 1-1-03.)

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

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 1650 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:

114, Yeas; 2, Nays; 0, Answering Present.

(ROLL CALL 36)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Jerry Mitchell, SENATE BILL 878 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:

116, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 37)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 1951. Having been printed, was taken up and read by title a second time.

Representative Hamos offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 1951 by replacing the title with the following:

"AN ACT in relation to children.

WHEREAS, Untreated mental health problems in children have serious fiscal consequences for the State because they affect children's ability to learn and increase their propensity for violence, alcohol and substance abuse, and other delinquent behaviors that are extremely costly to treat; and

WHEREAS, One in 10 children in Illinois suffers from a mental illness severe enough to cause some level of impairment; yet, in any given year only about 20% of these children receive mental health services; and

WHEREAS, Many mental health problems are largely preventable or can be minimized with promotion and early intervention services that have been shown to be effective and that reduce the need for more costly interventions; and

WHEREAS, Children's social development and emotional development are essential underpinnings to school readiness and academic success; and

WHEREAS, A comprehensive, coordinated children's mental health system can help maximize resources and minimize duplication of services; and

WHEREAS, The Illinois Children's Mental Health Task Force engaged a broad, multi-disciplinary group that reached consensus on recommendations that serve as the basis for the provisions of this Act; therefore"; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Children's Mental Health Act of 2003.

Section 5. Children's Mental Health Plan.

(a) The State of Illinois shall develop a Children's Mental Health Plan containing short-term and long-term recommendations to provide comprehensive, coordinated mental health prevention, early intervention, and treatment services for children from birth through age 18. This Plan shall include but not be limited to:

(1) Coordinated provider services and interagency referral networks for children from birth through age 18 to maximize resources and minimize duplication of services.

(2) Guidelines for incorporating social and emotional development into school learning standards and educational programs, pursuant to Section 15 of this Act.

(3) Protocols for implementing screening and assessment of children prior to any admission to an inpatient hospital for psychiatric services, pursuant to subsection (a) of Section 5-5.23 of the Illinois Public Aid Code.

(4) Recommendations regarding a State budget for children's mental health prevention, early intervention, and treatment across all State agencies.

(5) Recommendations for State and local mechanisms for integrating federal, State, and local funding sources for children's mental health.

(6) Recommendations for building a qualified and adequately trained workforce prepared to provide mental health services for children from birth through age 18 and their families.

(7) Recommendations for facilitating research on best practices and model programs, and dissemination of this information to Illinois policymakers, practitioners, and the general public through training, technical assistance, and educational materials.

(8) Recommendations for a comprehensive, multi-faceted public awareness campaign to reduce the stigma of mental illness and educate families, the general public, and other key audiences about the benefits of children's social and emotional development, and how to access services.

(9) Recommendations for creating a quality-driven children's mental health system with shared accountability among key State agencies and programs that conducts ongoing needs assessments, uses outcome indicators and benchmarks to measure progress, and implements quality data tracking and reporting systems.

(b) The Children's Mental Health Partnership (hereafter referred to as "the Partnership") is created. The Partnership shall have the responsibility of developing and monitoring the implementation of the Children's Mental Health Plan as approved by the Governor. The Children's Mental Health Partnership shall be comprised of: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the directors of the departments of Children and Family Services, Public Aid, Public Health, and Corrections, or their designees; the head of the Illinois Violence Prevention Authority, or his or her designee; the Attorney General or his or her designee; up to 25 representatives of community mental health authorities and statewide mental health, children and family advocacy, early childhood, education, health, substance abuse, violence prevention, and juvenile justice organizations or associations, to be appointed by the Governor; and 2 members of each caucus of the House of Representatives and Senate appointed by the Speaker of the House of Representatives and the President of the Senate, respectively. The Governor shall appoint the Partnership Chair and shall designate a Governor's staff liaison to work with the Partnership.

(c) The Partnership shall submit a Preliminary Plan to the Governor on September 30, 2004 and shall submit the Final Plan on June 30, 2005. Thereafter, on September 30 of each year, the Partnership shall submit an annual report to the Governor on the progress of Plan implementation and recommendations for revisions in the Plan. The Final Plan and annual reports submitted in subsequent years shall include estimates of savings achieved in prior fiscal years under subsection (a) of Section 5-5.23 of the Illinois Public Aid Code and federal financial participation received under subsection (b) of Section 5-5.23 of that Code. The Department of Public Aid shall provide technical assistance in developing these estimates and reports.

Section 10. Office of Mental Health services. The Office of Mental Health within the Department of Human Services shall allow grant and purchase-of-service moneys to be used for services for children from birth through age 18.

Section 15. Mental health and schools.

(a) The Illinois State Board of Education shall develop and implement a plan to incorporate social and emotional development standards as part of the Illinois Learning Standards for the purpose of enhancing and measuring children's school readiness and ability to achieve academic success. The plan shall be submitted to the Governor, the General Assembly, and the Partnership by December 31, 2004.

(b) Every Illinois school district shall develop a policy for incorporating social and emotional development into the district's educational program. The policy shall address teaching and assessing social and emotional skills and protocols for responding to children with social, emotional, or mental health problems, or a combination of such problems, that impact learning ability. Each district must submit this policy to the Illinois State Board of Education by August 31, 2004.

Section 95. The Illinois Public Aid Code is amended by adding Section 5-5.23 as follows:

(305 ILCS 5/5-5.23 new)

Sec. 5-5.23. Children's mental health services.

(a) The Department of Public Aid, by rule, shall require the screening and assessment of a child prior to any Medicaid-funded admission to an inpatient hospital for psychiatric services to be funded by Medicaid. The screening and assessment shall include a determination of the appropriateness and availability of out-patient support services for necessary treatment. The Department, by rule, shall establish methods and standards of payment for the screening, assessment, and necessary alternative support services.

(b) The Department of Public Aid, to the extent allowable under federal law, shall secure federal

financial participation for Individual Care Grant expenditures made by the Department of Human Services for the Medicaid optional service authorized under Section 1905(h) of the federal Social Security Act, pursuant to the provisions of Section 7.1 of the Mental Health and Developmental Disabilities Administrative Act.

(c) The Department of Public Aid shall work jointly with the Department of Human Services to implement subsections (a) and (b).

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

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

On motion of Representative Madigan, SENATE BILL 1951 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:

115, Yeas; 1, Nays; 0, Answering Present.

(ROLL CALL 38)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Daniels, SENATE BILL 994 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:

115, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 39)

This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Millner, SENATE BILL 1649 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:

115, Yeas; 0, Nays; 1, Answering Present.

(ROLL CALL 40)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

RECALL

By unanimous consent, on motion of Representative Howard, SENATE BILL 788 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

SENATE BILLS ON SECOND READING

SENATE BILL 788. Having been recalled on May 30, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Howard offered the following amendment and moved its adoption.

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 788 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Identification Act is amended by changing Section 5 and adding Sections 11, 12, and 13 as follows:

(20 ILCS 2630/5) (from Ch. 38, par. 206-5)

Sec. 5. Arrest reports; expungement. (a) All policing bodies of this State shall furnish to the Department, daily, in the form and detail the Department requires, fingerprints and descriptions of all persons who are arrested on charges of violating any penal statute of this State for offenses that are classified as felonies and Class A or B misdemeanors and of all minors of the age of 10 and over who have been arrested for an offense which would be a felony if committed by an adult, and may forward such fingerprints and descriptions for minors arrested for Class A or B misdemeanors. Moving or nonmoving traffic violations under the Illinois Vehicle Code shall not be reported except for violations of Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In addition, conservation offenses, as defined in the Supreme Court Rule 501(c), that are classified as Class B misdemeanors shall not be reported.

Whenever an adult or minor prosecuted as an adult, not having previously been convicted of any criminal offense or municipal ordinance violation, charged with a violation of a municipal ordinance or a felony or misdemeanor, is acquitted or released without being convicted, whether the acquittal or release occurred before, on, or after the effective date of this amendatory Act of 1991, the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial may upon verified petition of the defendant order the record of arrest expunged from the official records of the arresting authority and the Department and order that the records of the clerk of the circuit court be sealed until further order of the court upon good cause shown and the name of the defendant obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal the records, and the fee shall be deposited into the State Police Services Fund. The records of those arrests, however, that result in a disposition of supervision for any offense shall not be expunged from the records of the arresting authority or the Department nor impounded by the court until 2 years after discharge and dismissal of supervision. Those records that result from a supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2, 12-15 or 16A-3 of the Criminal Code of 1961, or probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act when the judgment of conviction has been vacated, or Section 10 of the Steroid Control Act shall not be expunged from the records of the arresting authority nor impounded by the court until 5 years after termination of probation or supervision. Those records that result from a supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, shall not be expunged. All records set out above may be ordered by the court to be expunged from the records of the arresting authority and impounded by the court after 5 years, but shall not be expunged by the Department, but shall, on court order be sealed by the Department and may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.

(a-5) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(b) Whenever a person has been convicted of a crime or of the violation of a municipal ordinance, in the name of a person whose identity he has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the chief judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the Department,

other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the clerk of the circuit court clerk shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used. For purposes of this Section, convictions for moving and nonmoving traffic violations other than convictions for violations of Chapter 4, Section 11-204.1 or Section 11-501 of the Illinois Vehicle Code shall not be a bar to expunging the record of arrest and court records for violation of a misdemeanor or municipal ordinance.

(c) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he may, upon verified petition to the chief judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, may have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of expungement, the clerk of the circuit court shall promptly mail a copy of the order to the person who was pardoned.

(c-5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the defendant's trial to have a court order entered to seal the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning the offense available for public inspection.

(d) Notice of the petition for subsections (a), (b), and (c) shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government affecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to the petition within 30 days from the date of the notice, the court shall enter an order granting or denying the petition. The clerk of the court shall promptly mail a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge.

(e) Nothing herein shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(f) No court order issued pursuant to the expungement provisions of this Section shall become final for purposes of appeal until 30 days after notice is received by the Department. Any court order contrary to the provisions of this Section is void.

(g) Except as otherwise provided in subsection (c-5) of this Section, the court shall not order the sealing or expungement of the arrest records and records of the circuit court clerk of any person granted supervision for or convicted of any sexual offense committed against a minor under 18 years of age. For the

purposes of this Section, "sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense is under 18 years of age.

(h) (1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is acquitted or released without being convicted, or if the person is convicted but the conviction is reversed, or if the person has been placed on supervision for a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 3 years after the acquittal or release or reversal of conviction, or the completion of the terms and conditions of the supervision, if the acquittal, release, finding of not guilty, or reversal of conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons placed on supervision for: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(2) Upon acquittal, release without conviction, or being placed on supervision, the person charged with the offense shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records. Three years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision, the defendant shall provide the clerk of the court with a notice of request for sealing of records and payment of the applicable fee and a current address and shall promptly notify the clerk of the court of any change of address. The clerk shall promptly serve notice that the person's records are to be sealed on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the terms and conditions of the supervision. The clerk of the court shall promptly serve by mail or in person a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted.

(3) The clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

(4) Whenever sealing of records is required under this subsection (h), the notification of the sealing must be given by the circuit court where the arrest occurred to the Department in a form and manner prescribed by the Department.

(5) An adult or a minor prosecuted as an adult who was charged with a violation of a municipal ordinance or a misdemeanor who was acquitted, released without being convicted, convicted and the conviction was reversed, or placed on supervision for a misdemeanor before the date of this amendatory Act of the 93rd General Assembly and was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 3 years after the acquittal or release or reversal of conviction, or completion of the terms and conditions of the supervision may petition the Chief Judge of the circuit in which the charge was brought, any judge of that circuit in which the charge was brought, any judge of the circuit designated by the Chief Judge, or, in counties of less than 3,000,000 inhabitants, the presiding trial judge at that defendant's trial, to seal the official records of the arresting authority, the Department, and the

clerk of the court, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons placed on supervision for: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act. The State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest shall be served with a copy of the verified petition and shall have 90 days to object. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted. The person whose records are sealed under the provisions of this Act shall pay to the clerk of the court and the Department of State Police a fee equivalent to the cost associated with the sealing of records. The fees shall be paid to the clerk of the court who shall forward the appropriate portion to the Department at the time the court order to seal the defendant's record is forwarded to the Department for processing. The Department of State Police portion of the fee shall be deposited into the State Police Services Fund.

(i) (1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is convicted of a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 4 years after the completion of the sentence, if the conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 4 years after the completion of the sentence, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. This subsection (i) does not apply to persons convicted of: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(2) Upon the conviction of such offense, the person charged with the offense shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records. Four years after the completion of the sentence, the defendant shall provide the clerk of the court with a notice of request for sealing of records and payment of the applicable fee and a current address and shall promptly notify the clerk of the court of any change of address. The clerk shall promptly serve notice that the person's records are to be sealed on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records 4 years after the completion of the sentence. The clerk of the court shall promptly serve by mail or in person a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted.

(3) The clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

(4) Whenever sealing of records is required under this subsection (i), the notification of the sealing must be given by the circuit court where the arrest occurred to the Department in a form and manner prescribed by the Department.

(5) An adult or a minor prosecuted as an adult who was charged with a violation of a municipal ordinance or a misdemeanor who was convicted of a misdemeanor before the date of this amendatory Act of the 93rd General Assembly and was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 4 years after the completion of the sentence may petition the Chief Judge of the circuit in which the charge was brought, any judge of that circuit in which the charge was brought, any judge of the circuit designated by the Chief Judge, or, in counties of less than 3,000,000 inhabitants, the presiding trial judge at that defendant's trial, to seal the official records of the arresting authority, the Department, and the clerk of the court, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. This subsection (i) does not apply to persons convicted of: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act. The State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest shall be served with a copy of the verified petition and shall have 90 days to object. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted. The person whose records are sealed under the provisions of this Act shall pay to the clerk of the court and the Department of State Police a fee equivalent to the cost associated with the sealing of records. The fees shall be paid to the clerk of the court who shall forward the appropriate portion to the Department at the time the court order to seal the defendant's record is forwarded to the Department for processing. The Department of State Police portion of the fee shall be deposited into the State Police Services Fund. (Source: P.A. 91-295, eff. 1-1-00; 91-357, eff. 7-29-99; 92-651, eff. 7-11-02.)

(20 ILCS 2630/11 new)

Sec. 11. Legal assistance and education. Subject to appropriation, the State Appellate Defender shall establish, maintain, and carry out a sealing and expungement program to provide information to persons eligible to have their arrest or criminal history records expunged or sealed.

(20 ILCS 2630/12 new)

Sec. 12. Entry of order; effect of expungement or sealing.

(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged or sealed record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language which states that the applicant is not obligated to disclose sealed or expunged records of conviction or arrest. Employers may not ask if an applicant has had records expunged or sealed.

(b) A person whose records have been sealed or expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of the sealing or expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages. Persons engaged in civil litigation involving criminal records that have been sealed may petition the court to open the records for the limited purpose of using them in the course of litigation.

(20 ILCS 2630/13 new)

Sec. 13. Prohibited conduct; misdemeanor; penalty.

(a) The Department of State Police shall retain records sealed under subsections (h) and (i) of Section 5. The sealed records shall be used and disseminated by the Department only as allowed by law. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.

(b) The sealed records maintained under subsection (a) are exempt from disclosure under the Freedom of Information Act.".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was again advanced to the order of Third Reading.

SENATE BILLS ON THIRD READING

The following bills and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Howard, SENATE BILL 788 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:
90, Yeas; 25, Nays; 1, Answering Present.
(ROLL CALL 41)
This bill, as amended, 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 in the House amendment/s adopted.

On motion of Representative Molaro, SENATE BILL 1865 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:
107, Yeas; 8, Nays; 0, Answering Present.
(ROLL CALL 42)
This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.
Ordered that the Clerk inform the Senate.

SENATE BILL ON SECOND READING

SENATE BILL 2003. Having been read by title a second time on May 27, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Hoffman offered and withdrew Amendment No. 1.

Representative Hassert offered and withdrew Amendment No. 2.

Floor Amendment No. 3 remained in the Committee on Rules.

Representative Hoffman offered the following amendment and moved its adoption.

AMENDMENT NO. 4

AMENDMENT NO. 4____. Amend Senate Bill 2003 by replacing everything after the enacting clause with the following:

"Section 5-315. The Illinois Public Labor Relations Act is amended by changing Section 5 as follows:
(5 ILCS 315/5) (from Ch. 48, par. 1605)

Sec. 5. Illinois Labor Relations Board; State Panel; Local Panel. (a) There is created the Illinois Labor Relations Board. The Board shall be comprised of 2 panels, to be known as the State Panel and the Local Panel.

(a-5) The State Panel shall have jurisdiction over collective bargaining matters between employee organizations and the State of Illinois, excluding the General Assembly of the State of Illinois, between employee organizations and units of local government and school districts with a population not in excess of 2 million persons, and between employee organizations and the Regional Transportation Authority.

The State Panel shall consist of 5 members appointed by the Governor, with the advice and consent of the Senate. The Governor shall appoint to the State Panel only persons who have had a minimum of 5 years of experience directly related to labor and employment relations in representing public employers, private employers or labor organizations; or teaching labor or employment relations; or administering executive orders or regulations applicable to labor or employment relations. At the time of his or her appointment, each member of the State Panel shall be an Illinois resident. The Governor shall designate one member to serve as the Chairman of the State Panel and the Board.

Notwithstanding any other provision of this Section, the term of each member of the State Panel who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act.

The initial appointments under this amendatory Act of the 93rd ~~91st~~ General Assembly shall be for terms as follows: The Chairman shall initially be appointed for a term ending on the 4th Monday in January, 2007 ~~2001~~; 2 members shall be initially appointed for terms ending on the 4th Monday in January, 2006 ~~2002~~; one member shall be initially appointed for a term ending on the 4th Monday in January, 2005 ~~2003~~; and one member shall be initially appointed for a term ending on the 4th Monday in January, 2004. Each subsequent member shall be appointed for a term of 4 years, commencing on the 4th Monday in January. Upon expiration of the term of office of any appointive member, that member shall continue to serve until a successor shall be appointed and qualified. In case of a vacancy, a successor shall be appointed to serve for the unexpired portion of the term. If the Senate is not in session at the time the initial appointments are made, the Governor shall make temporary appointments in the same manner successors are appointed to fill vacancies. A temporary appointment shall remain in effect no longer than 20 calendar days after the commencement of the next Senate session.

(b) The Local Panel shall have jurisdiction over collective bargaining agreement matters between employee organizations and units of local government with a population in excess of 2 million persons, but excluding the Regional Transportation Authority.

The Local Panel shall consist of one person appointed by the Governor with the advice and consent of the Senate (or, if no such person is appointed, the Chairman of the State Panel) and two additional members, one appointed by the Mayor of the City of Chicago and one appointed by the President of the Cook County Board of Commissioners. Appointees to the Local Panel must have had a minimum of 5 years of experience directly related to labor and employment relations in representing public employers, private employers or labor organizations; or teaching labor or employment relations; or administering executive orders or regulations applicable to labor or employment relations. Each member of the Local Panel shall be an Illinois resident at the time of his or her appointment. The member appointed by the Governor (or, if no such person is appointed, the Chairman of the State Panel) shall serve as the Chairman of the Local Panel.

Notwithstanding any other provision of this Section, the term of the member of the Local Panel who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when his or her successor has been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint a person to fill the vacancy created by this amendatory Act. The initial appointment under this amendatory Act of the 93rd General Assembly shall be for a term ending on the 4th Monday in January, 2007.

The initial appointments under this amendatory Act of the 91st General Assembly shall be for terms as follows: The member appointed by the Governor shall initially be appointed for a term ending on the 4th Monday in January, 2001; the member appointed by the President of the Cook County Board shall be initially appointed for a term ending on the 4th Monday in January, 2003; and the member appointed by the Mayor of the City of Chicago shall be initially appointed for a term ending on the 4th Monday in January, 2004. Each subsequent member shall be appointed for a term of 4 years, commencing on the 4th Monday in January. Upon expiration of the term of office of any appointive member, the member shall continue to serve until a successor shall be appointed and qualified. In the case of a vacancy, a successor shall be appointed by the applicable appointive authority to serve for the unexpired portion of the term.

(c) Three members of the State Panel shall at all times constitute a quorum. Two members of the Local Panel shall at all times constitute a quorum. A vacancy on a panel does not impair the right of the remaining members to exercise all of the powers of that panel. Each panel shall adopt an official seal which shall be judicially noticed. The salary of the Chairman of the State Panel shall be $82,429 per year, or as set by the Compensation Review Board, whichever is greater, and that of the other members of the State and

Local Panels shall be $74,188 per year, or as set by the Compensation Review Board, whichever is greater.

(d) Each member shall devote his or her entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment, or vocation. No member shall hold any other public office or be employed as a labor or management representative by the State or any political subdivision of the State or of any department or agency thereof, or actively represent or act on behalf of an employer or an employee organization or an employer in labor relations matters. Any member of the State Panel may be removed from office by the Governor for inefficiency, neglect of duty, misconduct or malfeasance in office, and for no other cause, and only upon notice and hearing. Any member of the Local Panel may be removed from office by the applicable appointive authority for inefficiency, neglect of duty, misconduct or malfeasance in office, and for no other cause, and only upon notice and hearing.

(e) Each panel at the end of every State fiscal year shall make a report in writing to the Governor and the General Assembly, stating in detail the work it has done in hearing and deciding cases and otherwise.

(f) In order to accomplish the objectives and carry out the duties prescribed by this Act, a panel or its authorized designees may hold elections to determine whether a labor organization has majority status; investigate and attempt to resolve or settle charges of unfair labor practices; hold hearings in order to carry out its functions; develop and effectuate appropriate impasse resolution procedures for purposes of resolving labor disputes; require the appearance of witnesses and the production of evidence on any matter under inquiry; and administer oaths and affirmations. The panels shall sign and report in full an opinion in every case which they decide.

(g) Each panel may appoint or employ an executive director, attorneys, hearing officers, mediators, fact-finders, arbitrators, and such other employees as it may deem necessary to perform its functions. The governing boards shall prescribe the duties and qualifications of such persons appointed and, subject to the annual appropriation, fix their compensation and provide for reimbursement of actual and necessary expenses incurred in the performance of their duties.

(h) Each panel shall exercise general supervision over all attorneys which it employs and over the other persons employed to provide necessary support services for such attorneys. The panels shall have final authority in respect to complaints brought pursuant to this Act.

(i) The following rules and regulations shall be adopted by the panels meeting in joint session: (1) procedural rules and regulations which shall govern all Board proceedings; (2) procedures for election of exclusive bargaining representatives pursuant to Section 9, except for the determination of appropriate bargaining units; and (3) appointment of counsel pursuant to subsection (k) of this Section.

(j) Rules and regulations may be adopted, amended or rescinded only upon a vote of 5 of the members of the State and Local Panels meeting in joint session. The adoption, amendment or rescission of rules and regulations shall be in conformity with the requirements of the Illinois Administrative Procedure Act.

(k) The panels in joint session shall promulgate rules and regulations providing for the appointment of attorneys or other Board representatives to represent persons in unfair labor practice proceedings before a panel. The regulations governing appointment shall require the applicant to demonstrate an inability to pay for or inability to otherwise provide for adequate representation before a panel. Such rules must also provide: (1) that an attorney may not be appointed in cases which, in the opinion of a panel, are clearly without merit; (2) the stage of the unfair labor proceeding at which counsel will be appointed; and (3) the circumstances under which a client will be allowed to select counsel.

(l) The panels in joint session may promulgate rules and regulations which allow parties in proceedings before a panel to be represented by counsel or any other representative of the party's choice.

(m) The Chairman of the State Panel shall serve as Chairman of a joint session of the panels. Attendance of at least 2 members of the State Panel and at least one member of the Local Panel, in addition to the Chairman, shall constitute a quorum at a joint session. The panels shall meet in joint session at least annually. (Source: P.A. 91-798, eff. 7-9-00.)

Section 115-5. The Illinois Educational Labor Relations Act is amended by changing Section 5 as follows:

(115 ILCS 5/5) (from Ch. 48, par. 1705)

Sec. 5. Illinois Educational Labor Relations Board. (a) There is hereby created the Illinois Educational Labor Relations Board.

(a-5) Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Illinois Educational Labor Relations Board shall consist ~~consisting~~ of 7 members, no more than 4 of whom may be of the same political party, who are residents of Illinois appointed by the Governor with the advice

and consent of the Senate.

The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

(b) Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Illinois Educational Labor Relations Board shall consist of 5 members appointed by the Governor with the advice and consent of the Senate. No more than 3 members may be of the same political party.

The Governor shall appoint to the Board only persons who are residents of Illinois and have had a minimum of 5 years of experience directly related to labor and employment relations in representing educational employers or educational employees in collective bargaining matters. One appointed member shall be designated at the time of his or her appointment to serve as chairman.

Of the initial ~~2 additional~~ members appointed pursuant to this amendatory Act of the 93rd General Assembly, 2 ~~1997, one~~ shall be designated at the time of ~~his or her~~ appointment to serve a term of 6 years, 2 shall be designated at the time of appointment to serve a term of 4 years, and the other shall be designated at the time of his or her appointment to serve a term of 4 years, with each to serve until his or her successor is appointed and qualified. ~~In the event the Senate is not in session at the time the 2 additional members are appointed pursuant to this amendatory Act of 1997, the Governor shall make those appointments as temporary appointments until the next meeting of the Senate when he shall appoint, by and with the advice and consent of the Senate, 2 persons to fill those memberships for their unexpired terms. The 2 additional members appointed pursuant to this amendatory Act of the 91st General Assembly shall each serve initial terms of 6 years.~~

~~(b)~~ Each subsequent member shall be appointed in like manner for a term of 6 years and until his or her successor is appointed and qualified. Each member of the Board is eligible for reappointment. Vacancies shall be filled in the same manner as original appointments for the balance of the unexpired term.

(c) The chairman shall be paid $50,000 per year, or an amount set by the Compensation Review Board, whichever is greater. Other members of the Board shall each be paid $45,000 per year, or an amount set by the Compensation Review Board, whichever is greater. They shall be entitled to reimbursement for necessary traveling and other official expenditures necessitated by their official duties.

Each member shall devote his entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment or vocation.

(d) Three ~~Four~~ members of the Board constitute a quorum and a vacancy on the Board does not impair the right of the remaining members to exercise all of the powers of the Board.

(e) Any member of the Board may be removed by the Governor, upon notice, for neglect of duty or malfeasance in office, but for no other cause.

(f) The Board may appoint or employ an executive director, attorneys, hearing officers, and such other employees as it deems necessary to perform its functions. The Board shall prescribe the duties and qualifications of such persons appointed and, subject to the annual appropriation, fix their compensation and provide for reimbursement of actual and necessary expenses incurred in the performance of their duties.

(g) The Board may promulgate rules and regulations which allow parties in proceedings before the Board to be represented by counsel or any other person knowledgeable in the matters under consideration.

(h) To accomplish the objectives and to carry out the duties prescribed by this Act, the Board may subpoena witnesses, subpoena the production of books, papers, records and documents which may be needed as evidence on any matter under inquiry and may administer oaths and affirmations.

In cases of neglect or refusal to obey a subpoena issued to any person, the circuit court in the county in which the investigation or the public hearing is taking place, upon application by the Board, may issue an order requiring such person to appear before the Board or any member or agent of the Board to produce evidence or give testimony. A failure to obey such order may be punished by the court as in civil contempt.

Any subpoena, notice of hearing, or other process or notice of the Board issued under the provisions of this Act may be served personally, by registered mail or by leaving a copy at the principal office of the respondent required to be served. A return, made and verified by the individual making such service and setting forth the manner of such service, is proof of service. A post office receipt, when registered mail is used, is proof of service. All process of any court to which application may be made under the provisions of this Act may be served in the county where the persons required to be served reside or may be found.

(i) The Board shall adopt, promulgate, amend, or rescind rules and regulations in accordance with the

~~"The~~ Illinois Administrative Procedure Act~~", as now or hereafter amended,~~ as it deems necessary and feasible to carry out this Act.

(j) The Board at the end of every State fiscal year shall make a report in writing to the Governor and the General Assembly, stating in detail the work it has done in hearing and deciding cases and otherwise. (Source: P.A. 90-548, eff. 1-1-98; 91-798, eff. 7-9-00.)

Section 415-5. The Environmental Protection Act is amended by changing Section 5 as follows:

(415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

Sec. 5. Pollution Control Board. (a) There is hereby created an independent board to be known as the Pollution Control Board. ~~, consisting~~

Until July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.

The term of each appointed member of the Board who is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later.

Beginning on July 1, 2003 or when all of the new members to be initially appointed under this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later, the Board shall consist of 5 technically qualified members, no more than 3 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate. Members shall have verifiable technical, academic, or actual experience in the field of pollution control or environmental law and regulation.

Of the members initially appointed pursuant to this amendatory Act of the 93rd General Assembly, one shall be appointed for a term ending July 1, 2004, 2 shall be appointed for terms ending July 1, 2005, and 2 shall be appointed for terms ending July 1, 2006. Thereafter, all members shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the office during the remainder of the term.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from office, such resignation to take effect when a successor has been appointed and has qualified.

Board members shall be paid $37,000 per year or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid $43,000 per year or an amount set by the Compensation Review Board, whichever is greater. Each member shall devote his or her entire time to the duties of the office, and shall hold no other office or position of profit, nor engage in any other business, employment, or vocation. Each member shall be reimbursed for expenses necessarily incurred~~, shall devote full time to the performance of his or her duties~~ and shall make a financial disclosure upon appointment.

Each Board member may employ one secretary and one assistant, and the Chairman one secretary and 2 assistants. The Board also may employ and compensate hearing officers to preside at hearings under this Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board.

The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 Board members, upon delivery of 24 hours written notice to the office of each member. All Board meetings shall be open to the public, and public notice of all meetings shall be given at least 24 hours in advance of each meeting. In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

If there is no vacancy on the Board, 4 members of the Board shall constitute a quorum to transact

business; otherwise, a majority of the Board shall constitute a quorum to transact business, and no vacancy shall impair the right of the remaining members to exercise all of the powers of the Board. Every action approved by a majority of the members of the Board shall be deemed to be the action of the Board. ~~Four members of the Board shall constitute a quorum, and 4 votes shall be required for any final determination by the Board, except in a proceeding to remove a seal under paragraph (d) of Section 34 of this Act.~~ The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor under any federal law.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, or any permit or term or condition of a permit; upon administrative citations; upon petitions for variances or adjusted standards; upon petitions for review of the Agency's final determinations on permit applications in accordance with Title X of this Act; upon petitions to remove seals under Section 34 of this Act; and upon other petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct other proceedings as may be provided by this Act or any other statute or rule.

(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act. (Source: P.A. 92-574, eff. 6-26-02.)

Section 730-5. The Unified Code of Corrections is amended by changing Section 3-3-1 as follows:

(730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

Sec. 3-3-1. Establishment and Appointment of Prisoner Review Board. (a) There shall be a Prisoner Review Board independent of the Department of Corrections which shall be:

(1) the paroling authority for persons sentenced under the law in effect prior to the effective date of this amendatory Act of 1977;

(2) the board of review for cases involving the revocation of good conduct credits or a suspension or reduction in the rate of accumulating such credit;

(3) the board of review and recommendation for the exercise of executive clemency by the Governor;

(4) the authority for establishing release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(5) the authority for setting conditions for parole and mandatory supervised release under Section 5-8-1(a) of this Code, and determining whether a violation of those conditions warrant revocation of parole or mandatory supervised release or the imposition of other sanctions.

(b) The Board shall consist of 15 persons appointed by the Governor by and with the advice and consent of the Senate. One member of the Board shall be designated by the Governor to be Chairman and shall serve as Chairman at the pleasure of the Governor. The members of the Board shall have had at least 5 years of actual experience in the fields of penology, corrections work, law enforcement, sociology, law, education, social work, medicine, psychology, other behavioral sciences, or a combination thereof. At least 6 members so appointed must have had at least 3 years experience in the field of juvenile matters. No more than 8 Board members may be members of the same political party.

Each member of the Board shall serve on a full-time ~~full-time~~ basis and shall not hold any other salaried public office, whether elective or appointive, nor any other office or position of profit, nor engage in any other business, employment, or vocation. The Chairman of the Board shall receive $35,000 a year, or an amount set by the Compensation Review Board, whichever is greater, and each other member $30,000, or

an amount set by the Compensation Review Board, whichever is greater.

(c) Notwithstanding any other provision of this Section, the term of each member of the Board who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act.

~~The terms of the present members of the Prisoner Review Board shall expire on the effective date of this amendatory Act of 1985, but the incumbent members shall continue to exercise all of the powers and be subject to all the duties of members of the Board until their respective successors are appointed and qualified.~~

Of the initial members appointed under this amendatory Act of the 93rd General Assembly, the Governor shall appoint 5 members ~~3 members to the Prisoner Review Board~~ whose terms shall expire on the third Monday in January 2005, 5 ~~1987, 4~~ members whose terms shall expire on the third Monday in January 2007, and 5 ~~1989, and 3~~ members whose terms shall expire on the third Monday in January 2009. ~~1991. The term of one of the members created by this amendatory Act of 1986 shall expire on the third Monday in January 1989 and the term of the other shall expire on the third Monday in January 1991. The initial terms of the 3 additional members appointed pursuant to this amendatory Act of the 91st General Assembly shall expire on the third Monday in January 2006.~~ Their respective successors shall be appointed for terms of 6 years from the third Monday in January of the year of appointment. Each member shall serve until his successor is appointed and qualified.

Any member may be removed by the Governor for incompetence, neglect of duty, malfeasance or inability to serve.

(d) The Chairman of the Board shall be its chief executive and administrative officer. The Board may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Board. (Source: P.A. 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

Section 820-305. The Workers' Compensation Act is amended by changing Section 13 as follows:

(820 ILCS 305/13) (from Ch. 48, par. 138.13)

Sec. 13. There is created an Industrial Commission consisting of 7 members to be appointed by the Governor, by and with the consent of the Senate, 2 of whom shall be representative citizens of the employing class operating under this Act and 2 of whom shall be representative citizens of the class of employees covered under this Act, and 3 of whom shall be representative citizens not identified with either the employing or employee classes. Not more than 4 members of the Commission shall be of the same political party.

One of the 3 members not identified with either the employing or employee classes shall be designated by the Governor as Chairman. The Chairman shall be the chief administrative and executive officer of the Commission; and he or she shall have general supervisory authority over all personnel of the Commission, including arbitrators and Commissioners, and the final authority in all administrative matters relating to the Commissioners, including but not limited to the assignment and distribution of cases and assignment of Commissioners to the panels, except in the promulgation of procedural rules and orders under Section 16 and in the determination of cases under this Act.

Notwithstanding the general supervisory authority of the Chairman, each Commissioner, except those assigned to the temporary panel, shall have the authority to hire and supervise 2 staff attorneys each. Such staff attorneys shall report directly to the individual Commissioner.

A formal training program for newly-appointed Commissioners shall be implemented. The training program shall include the following:

(a) substantive and procedural aspects of the office of Commissioner;

(b) current issues in workers' compensation law and practice;

(c) medical lectures by specialists in areas such as orthopedics, ophthalmology, psychiatry, rehabilitation counseling;

(d) orientation to each operational unit of the Industrial Commission;

(e) observation of experienced arbitrators and Commissioners conducting hearings of cases, combined with the opportunity to discuss evidence presented and rulings made;

(f) the use of hypothetical cases requiring the newly-appointed Commissioner to issue judgments as a means to evaluating knowledge and writing ability;

(g) writing skills.

A formal and ongoing professional development program including, but not limited to, the above-noted

areas shall be implemented to keep Commissioners informed of recent developments and issues and to assist them in maintaining and enhancing their professional competence.

The Commissioner candidates, other than the Chairman, must meet one of the following qualifications: (a) licensed to practice law in the State of Illinois; or (b) served as an arbitrator at the Illinois Industrial Commission for at least 3 years; or (c) has at least 4 years of professional labor relations experience. The Chairman candidate must have public or private sector management and budget experience, as determined by the Governor.

Each Commissioner shall devote full time to his duties and any Commissioner who is an attorney-at-law shall not engage in the practice of law, nor shall any Commissioner hold any other office or position of profit under the United States or this State or any municipal corporation or political subdivision of this State, nor engage in any other business, employment, or vocation.

The term of office of each member of the Commission holding office on the effective date of this amendatory Act of 1989 is abolished, but the incumbents shall continue to exercise all of the powers and be subject to all of the duties of Commissioners until their respective successors are appointed and qualified.

The Industrial Commission shall administer this Act.

The members shall be appointed by the Governor, with the advice and consent of the Senate, as follows:

(a) After the effective date of this amendatory Act of 1989, 3 members, at least one of each political party, and one of whom shall be a representative citizen of the employing class operating under this Act, one of whom shall be a representative citizen of the class of employees covered under this Act, and one of whom shall be a representative citizen not identified with either the employing or employee classes, shall be appointed to hold office until the third Monday in January of 1993, and until their successors are appointed and qualified, and 4 members, one of whom shall be a representative citizen of the employing class operating under this Act, one of whom shall be a representative citizen of the class of employees covered in this Act, and two of whom shall be representative citizens not identified with either the employing or employee classes, one of whom shall be designated by the Governor as Chairman (at least one of each of the two major political parties) shall be appointed to hold office until the third Monday of January in 1991, and until their successors are appointed and qualified.

(a-5) Notwithstanding any other provision of this Section, the term of each member of the Commission who was appointed by the Governor and is in office on June 30, 2003 shall terminate at the close of business on that date or when all of the successor members to be appointed pursuant to this amendatory Act of the 93rd General Assembly have been appointed by the Governor, whichever occurs later. As soon as possible, the Governor shall appoint persons to fill the vacancies created by this amendatory Act. Of the initial commissioners appointed pursuant to this amendatory Act of the 93rd General Assembly, 3 shall be appointed for terms ending on the third Monday in January, 2005, and 4 shall be appointed for terms ending on the third Monday in January, 2007.

(b) Members shall thereafter be appointed to hold office for terms of 4 years from the third Monday in January of the year of their appointment, and until their successors are appointed and qualified. All such appointments shall be made so that the composition of the Commission is in accordance with the provisions of the first paragraph of this Section.

The Chairman shall receive an annual salary of $42,500, or a salary set by the Compensation Review Board, whichever is greater, and each other member shall receive an annual salary of $38,000, or a salary set by the Compensation Review Board, whichever is greater.

In case of a vacancy in the office of a Commissioner during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office. Any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his successor is appointed and qualified.

The Industrial Commission created by this amendatory Act of 1989 shall succeed to all the rights, powers, duties, obligations, records and other property and employees of the Industrial Commission which it replaces as modified by this amendatory Act of 1989 and all applications and reports to actions and proceedings of such prior Industrial Commission shall be considered as applications and reports to actions and proceedings of the Industrial Commission created by this amendatory Act of 1989.

Notwithstanding any other provision of this Act, in the event the Chairman shall make a finding that a member is or will be unavailable to fulfill the responsibilities of his or her office, the Chairman shall advise the Governor and the member in writing and shall designate a certified arbitrator to serve as acting Commissioner. The certified arbitrator shall act as a Commissioner until the member resumes the duties of his or her office or until a new member is appointed by the Governor, by and with the consent of the Senate, if a vacancy occurs in the office of the Commissioner, but in no event shall a certified arbitrator

serve in the capacity of Commissioner for more than 6 months from the date of appointment by the Chairman. A finding by the Chairman that a member is or will be unavailable to fulfill the responsibilities of his or her office shall be based upon notice to the Chairman by a member that he or she will be unavailable or facts and circumstances made known to the Chairman which lead him to reasonably find that a member is unavailable to fulfill the responsibilities of his or her office. The designation of a certified arbitrator to act as a Commissioner shall be considered representative of citizens not identified with either the employing or employee classes and the arbitrator shall serve regardless of his or her political affiliation. A certified arbitrator who serves as an acting Commissioner shall have all the rights and powers of a Commissioner, including salary.

Notwithstanding any other provision of this Act, the Governor shall appoint a special panel of Commissioners comprised of 3 members who shall be chosen by the Governor, by and with the consent of the Senate, from among the current ranks of certified arbitrators. Three members shall hold office until the Commission in consultation with the Governor determines that the caseload on review has been reduced sufficiently to allow cases to proceed in a timely manner or for a term of 18 months from the effective date of their appointment by the Governor, whichever shall be earlier. The 3 members shall be considered representative of citizens not identified with either the employing or employee classes and shall serve regardless of political affiliation. Each of the 3 members shall have only such rights and powers of a Commissioner necessary to dispose of those cases assigned to the special panel. Each of the 3 members appointed to the special panel shall receive the same salary as other Commissioners for the duration of the panel.

The Commission may have an Executive Director; if so, the Executive Director shall be appointed by the Governor with the advice and consent of the Senate. The salary and duties of the Executive Director shall be fixed by the Commission. (Source: P.A. 86-998; 86-1405.)

Section 999-85. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999-99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 2003 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:

71, Yeas; 46, Nays; 0, Answering Present.

(ROLL CALL 43)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILL ON SECOND READING

SENATE BILL 600. Having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Labor, adopted and printed:

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 600 by replacing everything after the enacting clause with the following:

"Section 5. The Minimum Wage Law is amended by changing Section 4 as follows:

(820 ILCS 105/4) (from Ch. 48, par. 1004)

Sec. 4. (a) Every employer shall pay to each of his employees in every occupation wages of not less than $2.30 per hour or in the case of employees under 18 years of age wages of not less than $1.95 per hour, except as provided in Sections 5 and 6 of this Act, and on and after January 1, 1984, every employer shall pay to each of his employees in every occupation wages of not less than $2.65 per hour or in the case of employees under 18 years of age wages of not less than $2.25 per hour, and on and after October 1, 1984 every employer shall pay to each of his employees in every occupation wages of not less than $3.00 per hour or in the case of employees under 18 years of age wages of not less than $2.55 per hour, and on or after July 1, 1985 every employer shall pay to each of his employees in every occupation wages of not less than $3.35 per hour or in the case of employees under 18 years of age wages of not less than $2.85 per hour, and from January 1, 2004 through December 31, 2004 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $5.50 per hour, and on and after January 1, 2005 every employer shall pay to each of his or her employees who is 18 years of age or older in every occupation wages of not less than $6.50 per hour.

~~At no time shall the wages paid by every employer to each of his employees in every occupation be less than the federal minimum hourly wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, and~~ At no time shall the wages paid to any employee under 18 years of age be more than 50& #x4A; less than the wage required to be paid to employees who are at least 18 years of age.

(b) No employer shall discriminate between employees on the basis of sex or mental or physical handicap, except as otherwise provided in this Act by paying wages to employees at a rate less than the rate at which he pays wages to employees for the same or substantially similar work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than sex or mental or physical handicap, except as otherwise provided in this Act.

(c) Every employer of an employee engaged in an occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hire purposes is entitled to an allowance for gratuities as part of the hourly wage rate provided in Section 4, subsection (a) in an amount not to exceed 40% of the applicable minimum wage rate. The Director shall require each employer desiring an allowance for gratuities to provide substantial evidence that the amount claimed, which may not exceed 40% of the applicable minimum wage rate, was received by the employee in the period for which the claim of exemption is made, and no part thereof was returned to the employer.

(d) No camp counselor who resides on the premises of a seasonal camp of an organized not-for-profit corporation shall be subject to the adult minimum wage if the camp counselor (1) works 40 or more hours per week, and (2) receives a total weekly salary of not less than the adult minimum wage for a 40-hour week. If the counselor works less than 40 hours per week, the counselor shall be paid the minimum hourly wage for each hour worked. Every employer of a camp counselor under this subsection is entitled to an allowance for meals and lodging as part of the hourly wage rate provided in Section 4, subsection (a), in an amount not to exceed 25% of the minimum wage rate.

(e) A camp counselor employed at a day camp of an organized not-for-profit corporation is not subject to the adult minimum wage if the camp counselor is paid a stipend on a onetime or periodic basis and, if the camp counselor is a minor, the minor's parent, guardian or other custodian has consented in writing to the terms of payment before the commencement of such employment. (Source: P.A. 86-502.)

Section 99. Effective date. This Act takes effect on January 1, 2004.".

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

POSTING REQUIREMENTS

Pursuant to the motion submitted previously, Representative Morrow moved to suspend the posting requirements in Rule 25 in relation to Senate Joint Resolution 36.

The motion prevailed.

SENATE BILL ON SECOND READING

SENATE BILL 1733. Having been read by title a second time on May 27, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered and withdrew Amendments numbered 1, 2 and 3.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 4

AMENDMENT NO. 4____. Amend Senate Bill 1733 by replacing the title with the following:

"AN ACT in relation to taxes."; and

by replacing everything after the enacting clause with the following: "ARTICLE 5

Section 5-1. Short title. This Article may be cited as the Gas Use Tax Law.

Section 5-5. Definitions. For purposes of this Law:

"Delivering supplier" means any person engaged in the business of delivering gas to persons for use or consumption and not for resale, and who, in any case where more than one person participates in the delivery of gas to a specific purchaser, is the last of the suppliers engaged in delivering the gas prior to its receipt by the purchaser.

"Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, distribution facility, sales office, or other place of business, or any employee, agent, or other representative operating within this State under the authority of such delivering supplier or such delivering supplier's subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier's subsidiary is licensed to do business in this State.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue.

"Gas" means any gaseous fuel distributed through a pipeline system.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county, or other political subdivision of this State.

"Purchase of out-of-State gas" means a transaction for the purchase of gas from any supplier in a manner that does not subject the seller of that gas to liability under the Gas Revenue Tax Act.

"Purchase price" means the consideration paid for the distribution, supply, furnishing, sale, transportation, or delivery of gas to a person for use or consumption and not for resale, and for all services directly related to the production, transportation, or distribution of gas distributed, supplied, furnished, sold, transmitted, or delivered for use or consumption, including cash, services, and property of every kind and nature. However, "purchase price" shall not include consideration paid for:

(i) Any charge for a dishonored check.

(ii) Any finance or credit charge, penalty, charge for delayed payment, or discount for prompt payment.

(iii) Any charge for reconnection of service or for replacement or relocation of facilities.

(iv) Any advance or contribution in aid of construction.

(v) Repair, inspection, or servicing of equipment located on customer premises.

(vi) Leasing or rental of equipment, the leasing or rental of which is not necessary to furnishing, supplying, or selling gas.

(vii) Any purchase by a purchaser if the supplier is prohibited by federal or State constitution, treaty, convention, statute, or court decision from recovering the related tax liability from such purchaser.

(viii) Any amounts added to purchasers' bills because of changes made pursuant to the tax imposed by this Law.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Purchaser" means any person who acquires the ownership of gas for use or consumption, and not for resale, for a valuable consideration.

"Self-assessing purchaser" means a purchaser of gas for use or consumption that is required to be registered with the Department and is responsible for filing returns and paying the tax imposed under this

Law directly to the Department.

"Use" means the exercise by any person of any right or power over gas incident to the ownership of that gas, except that it does not include the sale of gas in the regular course of business.

Section 5-10. Imposition of tax. Beginning October 1, 2003, a tax is imposed upon the privilege of using in this State gas obtained in a purchase of out-of-state gas at the rate of 2.4 cents per therm or 5% of the purchase price for the billing period, whichever is the lower rate. Such tax rate shall be referred to as the "self-assessing purchaser tax rate." Beginning with bills issued by delivering suppliers on and after October 1, 2003, purchasers may elect an alternative tax rate of 2.4 cents per therm to be paid under the provisions of Section 5-15 of this Law to a delivering supplier maintaining a place of business in this State. Such tax rate shall be referred to as the "alternate tax rate". The tax imposed under this Section shall not apply to gas used by business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

Section 5-15. Collection of Gas Use Tax; relief of duty. Beginning with bills issued on and after October 1, 2003, a delivering supplier maintaining a place of business in this State shall collect, from the purchasers who have elected the alternate tax rate provided in Section 5-10 of this Law, the tax that is imposed by this Law at the alternate 2.4 cents per therm rate. The tax imposed at the alternate tax rate by this Law shall, when collected, be stated as a distinct and separate item apart from the selling price of the gas. The tax collected by any delivering supplier shall constitute a debt owed by that person to this State. Upon receipt by a delivering supplier of a copy of a certificate of registration issued to a self-assessing purchaser under Section 5-20 of this Law, that delivering supplier is relieved of the duty to collect the alternate tax from that self-assessing purchaser beginning with bills issued to that self-assessing purchaser 30 or more days after receipt of the copy of that certificate of registration.

Section. 5-20. Self-assessing purchaser registration; certificate of registration. Any purchaser who does not elect the alternate tax rate to be paid to a delivering supplier shall register with the Department as a self-assessing purchaser and pay the tax imposed by Section 5-10 of this Law directly to the Department at the self-assessing purchaser rate.

A purchaser registering as a self-assessing purchaser may not revoke such registration for at least one year thereafter. Application for a certificate of registration as a self-assessing purchaser shall be made to the Department upon forms furnished by the Department and shall contain any reasonable information that the Department may require. The self-assessing purchaser shall be required to disclose the name of the delivering supplier or suppliers who are delivering the gas upon which the self-assessing purchaser will be paying tax directly to the Department.

Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration as a self-assessing purchaser. The applicant shall provide a copy of the certificate of registration as a self-assessing purchaser to the applicant's delivering supplier or suppliers.

Section 5-25. Self-assessing purchaser; direct return and payment of tax. Except for purchasers who have chosen the alternate tax rate to be paid to a delivering supplier maintaining a place of business in this State, the tax imposed in Section 5-10 of this Law shall be paid to the Department directly by each self-assessing purchaser who is subject to the tax imposed by this Law. Each self-assessing purchaser shall, on or before the 15th day of each month, make a return to the Department for the preceding calendar month, stating the following:

(1) His or her name and principal address.

(2) The total number of therms used by him or her during the preceding calendar month and upon the basis of which the tax is imposed.

(3) The purchase price of gas used by him or her during the preceding calendar month and upon the basis of which the tax is imposed.

(4) Amount of tax (computed upon items 2 and 3).

(5) Such other reasonable information as the Department may require.

In making such return, the self-assessing purchaser may use any reasonable method to derive reportable "therms" and "purchase price" from his or her billing and payment records.

If the average monthly liability of the self-assessing purchaser to the Department does not exceed $100, the Department may authorize his or her returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October,

November, and December of a given year being due by January 31 of the following year.

If the average monthly liability of the self-assessing purchaser to the Department does not exceed $20, the Department may authorize his or her returns to be filed on a annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a self-assessing purchaser may file his or her return, in the case of any such self-assessing purchaser who ceases to engage in a kind of business which makes him or her responsible for filing returns under this Law, such person shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each self-assessing purchaser whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such person's actual tax liability for the month or 25% of such person's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of the self-assessing purchaser's return for that month. Any outstanding credit, approved by the Department, arising from the self-assessing purchaser's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such self-assessing purchaser's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

The self-assessing purchaser making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law. All moneys received by the Department under this Law shall be paid into the General Revenue Fund in the State treasury.

Section 5-30. Registration of delivering suppliers. A delivering supplier maintaining a place of business in this State who engages in the delivery of gas in this State shall register with the Department. A delivering supplier, if required to register under the Gas Revenue Tax Act, need not obtain an additional certificate of registration under this Law, but shall be deemed to be sufficiently registered by virtue of his being registered under the Gas Revenue Tax Act. Application for a certificate of registration shall be made to the Department upon forms furnished by the Department and shall contain any reasonable information the Department may require. Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration. The Department may deny a certificate of registration to any applicant if such applicant is in default for moneys due under this Law. Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of such decision, protest and request a hearing, whereupon the Department shall give notice to such person of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Law and then issue its final administrative decision in the matter to such person. In the absence of such a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

Section 5-35. Return and payment of tax by delivering supplier. Each delivering supplier who is required under Section 5-15 to collect the tax imposed by this Law shall make a return to the Department on or before the 15th day of each month for the preceding calendar month stating the following:

(1) His or her name.

(2) The address of his or her principal place of business and the address of the principal place of business (if that is a different address) from which he or she engages in the business of delivering gas to persons for use or consumption and not for resale.

(3) The total number of therms of gas delivered to purchasers during the preceding calendar month and upon the basis of which the tax is imposed.

(4) Amount of tax computed upon item 3.

(5) Such other reasonable information as the Department may require.

In making such return the person engaged in the business of delivering gas to persons for use or consumption and not for resale may use any reasonable method to derive reportable "therms" from his or

her billing and payment records.

If the average monthly liability to the Department of the delivering supplier does not exceed $100, the Department may authorize his or her returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year.

If the average monthly liability to the Department of the delivering supplier does not exceed $20, the Department may authorize his or her returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a delivering supplier may file his or her return, in the case of any delivering supplier who ceases to engage in a kind of business that makes him or her responsible for filing returns under this Law, such delivering supplier shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each delivering supplier whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such person's actual tax liability for the month or 25% of such person's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of such person's return for that month. Any outstanding credit, approved by the Department, arising from such person's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such person's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

The delivering supplier making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law. All moneys received by the Department under this Law shall be paid into the General Revenue Fund in the State treasury.

Section 5-40. Incorporation of applicable Sections. The Department shall have full power to administer and enforce this Law; to collect all taxes, penalties, and interest due hereunder; to dispose of taxes, penalties, and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers, and duties, be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2, 4, 5, 6, 7, 9 (except provisions relating to transaction returns and except that the due date for returns shall be the 15th day of each month for the preceding calendar month), 10, 11, 12, 12a, 12b, 13, 14, 15, 18, 19, 20, 21, and 22 of the Use Tax Act, and are not inconsistent with this Section, as fully as if those provisions were set forth herein.

Section 5-45. Multistate exemption. To prevent actual multi-state taxation of the privilege that is subject to taxation under this Law, any purchaser, upon proof that purchaser has paid a tax in another state on such event, shall be allowed a credit against the tax imposed by this Law, to the extent of the amount of the tax properly due and paid in the other state.

Section 5-50. Exemptions. The tax imposed under this Act shall not apply to:

(1) Gas used by business enterprises located in an enterprise zone certified by the Department of Commerce and Economic Opportunity pursuant to the Illinois Enterprise Zone Act;

(2) Gas used by governmental bodies, or a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes. Such use shall not be exempt unless the government body, or corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes has first

been issued a tax exemption identification number by the Department of Revenue pursuant to Section 1g of the Retailers' Occupation Tax Act. A limited liability company may qualify for the exemption under this Section only if the limited liability company is organized and operated exclusively for educational purposes. The term "educational purposes" shall have the same meaning as that set forth in Section 2h of the Retailers' Occupation Tax Act;

(3) Gas used in the production of electric energy. This exemption does not include gas used in the general maintenance or heating of an electric energy production facility or other structure;

(4) Gas used in a petroleum refinery operation;

(5) Gas purchased by persons for use in liquefaction and fractionation processes that produce value added natural gas byproducts for resale;

(6) Gas used in the production of anhydrous ammonia and downstream nitrogen fertilizer products for resale.

The Department may adopt rules to implement the provisions of this Section.

Section 5-905. The Gas Revenue Tax Act is amended by changing Sections 1 and 2 as follows:

(35 ILCS 615/1) (from Ch. 120, par. 467.16)

Sec. 1. For the purposes of this Act: "Gross receipts" means the consideration received for gas distributed, supplied, furnished or sold to persons for use or consumption and not for resale, and for all services (including the transportation or storage of gas for an end-user) rendered in connection therewith, and shall include cash, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expense whatsoever. However, "gross receipts" shall not include receipts from:

(i) any minimum or other charge for gas or gas service where the customer has taken no therms of gas;

(ii) any charge for a dishonored check;

(iii) any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment;

(iv) any charge for reconnection of service or for replacement or relocation of facilities;

(v) any advance or contribution in aid of construction;

(vi) repair, inspection or servicing of equipment located on customer premises;

(vii) leasing or rental of equipment, the leasing or rental of which is not necessary to distributing, furnishing, supplying, selling, transporting or storing gas;

(viii) any sale to a customer if the taxpayer is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such customer;

(ix) any charges added to customers' bills pursuant to the provisions of Section 9-221 or Section 9-222 of the Public Utilities Act, as amended, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; and

(x) prior to October 1, 2003, any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-state supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility. This exemption includes any charge for gas or gas service, except for those charges solely related to the local distribution of gas by a public utility, to a customer who maintained an account with a public utility (as defined in Section 3-105 of the Public Utilities Act) for the transportation of customer-owned gas on or before March 1, 1995. The provisions of this amendatory Act of 1997 are intended to clarify, rather than change, existing law as to the meaning and scope of this exemption. This exemption (x) expires on September 30, 2003.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Gross receipts" shall not include consideration received from business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

"Taxpayer" means a person engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian or other

representative appointed by order of any court, or any city, town, county or other political subdivision of this State.

"Invested capital" means that amount equal to (i) the average of the balances at the beginning and end of each taxable period of the taxpayer's total stockholder's equity and total long-term debt, less investments in and advances to all corporations, as set forth on the balance sheets included in the taxpayer's annual report to the Illinois Commerce Commission for the taxable period; (ii) multiplied by a fraction determined under Sections 301 and 304(a) of the "Illinois Income Tax Act" and reported on the Illinois income tax return for the taxable period ending in or with the taxable period in question. However, notwithstanding the income tax return reporting requirement stated above, beginning July 1, 1979, no taxpayer's denominators used to compute the sales, property or payroll factors under subsection (a) of Section 304 of the Illinois Income Tax Act shall include payroll, property or sales of any corporate entity other than the taxpayer for the purposes of determining an allocation for the invested capital tax. This amendatory Act of 1982, Public Act 82-1024, is not intended to and does not make any change in the meaning of any provision of this Act, it having been the intent of the General Assembly in initially enacting the definition of "invested capital" to provide for apportionment of the invested capital of each company, based solely upon the sales, property and payroll of that company.

"Taxable period" means each period which ends after the effective date of this Act and which is covered by an annual report filed by the taxpayer with the Illinois Commerce Commission. (Source: P.A. 89-417, eff. 1-1-96; 90-16, eff. 6-16-97.)

(35 ILCS 615/2) (from Ch. 120, par. 467.17)

Sec. 2. A tax is imposed upon persons engaged in the business of distributing, supplying, furnishing or selling gas to persons for use or consumption and not for resale at the rate of 2.4 cents per therm of all gas which is so distributed, supplied, furnished, sold or transported to or for each customer in the course of such business, or 5% of the gross receipts received from each customer from such business, whichever is the lower rate as applied to each customer for that customer's billing period, provided that any change in rate imposed by this amendatory Act of 1985 shall become effective only with bills having a meter reading date on or after January 1, 1986. However, such taxes are not imposed with respect to any business in interstate commerce, or otherwise to the extent to which such business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

Nothing in this amendatory Act of 1985 shall impose a tax with respect to any transaction with respect to which no tax was imposed immediately preceding the effective date of this amendatory Act of 1985.

Beginning with bills issued to customers on and after October 1, 2003, no tax shall be imposed under this Act on transactions with customers who incur a tax liability under the Gas Use Tax Law. (Source: P.A. 84-307; 84-1093.)

Section 5-999. Effective date. This Act takes effect on October 1, 2003.".

Representative Hoffman requests a roll call vote on Floor Amendment 4.

And on that motion, a vote was taken resulting as follows:

57, Yeas; 57, Nays; 1, Answering Present.

(ROLL CALL 44)

And the motion on the adoption of the amendment was lost.

There being no further amendments, the bill was ordered held on the order of Second Reading.

SENATE BILL 1725. Having been read by title a second time on May 28, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered and withdrew Amendment No. 1.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 2

AMENDMENT NO. 2____. Amend Senate Bill 1725 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Estate and Generation-Skipping Transfer Tax Act is amended by changing Sections 2, 3, 5, 6, 7, 8, and 10 as follows:

(35 ILCS 405/2) (from Ch. 120, par. 405A-2)

Sec. 2. Definitions. "Federal estate tax" means the tax due to the United States with respect to a taxable transfer under Chapter 11 of the Internal Revenue Code.

"Federal generation-skipping transfer tax" means the tax due to the United States with respect to a taxable transfer under Chapter 13 of the Internal Revenue Code.

"Federal return" means the federal estate tax return with respect to the federal estate tax and means the federal generation-skipping transfer tax return with respect to the federal generation-skipping transfer tax.

"Federal transfer tax" means the federal estate tax or the federal generation-skipping transfer tax.

"Illinois estate tax" means the tax due to this State with respect to a taxable transfer ~~that gives rise to a federal estate tax~~.

"Illinois generation-skipping transfer tax" means the tax due to this State with respect to a taxable transfer that gives rise to a federal generation-skipping transfer tax.

"Illinois transfer tax" means the Illinois estate tax or the Illinois generation-skipping transfer tax.

"Internal Revenue Code" means, unless otherwise provided, the Internal Revenue Code of 1986, as amended from time to time.

"Non-resident trust" means a trust that is not a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"Person" means and includes any individual, trust, estate, partnership, association, company or corporation.

"Qualified heir" means a qualified heir as defined in Section 2032A(e)(1) of the Internal Revenue Code.

"Resident trust" means a trust that is a resident of this State for purposes of the Illinois Income Tax Act, as amended from time to time.

"State" means any state, territory or possession of the United States and the District of Columbia.

"State tax credit" means:

(a) For persons dying on or after January 1, 2003 and through December 31, 2005, an amount equal to the full credit calculable under Section 2011 or Section 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001, but recognizing the increased applicable exclusion amount through December 31, 2005.

(b) For persons dying after December 31, 2005 and on or before December 31, 2009, an amount equal to the full credit calculable under Section 2011 or 2604 of the Internal Revenue Code as the credit would have been computed and allowed under the Internal Revenue Code as in effect on December 31, 2001, without the reduction in the State Death Tax Credit as provided in Section 2011(b)(2) or the termination of the State Death Tax Credit as provided in Section 2011(f) as enacted by the Economic Growth and Tax Relief Reconciliation Act of 2001, but recognizing the exclusion amount of only $2,000,000.

(c) For persons dying after December 31, 2009, the credit for state tax allowable under Section 2011 or Section 2604 of the Internal Revenue Code.

"Taxable transfer" means an event that gives rise to a state tax credit, including any credit ~~allowable~~ as a result of the imposition of an additional tax under Section 2032A(c) of the Internal Revenue Code.

"Transferee" means a transferee within the meaning of Section 2603(a)(1) and Section 6901(h) of the Internal Revenue Code.

"Transferred property" means:

(1) With respect to a taxable transfer occurring at the death of an individual ~~that results in the imposition of federal estate tax~~, the deceased individual's gross estate as defined in Section 2031 of the Internal Revenue Code.

(2) With respect to a taxable transfer occurring as a result of a taxable termination as defined in Section 2612(a) of the Internal Revenue Code, the taxable amount determined under Section 2622(a) of the Internal Revenue Code.

(3) With respect to a taxable transfer occurring as a result of a taxable distribution as defined in Section 2612(b) of the Internal Revenue Code, the taxable amount determined under Section 2621(a) of the Internal Revenue Code.

(4) With respect to an event which causes the imposition of an additional estate tax under Section 2032A(c) of the Internal Revenue Code, the qualified real property that was disposed of or which ceased to be used for the qualified use, within the meaning of Section 2032A(c)(1) of the Internal Revenue Code.

"Trust" includes a trust as defined in Section 2652(b)(1) of the Internal Revenue Code. (Source: P.A. 86-737.)

(35 ILCS 405/3) (from Ch. 120, par. 405A-3)

Sec. 3. Illinois estate tax. (a) Imposition of Tax. An Illinois estate tax is imposed on every taxable transfer involving transferred property having a tax situs within the State of Illinois.

(b) Amount of tax. The amount of the Illinois estate tax shall be the ~~maximum~~ state tax credit, as defined in Section 2 of this Act, ~~allowable~~ with respect to the taxable transfer reduced by the lesser of:

(1) the amount of the state tax credit paid to any other state or states; and

(2) the amount determined by multiplying the maximum state tax credit allowable with respect to the taxable transfer by the percentage which the gross value of the transferred property not having a tax situs in Illinois bears to the gross value of the total transferred property.

(Source: P.A. 86-737.)

(35 ILCS 405/5) (from Ch. 120, par. 405A-5)

Sec. 5. Determination of tax situs and valuation. (a) Illinois estate tax.

(1) For purposes of the Illinois estate tax, in the case of a decedent who was a resident of this State at the time of death, all of the transferred property has a tax situs in this State, including any such property held in trust, except real or tangible personal property physically situated in another state.

(2) For purposes of the Illinois estate tax, in the case of a decedent who was not a resident of this State at the time of death, the transferred property having a tax situs in this State, including any such property held in trust, is only the real estate and tangible personal property physically situated in this State.

(b) Illinois generation-skipping transfer tax.

(1) For purposes of the Illinois generation-skipping transfer tax, all transferred property from or in a resident trust has a tax situs in this State, including any such property held in trust, except real or tangible personal property physically situated in another state on the date that the taxable transfer occurs.

(2) For purposes of the Illinois generation-skipping transfer tax, none of the transferred property from or in a non-resident trust has a tax situs in this State, except that portion of the transferred property that is real or tangible personal property physically situated in this State, including any such property held in trust, on the date that the taxable transfer occurs.

(c) Valuation. Except as otherwise expressly provided, for purposes of this Act, the gross value of transferred property shall be its value as finally determined for purposes of the ~~related~~ federal transfer tax, undiminished by any mortgages, liens or other encumbrances upon such transferred property for which the decedent was personally liable. (Source: P.A. 86-737.)

(35 ILCS 405/6) (from Ch. 120, par. 405A-6)

Sec. 6. Returns and payments. (a) Due Dates. The Illinois transfer tax shall be paid and the Illinois transfer tax return shall be filed on the due date or dates, respectively, including extensions, for paying the ~~related~~ federal transfer tax and filing the related federal return.

(b) Installment payments and deferral. In the event that any portion of the federal transfer tax is deferred or to be paid in installments under the provisions of the Internal Revenue Code, the portion of the Illinois transfer tax which is subject to deferral or payable in installments shall be determined by multiplying the Illinois transfer tax by a fraction, the numerator of which is the gross value of the assets included in the transferred property having a tax situs in this State and which give rise to the deferred or installment payment under the Internal Revenue Code, and the denominator of which is the gross value of all assets included in the transferred property having a tax situs in this State. Deferred payments and installment payments, with interest, shall be paid at the same time and in the same manner as payments of the federal transfer tax are required to be made under the applicable Sections of the Internal Revenue Code, provided that the rate of interest on unpaid amounts of Illinois transfer tax shall be determined under this Act. Acceleration of payment under this Section shall occur under the same circumstances and in the same manner as provided in the Internal Revenue Code.

(c) Who shall file and pay. The Illinois transfer tax return (including any supplemental or amended return) shall be filed, and the Illinois transfer tax (including any additional tax that may become due) shall be paid by the same person or persons, respectively, who are required to pay the ~~related~~ federal transfer tax and file the ~~related~~ federal return, or who would have been required to pay a federal transfer tax and file a federal return if a federal transfer tax were due.

(d) Where to file return. The executed Illinois transfer tax return shall be filed with the Attorney General. In addition, a copy of the Illinois transfer tax return shall be filed with the county treasurer to

whom the Illinois transfer tax is paid, determined under subsection (e) of this Section.

(e) Where to pay tax. The Illinois transfer tax shall be paid to the treasurer of the county determined under the following rules:

(1) Illinois Estate Tax. The Illinois estate tax shall be paid to the treasurer of the county in which the decedent was a resident on the date of the decedent's death or, if the decedent was not a resident of this State on the date of death, the county in which the greater part, by gross value, of the transferred property with a tax situs in this State is located.

(2) Illinois Generation-Skipping Transfer Tax. The Illinois generation-skipping transfer tax involving transferred property from or in a resident trust shall be paid to the county treasurer for the county in which the grantor resided at the time the trust became irrevocable (in the case of an inter vivos trust) or the county in which the decedent resided at death (in the case of a trust created by the will of a decedent). In the case of an Illinois generation-skipping transfer tax involving transferred property from or in a non-resident trust, the Illinois generation-skipping transfer tax shall be paid to the county treasurer for the county in which the greater part, by gross value, of the transferred property with a tax situs in this State is located.

(f) Forms; confidentiality. The Illinois transfer tax return shall be in all respects in the manner and form prescribed by the regulations of the Attorney General. At the same time the Illinois transfer tax return is filed, the person required to file shall also file with the Attorney General a copy of the related federal return. For individuals dying after December 31, 2005, in cases where no federal return is required to be filed, the person required to file an Illinois return shall also file with the Attorney General schedules of assets in the manner and form prescribed by the Attorney General. The Illinois transfer tax return and the copy of the federal return filed with the Attorney General or any county treasurer shall be confidential, and the Attorney General, each county treasurer and all of their assistants or employees are prohibited from divulging in any manner any of the contents of those returns, except only in a proceeding instituted under the provisions of this Act.

(g) County Treasurer shall accept payment. No county treasurer shall refuse to accept payment of any amount due under this Act on the grounds that the county treasurer has not yet received a copy of the appropriate Illinois transfer tax return. (Source: P.A. 86-737.)

(35 ILCS 405/7) (from Ch. 120, par. 405A-7)

Sec. 7. Supplemental returns; refunds. (a) Supplemental returns. If the State tax credit is increased after the filing of the Illinois transfer tax return, the person or persons required to file the Illinois transfer tax return and pay the Illinois transfer tax shall file a supplemental Illinois transfer tax return. The supplemental return shall be filed and the additional tax shall be paid in the same place and manner as provided in Section 6 of this Act. The due date for the supplemental return and for the payment of the additional tax reported in the supplemental return shall be no later than 3 months after the earliest of:

(1) the date an amended~~, related~~ federal return is filed;

(2) the date an increase in the federal transfer tax is paid or accepted in writing; ~~or~~

(3) the date the Internal Revenue Service issues a request for evidence of payment of the State tax credit; or

(4) the date that any increase to the taxable estate is discovered;

provided that if the ~~related~~ federal transfer tax may be deferred or paid in installments, then part or all of the additional Illinois transfer tax may be deferred or paid in installments under rules consistent with subsection (b) of Section 6 of this Act.

(b) Refunds. If the state tax credit is reduced after the filing of the Illinois transfer tax return, the person who paid the Illinois transfer tax (or the person upon whom the burden of payment fell) shall file an amended Illinois transfer tax return and shall be entitled to a refund of tax or interest paid on the Illinois transfer tax. No interest shall be paid on any amount refunded. (Source: P.A. 86-737.)

(35 ILCS 405/8) (from Ch. 120, par. 405A-8)

Sec. 8. Penalties for failure to file tax return or to pay tax. (a) Failure to file return. In case of failure to file any return required under this Act with the Attorney General by the due date, unless it is shown that the failure to file is due to a reasonable cause, there shall be added to the amount required to be shown as tax on the return 5% of the amount of that tax (or 5% of the additional tax due in the case of a supplemental return) if the failure is for not more than one month from the due date, with an additional 5% for each additional month or fraction of a month thereafter during which the failure to file continues, not exceeding in the aggregate 25% of the tax or, in the case of a supplemental return, 25% of the additional tax.

(b) Failure to pay tax. In the case of failure to pay the amount of tax shown due on any return required

under this Act on or before the due date for payment of that tax, unless it is shown that the failure to pay is due to reasonable cause, there shall be added to the unpaid amount of the tax 0.5% of that unpaid amount if the failure is for not more than one month from the due date, with an additional 0.5% for each additional month or fraction of a month thereafter during which the failure to pay continues, not exceeding in the aggregate 25% of the unpaid amount.

(c) Extensions of Time.

(1) Internal Revenue Service Extensions. If the date for filing the ~~related~~ federal return or the date for payment of the ~~related~~ federal transfer tax is extended by the Internal Revenue Service, the filing of the return and payment of the tax imposed by this Act shall be due on the respective date specified by the Internal Revenue Service in granting a request for extension. If the request for extension is granted by the Internal Revenue Service, the person required to file the Illinois transfer tax return shall furnish the Attorney General with a copy of the request for extension showing approval of the extension by the Internal Revenue Service. If a request for extension of time to file the federal return is denied by the Internal Revenue Service, no penalty shall be due under this Act if the return required by this Act is filed within the time specified by the Internal Revenue Service for filing the federal return. If a request for extension of time to pay the federal transfer tax is denied by the Internal Revenue Service, no penalty shall be due under this Act if the tax is paid within the time specified by the Internal Revenue Service for paying the federal transfer tax.

(2) Attorney General Extensions. The person or persons required to file the Illinois transfer tax return and to pay the Illinois transfer tax may apply to the Attorney General for an extension of time to file the Illinois transfer tax return or to pay the Illinois transfer tax. The application must establish reasonable cause why it is impossible or impractical to file a reasonably complete return or to pay the full amount of tax due by the due date. The Attorney General may for reasonable cause extend the time for filing the return or paying the tax for a reasonable period from the date fixed for filing the return or paying the tax.

(d) Waiver of Penalties.

(1) Internal Revenue Service Waiver. If the Internal Revenue Service waives the penalty provided in the Internal Revenue Code for failure to timely file the ~~related~~ federal return or the penalty for failure to timely pay the ~~related~~ federal transfer tax liability, such waiver or waivers shall be deemed to constitute reasonable cause for purposes of this Section.

(2) Attorney General Waiver. The Attorney General may waive the penalty or penalties for failure to file or pay for reasonable cause, notwithstanding the failure of the Internal Revenue Service to waive the penalty or penalties for failure to timely file the federal transfer tax return or to pay the federal transfer tax.

(Source: P.A. 86-737.)

(35 ILCS 405/10) (from Ch. 120, par. 405A-10)

Sec. 10. Liens and Personal Liability. (a) Lien for Illinois transfer tax. Unless the Illinois transfer tax is sooner paid in full, the Illinois transfer tax shall be a lien in favor of this State upon the transferred property having a tax situs within this State for 10 years from the date of the taxable transfer, or, in the case of Illinois transfer tax subject to deferral or payable in installments, the later of 10 years from the date of the taxable transfer or one year after the last deferred or installment payment may become due. The lien imposed by this Section on the transferred property shall not be valid as against any purchaser, mortgagee, pledgee, or other holder of a security interest for a full and adequate consideration in money or money's worth; provided, however, that any property, consideration or proceeds received as a result of any sale, mortgage, pledge or granting of a security interest shall remain subject to the lien imposed by this Section. In addition, the lien imposed by this Section on the transferred property shall be subject to the exceptions set forth in Section 6324(c)(i) of the Internal Revenue Code as if the lien were a lien imposed by that Section. In no event shall the issuance by the Attorney General of a release of the lien imposed by this subsection be required with respect to the sale, mortgage, pledge, granting of a security interest in, transfer or distribution of transferred property.

(b) Special lien for property valued under Section 2032A of the Internal Revenue Code. In the event the Illinois estate tax is reduced as a result of an election under Section 2032A of the Internal Revenue Code, then an amount equal to the additional Illinois estate tax that would be due in the absence of such an election shall be a lien in favor of this State on the transferred property that has a tax situs in this State and is subject to such election. The lien imposed by this subsection shall arise at the time an election is filed under Section 2032A of the Internal Revenue Code and shall continue with respect to such transferred property:

(1) until the liability for the Illinois estate tax with respect to such transferred property has been satisfied or has become unenforceable by reason of lapse of time or otherwise; or

(2) until it is established to the satisfaction of the Attorney General that no further tax liability may arise under this Act with respect to such transferred property.

The lien imposed by this subsection shall not be valid as against any purchaser, mortgagee, pledgee, other holder of a security interest, mechanic's lien, or judgment lien creditor until notice of such lien has been filed as provided by the laws of this State. In regulations prescribed in accordance with Section 16 of this Act, the Attorney General may require that the qualified heir file such notice of lien. Even though notice of said lien has been filed as provided in the preceding sentence, such lien shall be subject to the rules set forth in paragraph (3) of Section 6324A(d) of the Internal Revenue Code as if the lien were a lien imposed by that Section.

(c) Personal liability. If the Illinois transfer tax is not paid when due, then the person required to file the ~~related~~ federal return and the transferee of any transferred property having a tax situs within this State shall be personally liable for the Illinois transfer tax, to the extent of such transferred property originally received, controlled or transferred to that person or transferee, less the amount of any expenses or charges against the transferred property, related to the taxable transfer, which have a higher priority of payment under applicable law than the Illinois transfer tax.

(d) Collection. The Attorney General shall have the right to sue for collection of the Illinois transfer tax for 3 years after the date of the actual filing of the related Illinois transfer tax return with the Attorney General, or, if later, the last date upon which application for refund of the Illinois transfer tax could be filed with the State Treasurer.

(e) Waiver of lien and personal liability. If the Attorney General is satisfied that no liability for Illinois transfer tax exists or that the Illinois transfer tax has been fully discharged or provided for, the Attorney General shall issue a certificate releasing all of the transferred property having a tax situs within the State of Illinois from the lien imposed by this Section. Issuance of such certificate shall discharge the person required to file the Illinois ~~related federal~~ return and any transferee from personal liability for the Illinois transfer tax. (Source: P.A. 86-737.)

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

Representative Hoffman requests a roll call vote on Floor Amendment No. 2.

And on that motion, a vote was taken resulting as follows:

61, Yeas; 55, Nays; 0, Answering Present.

(ROLL CALL 45)

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 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 1725 was taken up and read by title a third time.

And the question being, "Shall this bill pass?".

Pending the vote on said bill, on motion of Speaker Madigan, further consideration of SENATE BILL 1725 was postponed.

SENATE BILL ON SECOND READING

SENATE BILL 842. Having been read by title a second time on May 27, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 842 by replacing everything after the enacting clause with the following: "ARTICLE 10

Section 10-1. Short title. This Article may be cited as the Aircraft Use Tax Law.

Section 10-10. Definition. For the purposes of this Law, "Department" means the Department of Revenue of the State of Illinois.

Section 10-15. Tax imposed. A tax is hereby imposed on the privilege of using, in this State, any aircraft as defined in Section 3 of the Illinois Aeronautics Act acquired by gift, transfer, or purchase after June 30, 2003. This tax does not apply (i) if the use of the aircraft is otherwise taxed under the Use Tax Act; (ii) if the aircraft is bought and used by a governmental agency or a society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes; (iii) if the use of the aircraft is not subject to the Use Tax Act by reason of subsection (a), (b), (c), (d), or (e) of Section 3-55 of that Act dealing with the prevention of actual or likely multistate taxation; or (iv) if the transfer is a gift to a beneficiary in the administration of an estate and the beneficiary is a surviving spouse. The rate of tax shall be 6.25% of the selling price for each purchase of aircraft that qualifies under this Law. For purposes of calculating the tax due under this Law when an aircraft is acquired by gift or transfer, the tax shall be imposed on the fair market value of the aircraft on the date the aircraft is acquired or the date the aircraft is brought into the State, whichever is later. Tax shall be imposed on the selling price of an aircraft acquired through purchase. However, the selling price shall not be less than the fair market value of the aircraft on the date the aircraft is purchased or the date the aircraft is brought into the State, whichever is later.

Section 10-20. Returns. The purchaser, transferee, or donee shall file a return signed by the purchaser, transferee, or donee with the Department of Revenue on a form prescribed by the Department. The return shall contain substantially the following paragraph and such other information as the Department may reasonably require:

VERIFICATION

I declare that I have examined this return and, to the best of my knowledge, it is true, correct, and complete. I understand that the penalty for willfully filing a false return shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both a fine and imprisonment.

....

Date Signature of purchaser, transferee, or donee

The return and payment from the purchaser, transferee, or donee shall be submitted to the Department within 30 days after the date of purchase, donation, or other transfer or the date the aircraft is brought into the State, whichever is later. Payment of tax shall be a condition to securing registration of the aircraft from the Division of Aeronautics of the Department of Transportation.

When a purchaser, transferee, or donee pays the tax imposed by Section 10-15 of this Law, the Department (upon request therefor from the purchaser, transferee, or donee) shall issue an appropriate receipt to the purchaser, transferee, or donee showing that he or she has paid such tax to the Department. The receipt shall be sufficient to relieve the purchaser, transferee, or donee from further liability for the tax to which the receipt may refer.

Section 10-25. Filing false or incomplete return. Any person required to file a return under this Law who willfully files a false or incomplete return is guilty of a Class A misdemeanor.

Section 10-30. Determining selling price. For the purpose of assisting in determining the validity of the "selling price" reported on returns filed with the Department, the Department may furnish the following information to persons with whom the Department has contracted for service related to making that determination: the selling price stated on the return; the aircraft identification number; the year, the make, and the model name or number of the aircraft; the purchase date; and the hours of operation.

Section 10-35. Powers of Department. The Department shall have full power to administer and enforce this Law; to collect all taxes, penalties, and interest due hereunder; to dispose of taxes, penalties, and interest so collected in the manner hereinafter provided, and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest hereunder. In the administration of, and compliance with, this Law, the Department and persons who are subject to this Law shall have the same rights, remedies, privileges, immunities, powers, and duties, and be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of

procedure, as are prescribed in the Use Tax Act, as now or hereafter amended (except for the provisions of Section 3-70), which are not inconsistent with this Law, as fully as if the provisions of the Use Tax Act were set forth in this Law. In addition to any other penalties imposed under law, any person convicted of violating the provisions of this Law, shall be assessed a fine of $1,000.

Section 10-40. Payments to Local Government Distributive Fund and General Revenue Fund. The Department of Revenue shall each month, upon collecting any taxes as provided in this Law, pay the money collected from the 1.25% portion of the 6.25% rate into the Local Government Distributive Fund, a special fund in the State treasury. The remainder shall be paid into the General Revenue Fund.

Section 10-45. Rules. The Department shall have the authority to adopt such rules as are reasonable and necessary to implement the provisions of this Law.

Section 10-905. The Retailers' Occupation Tax Act is amended by changing Section 1c as follows:

(35 ILCS 120/1c) (from Ch. 120, par. 440c)

Sec. 1c. A person who is engaged in the business of leasing or renting motor vehicles or, beginning July 1, 2003, aircraft to others and who, in connection with such business sells any used motor vehicle or aircraft to a purchaser for his use and not for the purpose of resale, is a retailer engaged in the business of selling tangible personal property at retail under this Act to the extent of the value of the vehicle or aircraft sold. For the purpose of this Section "motor vehicle" has the meaning prescribed in Section 1-157 of the Illinois Vehicle Code, as now or hereafter amended. For the purpose of this Section "aircraft" has the meaning prescribed in Section 3 of the Illinois Aeronautics Act. (Nothing provided herein shall affect liability incurred under this Act because of the sale at retail of such motor vehicles or aircraft to a lessor.) (Source: P.A. 80-598.)

Section 10-910. The Illinois Aeronautics Act is amended by changing Section 42 as follows:

(620 ILCS 5/42) (from Ch. 15 1/2, par. 22.42)

Sec. 42. Regulation of aircraft, airmen, and airports. (a) The general public interest and safety, the safety of persons operating, using, or traveling in, aircraft, and of persons and property on the ground, and the interest of aeronautical progress require that aircraft operated within this State should be airworthy, that airmen should be properly qualified, and that air navigation facilities should be suitable for the purposes for which they are designed. The purposes of this Act require that the Department should be enabled to exercise the powers of regulation and supervision herein granted. The advantage of uniform regulation makes it desirable that aircraft operated within this State should conform with respect to design, construction, and airworthiness to the standards prescribed by the United States Government with respect to civil aircraft subject to its jurisdiction and that persons engaging in aeronautics within this State should have the qualifications necessary for obtaining and holding appropriate airman certificates of the United States. It is desirable and right that all applicable fees and taxes shall be paid with respect to aircraft operated within this State.

(b) In light of the findings in subsection (a), the Department is authorized:

(1) To require the registration, every 2 years, of federal licenses, certificates or permits of civil aircraft engaged in air navigation within this State, and of airmen engaged in aeronautics within this State, and to issue certificates of such registration. These certificates of registration constitute the authorization of such aircraft and airmen for operations within this State to the extent permitted by the federal licenses, certificates or permits so registered. It shall charge a fee, payable every 2 years, for the registration of each federal license, certificate or permit of $10 for each airman's certificate and $20 for each aircraft certificate. It may accept as evidence of the holding of a federal license, certificate or permit the verified application of the airman or the owner of the aircraft, which application shall contain such information as the Department may by rule, ruling, regulation, order or decision prescribe. The Department's authority to register aircraft or to issue certificates of registration is limited as follows:

(i) Except as to any aircraft vehicle purchased before March 8, 1963, the Department, in the case of the first registration of any aircraft vehicle for any given owner on or after March 8, 1963, may not issue a certificate of registration with respect to any aircraft vehicle until after the Department has been satisfied that no tax under the Use Tax Act, the Aircraft Use Tax Law, the Municipal Use Tax Act, or the Home Rule County Use Tax Law is owing by reason of the use of the vehicle in Illinois or that any tax so imposed has been paid. A receipt issued under those Acts by the Department of Revenue constitutes proof of payment of the tax. For the purpose of this paragraph, "aircraft vehicle" means a single aircraft.

(ii) If the proof of payment of the tax or of nonliability therefor is, after the issuance of the certificate of registration, found to be invalid, the Department shall revoke the certificate and require that the certificate be returned to the Department.

(2) To classify and approve airports and restricted landing areas and any alterations or extensions thereof. Certificates of approval issued pursuant to this paragraph, or pursuant to any prior law, shall be issued in the name of the applicant and shall be transferable upon a change of ownership or control of the airport or restricted landing area only after approval of the Department. No charge or fee shall be made or imposed for any kind of certificate of approval or a transfer thereof.

(3) To revoke, temporarily or permanently, any certificate of registration of an aircraft or airman issued by it, or to refuse to issue any such certificate of registration, when it shall reasonably determine that any aircraft is not airworthy, or that any airman:

(i) is not qualified;

(ii) has willfully violated the laws of this State pertaining to aeronautics or any rules, rulings, regulations, orders, or decisions issued pursuant thereto, or any Federal law or any rule or regulation issued pursuant thereto;

(iii) is addicted to the use of narcotics or other habit forming drug, or to the excessive use of intoxicating liquor;

(iv) has made any false statement in any application for registration of a federal license, certificate or permit; or

(v) has been guilty of other conduct, acts, or practices dangerous to the public safety or the safety of those engaged in aeronautics.

(c) The Department may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied. (Source: P.A. 92-341, eff. 8-10-01.)

ARTICLE 50

Section 50-22. The Use Tax Act is amended by changing Sections 2a, 3-5, 3-7, and 3-85 as follows:

(35 ILCS 105/2a) (from Ch. 120, par. 439.2a)

Sec. 2a. "Pollution control facilities" means any system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined in the "Environmental Protection Act", enacted by the 76th General Assembly, or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.

Until July 1, 2003, the purchase, employment and transfer of such tangible personal property as pollution control facilities is not a purchase, use or sale of tangible personal property. (Source: P.A. 76-2447.)

(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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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 and through June 30, 2003, 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. (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.)

(35 ILCS 105/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through June 30, 2003 ~~December 31, 2007~~, the use of aggregate 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, is exempt from the tax imposed by this Act. (Source: P.A. 92-603, eff. 6-28-02.)

(35 ILCS 105/3-85)

Sec. 3-85. Manufacturer's Purchase Credit. For purchases of machinery and equipment made on and after January 1, 1995 and through June 30, 2003, a purchaser of manufacturing machinery and equipment that qualifies for the exemption provided by paragraph (18) of Section 3-5 of this Act earns a credit in an amount equal to a fixed percentage of the tax which would have been incurred under this Act on those purchases. For purchases of graphic arts machinery and equipment made on or after July 1, 1996 and through June 30, 2003, a purchaser of graphic arts machinery and equipment that qualifies for the exemption provided by paragraph (6) of Section 3-5 of this Act earns a credit in an amount equal to a fixed percentage of the tax that would have been incurred under this Act on those purchases. The credit earned for purchases of manufacturing machinery and equipment or graphic arts machinery and equipment shall be referred to as the Manufacturer's Purchase Credit. A graphic arts producer is a person engaged in graphic arts production as defined in Section 2-30 of the Retailers' Occupation Tax Act. Beginning July 1, 1996, all references in this Section to manufacturers or manufacturing shall also be deemed to refer to graphic arts producers or graphic arts production.

The amount of credit shall be a percentage of the tax that would have been incurred on the purchase of manufacturing machinery and equipment or graphic arts machinery and equipment if the exemptions provided by paragraph (6) or paragraph (18) of Section 3-5 of this Act had not been applicable. The percentage shall be as follows:

(1) 15% for purchases made on or before June 30, 1995.

(2) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.

(3) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.

(4) 50% for purchases made on or after July 1, 1997.

A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller prior to October 1, 2003 that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer prior to October 1, 2003 may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the retailer or serviceman reports the

Manufacturer's Purchase Credit claimed as required by the Department. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility may, prior to October 1, 2003, authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish, prior to October 1, 2003, the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by the annual Report of Manufacturer's Purchase Credit Used for all credit utilized by a construction contractor.

The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or by a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption. "Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as preproduction material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes; (ii) all tangible personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development. "Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used, prior to October 1, 2003, to satisfy the tax arising either from the purchase of machinery and equipment on or after January 1, 1995 for which the exemption provided by paragraph (18) of Section 3-5 of this Act was erroneously claimed, or the purchase of machinery and equipment on or after July 1, 1996 for which the exemption provided by paragraph (6) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may, prior to October 1, 2003, utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired and is used prior to October 1, 2003, on qualifying purchases of production related tangible personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose. No Manufacturer's Purchase Credit may be used after September 30, 2003 regardless of when that credit was earned.

A purchaser earning Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of

Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require. A purchaser earning Manufacturer's Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit earned on each purchase.

A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

No annual report shall be filed before May 1, 1996 or after June 30, 2004. A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the calendar year shall forfeit all Manufacturer's Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers' Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. No Manufacturer's Purchase Credit report filed with the Department for periods prior to January 1, 1995 shall be approved. Manufacturer's Purchase Credit claimed on an amended report may be used, until October 1, 2003, to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i) on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by the Department on qualifying purchases of production related tangible personal property made in the case of manufacturers on or after January 1, 1995, or in the case of graphic arts producers on or after July 1, 1996.

If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or graphic arts producer, the purchaser may earn, report, and use Manufacturer's Purchase Credit in the same manner as a manufacturer or graphic arts producer.

A purchaser shall not be entitled to any Manufacturer's Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer's Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability. (Source: P.A. 88-547, eff. 6-30-94; 89-89, eff. 6-30-95; 89-235, eff. 8-4-95; 89-531, eff. 7-19-96.)

Section 50-23. The Service Use Tax Act is amended by changing Sections 2, 2a, 3-5, 3-7, and 3-70 as follows:

(35 ILCS 110/2) (from Ch. 120, par. 439.32)

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property, (a) which is sold in the

regular course of business or (b) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

"Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale of service.

"Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

"Cost price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him or her by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of service" means any transaction except:

(1) a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(2) a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(3) except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body, or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which 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.

(4) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer, executed or in effect at the time of purchase of personal property, to interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by such interstate carriers for hire, 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.

(4a) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors, or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by interstate carriers for hire, 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.

(5) a sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such 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 such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Use Tax or Service Occupation Tax, rather than Use Tax or Retailers' Occupation Tax.

(5a) the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property to a destination outside Illinois, for use outside Illinois.

(5b) a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(6) until July 1, 2003, a sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is 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 such user and not subject to sale or resale.

(7) at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (5) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (5), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further, for purposes of exemption (5), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. 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 product being manufactured or assembled for wholesale or retail sale

or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The user of such machinery and equipment and tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (5) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (3) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman:

1. having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State;

2. soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State;

3. pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;

4. soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;

5. being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State;

6. having a franchisee or licensee operating under its trade name if the franchisee or licensee is required to collect the tax under this Section;

7. pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or

8. engaging in activities in Illinois, which activities in the state in which the supply business engaging in such activities is located would constitute maintaining a place of business in that state.

(Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01.)

(35 ILCS 110/2a) (from Ch. 120, par. 439.32a)

Sec. 2a. "Pollution control facilities" means any system, method, construction, device or appliance appurtenant thereto used in this State acquired as an incident to the purchase of a service from a serviceman for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined in the "Environmental Protection Act", enacted by the 76th General Assembly, or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.

Until July 1, 2003, the purchase, employment or transfer of such tangible personal property as pollution control facilities is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act. (Source: P.A. 76-2248.)

(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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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 and through June 30, 2003, 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 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 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. (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.)

(35 ILCS 110/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through June 30, 2003 ~~December 31, 2007~~, the use of aggregate 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, is exempt from the tax imposed by this Act. (Source: P.A. 92-603, eff. 6-28-02.)

(35 ILCS 110/3-70)

Sec. 3-70. Manufacturer's Purchase Credit. For purchases of machinery and equipment made on and after January 1, 1995 and through June 30, 2003, a purchaser of manufacturing machinery and equipment that qualifies for the exemption provided by Section 2 of this Act earns a credit in an amount equal to a fixed percentage of the tax which would have been incurred under this Act on those purchases. For purchases of graphic arts machinery and equipment made on or after July 1, 1996 and through June 30, 2003, a purchase of graphic arts machinery and equipment that qualifies for the exemption provided by paragraph (5) of Section 3-5 of this Act earns a credit in an amount equal to a fixed percentage of the tax that would have been incurred under this Act on those purchases. The credit earned for the purchase of manufacturing machinery and equipment and graphic arts machinery and equipment shall be referred to as the Manufacturer's Purchase Credit. A graphic arts producer is a person engaged in graphic arts production as defined in Section 3-30 of the Service Occupation Tax Act. Beginning July 1, 1996, all references in this Section to manufacturers or manufacturing shall also refer to graphic arts producers or graphic arts production.

The amount of credit shall be a percentage of the tax that would have been incurred on the purchase of the manufacturing machinery and equipment or graphic arts machinery and equipment if the exemptions provided by Section 2 or paragraph (5) of Section 3-5 of this Act had not been applicable.

All purchases prior to October 1, 2003 of manufacturing machinery and equipment and graphic arts machinery and equipment that qualify for the exemptions provided by paragraph (5) of Section 2 or paragraph (5) of Section 3-5 of this Act qualify for the credit without regard to whether the serviceman elected, or could have elected, under paragraph (7) of Section 2 of this Act to exclude the transaction from this Act. If the serviceman's billing to the service customer separately states a selling price for the exempt manufacturing machinery or equipment or the exempt graphic arts machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on that selling price. If the serviceman's billing does not separately state a selling price for the exempt manufacturing machinery and equipment or the exempt graphic arts machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on 50% of the entire billing. If the serviceman contracts to design, develop, and produce special order manufacturing machinery and equipment or special order graphic arts machinery and equipment, and the billing does not separately state a selling price for such special order machinery and equipment, the credit shall be calculated, as otherwise provided herein, based on 50% of the entire billing. The provisions of this paragraph are effective for purchases made on or after January 1, 1995.

The percentage shall be as follows:

(1) 15% for purchases made on or before June 30, 1995.

(2) 25% for purchases made after June 30, 1995, and on or before June 30, 1996.

(3) 40% for purchases made after June 30, 1996, and on or before June 30, 1997.

(4) 50% for purchases made on or after July 1, 1997.

A purchaser of production related tangible personal property desiring to use the Manufacturer's Purchase Credit shall certify to the seller prior to October 1, 2003 that the purchaser is satisfying all or part of the liability under the Use Tax Act or the Service Use Tax Act that is due on the purchase of the production related tangible personal property by use of a Manufacturer's Purchase Credit. The Manufacturer's Purchase Credit certification must be dated and shall include the name and address of the purchaser, the purchaser's

registration number, if registered, the credit being applied, and a statement that the State Use Tax or Service Use Tax liability is being satisfied with the manufacturer's or graphic arts producer's accumulated purchase credit. Certification may be incorporated into the manufacturer's or graphic arts producer's purchase order. Manufacturer's Purchase Credit certification provided by the manufacturer or graphic arts producer prior to October 1, 2003 may be used to satisfy the retailer's or serviceman's liability under the Retailers' Occupation Tax Act or Service Occupation Tax Act for the credit claimed, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase, but only if the retailer or serviceman reports the Manufacturer's Purchase Credit claimed as required by the Department. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. The Manufacturer's Purchase Credit earned by purchase of exempt manufacturing machinery and equipment or graphic arts machinery and equipment is a non-transferable credit. A manufacturer or graphic arts producer that enters into a contract involving the installation of tangible personal property into real estate within a manufacturing or graphic arts production facility, prior to October 1, 2003, may authorize a construction contractor to utilize credit accumulated by the manufacturer or graphic arts producer to purchase the tangible personal property. A manufacturer or graphic arts producer intending to use accumulated credit to purchase such tangible personal property shall execute a written contract authorizing the contractor to utilize a specified dollar amount of credit. The contractor shall furnish, prior to October 1, 2003, the supplier with the manufacturer's or graphic arts producer's name, registration or resale number, and a statement that a specific amount of the Use Tax or Service Use Tax liability, not to exceed 6.25% of the selling price, is being satisfied with the credit. The manufacturer or graphic arts producer shall remain liable to timely report all information required by the annual Report of Manufacturer's Purchase Credit Used for credit utilized by a construction contractor.

The Manufacturer's Purchase Credit may be used to satisfy liability under the Use Tax Act or the Service Use Tax Act due on the purchase of production related tangible personal property (including purchases by a manufacturer, by a graphic arts producer, or a lessor who rents or leases the use of the property to a manufacturer or graphic arts producer) that does not otherwise qualify for the manufacturing machinery and equipment exemption or the graphic arts machinery and equipment exemption. "Production related tangible personal property" means (i) all tangible personal property used or consumed by the purchaser in a manufacturing facility in which a manufacturing process described in Section 2-45 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a manufacturing facility and including, but not limited to, tangible personal property used or consumed in activities such as pre-production material handling, receiving, quality control, inventory control, storage, staging, and packaging for shipping and transportation purposes; (ii) all tangible personal property used or consumed by the purchaser in a graphic arts facility in which graphic arts production as described in Section 2-30 of the Retailers' Occupation Tax Act takes place, including tangible personal property purchased for incorporation into real estate within a graphic arts facility and including, but not limited to, all tangible personal property used or consumed in activities such as graphic arts preliminary or pre-press production, pre-production material handling, receiving, quality control, inventory control, storage, staging, sorting, labeling, mailing, tying, wrapping, and packaging; and (iii) all tangible personal property used or consumed by the purchaser for research and development. "Production related tangible personal property" does not include (i) tangible personal property used, within or without a manufacturing or graphic arts facility, in sales, purchasing, accounting, fiscal management, marketing, personnel recruitment or selection, or landscaping or (ii) tangible personal property required to be titled or registered with a department, agency, or unit of federal, state, or local government. The Manufacturer's Purchase Credit may be used, prior to October 1, 2003, to satisfy the tax arising either from the purchase of machinery and equipment on or after January 1, 1995 for which the manufacturing machinery and equipment exemption provided by Section 2 of this Act was erroneously claimed, or the purchase of machinery and equipment on or after July 1, 1996 for which the exemption provided by paragraph (5) of Section 3-5 of this Act was erroneously claimed, but not in satisfaction of penalty, if any, and interest for failure to pay the tax when due. A purchaser of production related tangible personal property who is required to pay Illinois Use Tax or Service Use Tax on the purchase directly to the Department may, prior to October 1, 2003, utilize the Manufacturer's Purchase Credit in satisfaction of the tax arising from that purchase, but not in satisfaction of penalty and interest. A purchaser who uses the Manufacturer's Purchase Credit to purchase property which is later determined not to be production related tangible personal property may be liable for tax, penalty, and interest on the purchase of that property as of the date of purchase but shall be entitled to use the disallowed Manufacturer's Purchase Credit, so long as it has not expired and is used prior to October 1, 2003, on qualifying purchases of production related tangible

personal property not previously subject to credit usage. The Manufacturer's Purchase Credit earned by a manufacturer or graphic arts producer expires the last day of the second calendar year following the calendar year in which the credit arose. No Manufacturer's Purchase Credit may be used after September 30, 2003 regardless of when that credit was earned.

A purchaser earning Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Earned for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is earned. A Report of Manufacturer's Purchase Credit Earned shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of all purchases of exempt manufacturing or graphic arts machinery on which the credit was earned; (ii) the total State Use Tax or Service Use Tax which would have been due on those items; (iii) the percentage used to calculate the amount of credit earned; (iv) the amount of credit earned; and (v) such other information as the Department may reasonably require. A purchaser earning Manufacturer's Purchase Credit shall maintain records which identify, as to each purchase of manufacturing or graphic arts machinery and equipment on which the purchaser earned Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit earned on each purchase.

A purchaser using Manufacturer's Purchase Credit shall sign and file an annual Report of Manufacturer's Purchase Credit Used for each calendar year no later than the last day of the sixth month following the calendar year in which a Manufacturer's Purchase Credit is used. A Report of Manufacturer's Purchase Credit Used shall be filed on forms as prescribed or approved by the Department and shall state, for each month of the calendar year: (i) the total purchase price of production related tangible personal property purchased from Illinois suppliers; (ii) the total purchase price of production related tangible personal property purchased from out-of-state suppliers; (iii) the total amount of credit used during such month; and (iv) such other information as the Department may reasonably require. A purchaser using Manufacturer's Purchase Credit shall maintain records that identify, as to each purchase of production related tangible personal property on which the purchaser used Manufacturer's Purchase Credit, the vendor (including, if applicable, either the vendor's registration number or Federal Employer Identification Number), the purchase price, and the amount of Manufacturer's Purchase Credit used on each purchase.

No annual report shall be filed before May 1, 1996 or after June 30, 2004. A purchaser that fails to file an annual Report of Manufacturer's Purchase Credit Earned or an annual Report of Manufacturer's Purchase Credit Used by the last day of the sixth month following the end of the calendar year shall forfeit all Manufacturer's Purchase Credit for that calendar year unless it establishes that its failure to file was due to reasonable cause. Manufacturer's Purchase Credit reports may be amended to report and claim credit on qualifying purchases not previously reported at any time before the credit would have expired, unless both the Department and the purchaser have agreed to an extension of the statute of limitations for the issuance of a notice of tax liability as provided in Section 4 of the Retailers' Occupation Tax Act. If the time for assessment or refund has been extended, then amended reports for a calendar year may be filed at any time prior to the date to which the statute of limitations for the calendar year or portion thereof has been extended. No Manufacturer's Purchase Credit report filed with the Department for periods prior to January 1, 1995 shall be approved. Manufacturer's Purchase Credit claimed on an amended report may be used, prior to October 1, 2003, to satisfy tax liability under the Use Tax Act or the Service Use Tax Act (i) on qualifying purchases of production related tangible personal property made after the date the amended report is filed or (ii) assessed by the Department on qualifying purchases of production related tangible personal property made in the case of manufacturers on or after January 1, 1995, or in the case of graphic arts producers on or after July 1, 1996.

If the purchaser is not the manufacturer or a graphic arts producer, but rents or leases the use of the property to a manufacturer or a graphic arts producer, the purchaser may earn, report, and use Manufacturer's Purchase Credit in the same manner as a manufacturer or graphic arts producer.

A purchaser shall not be entitled to any Manufacturer's Purchase Credit for a purchase that is required to be reported and is not timely reported as provided in this Section. A purchaser remains liable for (i) any tax that was satisfied by use of a Manufacturer's Purchase Credit, as of the date of purchase, if that use is not timely reported as required in this Section and (ii) for any applicable penalties and interest for failing to pay the tax when due. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability. (Source: P.A. 89-89, eff. 6-30-95; 89-235, eff. 8-4-95; 89-531, eff. 7-19-96; 90-166, eff. 7-23-97.)

Section 50-24. The Service Occupation Tax Act is amended by changing Sections 2, 2a, 3-5, 3-7, and 9

as follows:

(35 ILCS 115/2) (from Ch. 120, par. 439.102)

Sec. 2. "Transfer" means any transfer of the title to property or of the ownership of property whether or not the transferor retains title as security for the payment of amounts due him from the transferee.

"Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of Service" means any transaction except:

(a) A retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(b) A sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(c) Except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which 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.

(d) A sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to 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.

(d-1) A sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which 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.

(d-2) The repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-3) A sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-4) Until January 1, 1997, a sale, by a registered serviceman paying tax under this Act to the Department, of special order printed materials delivered outside Illinois and which are not returned to this State, if delivery is made by the seller or agent of the seller, including an agent who causes the product to be delivered outside Illinois by a common carrier or the U.S. postal service.

(e) A sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such 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 such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax.

(f) Until July 1, 2003, the sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is 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 such user and not subject to sale or resale.

(g) At the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (e) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (e), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further for purposes of exemption (e), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's ~~manufacuturer's~~ computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. 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 product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The purchaser of such machinery and equipment and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit.

The rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if such rolling stock transports, for hire, persons whose journeys or property

whose shipments originate or terminate outside Illinois.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (e) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (c) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service. (Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01; revised 11-22-02.)

(35 ILCS 115/2a) (from Ch. 120, par. 439.102a)

Sec. 2a. "Pollution control facilities" means any system, method, construction, device or appliance appurtenant thereto transferred by a serviceman for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined in the "Environmental Protection Act", enacted by the 76th General Assembly, or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.

Until July 1, 2003, the purchase, employment and transfer of such tangible personal property as pollution control facilities shall not be deemed to be a purchase, use or sale of service or of tangible personal property, but shall be deemed to be intangible personal property. (Source: P.A. 76-2449.)

(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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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 and through June 30, 2003, 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. (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.)

(35 ILCS 115/3-7)

Sec. 3-7. Aggregate manufacturing exemption. Through June 30, 2003 ~~December 31, 2007~~, aggregate 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, is exempt from the tax imposed by this Act. (Source: P.A. 92-603, eff. 6-28-02.)

(35 ILCS 115/9) (from Ch. 120, par. 439.109)

Sec. 9. Each serviceman required or authorized to collect the tax herein imposed shall pay to the Department the amount of such tax at the time when he is required to file his return for the period during which such tax was collectible, less a discount of 2.1% prior to January 1, 1990, and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the serviceman for expenses incurred in collecting the tax, keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request.

Where such tangible personal property is sold under a conditional sales contract, or under any other form of sale wherein the payment of the principal sum, or a part thereof, is extended beyond the close of the period for which the return is filed, the serviceman, in collecting the tax may collect, for each tax return period, only the tax applicable to the part of the selling price actually received during such tax return period.

Except as provided hereinafter in this Section, on or before the twentieth day of each calendar month, such serviceman shall file a return for the preceding calendar month in accordance with reasonable rules and regulations to be promulgated by the Department of Revenue. Such return shall be filed on a form prescribed by the Department and shall contain such information as the Department may reasonably require.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in business as a serviceman in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due;

5-5. The signature of the taxpayer; and

6. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Prior to October 1, 2003, a serviceman may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Service Use Tax as provided in Section 3-70 of the Service Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-70 of the Service Use Tax Act. A Manufacturer's Purchase Credit certification, accepted prior to October 1, 2003 by a serviceman as provided in Section 3-70 of the Service Use Tax Act, may be used by that serviceman to satisfy Service Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. No Manufacturer's

Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability.

If the serviceman's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the serviceman's average monthly tax liability to the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a serviceman may file his return, in the case of any serviceman who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such serviceman shall file a final return under this Act with the Department not more than 1 month after discontinuing such business.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" means the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Where a serviceman collects the tax with respect to the selling price of tangible personal property which he sells and the purchaser thereafter returns such tangible personal property and the serviceman refunds the selling price thereof to the purchaser, such serviceman shall also refund, to the purchaser, the tax so collected from the purchaser. When filing his return for the period in which he refunds such tax to the purchaser, the serviceman may deduct the amount of the tax so refunded by him to the purchaser from any other Service Occupation Tax, Service Use Tax, Retailers' Occupation Tax or Use Tax which such serviceman may be required to pay or remit to the Department, as shown by such return, provided that the amount of the tax to be deducted shall previously have been remitted to the Department by such serviceman. If the serviceman shall not previously have remitted the amount of such tax to the Department, he shall be entitled to no deduction hereunder upon refunding such tax to the purchaser.

If experience indicates such action to be practicable, the Department may prescribe and furnish a combination or joint return which will enable servicemen, who are required to file returns hereunder and also under the Retailers' Occupation Tax Act, the Use Tax Act or the Service Use Tax Act, to furnish all the return information required by all said Acts on the one form.

Where the serviceman has more than one business registered with the Department under separate

registrations hereunder, such serviceman shall file separate returns for each registered business.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund the revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which 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.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund 4% of the revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the revenue realized for the preceding month from the 6.25% general rate on transfers of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to Section 3 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as defined in Section 3 of the Retailers' Occupation Tax Act), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Account in the Build Illinois Fund during such month and (2) the amount transferred during such month to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year; and, further provided, that the amounts payable into the Build Illinois Fund under this clause (b) shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of the moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the preceding sentence and shall reduce the amount otherwise payable for such fiscal year pursuant to clause (b) of the preceding sentence. The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided

under Section 8.25f of the State Finance Act, but not in excess of the sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000
1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	246,000,000
2022	260,000,000
2023 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and	275,000,000

Exposition Authority

Act, but not after fiscal year 2042.

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Remaining moneys received by the Department pursuant to this Act shall be paid into the General Revenue Fund of the State Treasury.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the taxpayer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the taxpayer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The taxpayer's annual return to the Department shall also disclose the cost of goods sold by the taxpayer during the year covered by such return, opening and closing inventories of such goods for such year, cost of goods used from stock or taken from stock and given away by the taxpayer during such year, pay roll information of the taxpayer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such taxpayer as hereinbefore provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The foregoing portion of this Section concerning the filing of an annual information return shall not apply to a serviceman who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue,

the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, it shall be permissible for manufacturers, importers and wholesalers whose products are sold by numerous servicemen in Illinois, and who wish to do so, to assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the servicemen who are affected do not make written objection to the Department to this arrangement. (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

Section 50-25. The Retailers' Occupation Tax Act is amended by changing Sections 1a, 2-5, 2-7, and 3 as follows:

(35 ILCS 120/1a) (from Ch. 120, par. 440a)

Sec. 1a. "Pollution control facilities" means any system, method, construction, device or appliance appurtenant thereto sold or used or intended for the primary purpose of eliminating, preventing, or reducing air and water pollution as the term "air pollution" or "water pollution" is defined in the "Environmental Protection Act", enacted by the 76th General Assembly, or for the primary purpose of treating, pretreating, modifying or disposing of any potential solid, liquid or gaseous pollutant which if released without such treatment, pretreatment, modification or disposal might be harmful, detrimental or offensive to human, plant or animal life, or to property.

Until July 1, 2003, the purchase, employment and transfer of such tangible personal property as pollution control facilities is not a purchase, use or sale of tangible personal property. (Source: P.A. 76-2450.)

(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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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) Until July 1, 2003, 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 and through June 30, 2003, 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. (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.)

(35 ILCS 120/2-7)

Sec. 2-7. Aggregate manufacturing exemption. Through June 30, 2003 ~~December 31, 2007~~, gross receipts from proceeds from the sale of aggregate 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, are exempt from the tax imposed by this Act. (Source: P.A. 92-603, eff. 6-28-02.)

(35 ILCS 120/3) (from Ch. 120, par. 442)

Sec. 3. Except as provided in this Section, on or before the twentieth day of each calendar month, every person engaged in the business of selling tangible personal property at retail in this State during the preceding calendar month shall file a return with the Department, stating:

1. The name of the seller;

2. His residence address and the address of his principal place of business and the address of the principal place of business (if that is a different address) from which he engages in the business of selling tangible personal property at retail in this State;

3. Total amount of receipts received by him during the preceding calendar month or quarter, as the case may be, from sales of tangible personal property, and from services furnished, by him during such preceding calendar month or quarter;

4. Total amount received by him during the preceding calendar month or quarter on charge and time sales of tangible personal property, and from services furnished, by him prior to the month or quarter for which the return is filed;

5. Deductions allowed by law;

6. Gross receipts which were received by him during the preceding calendar month or quarter and upon the basis of which the tax is imposed;

7. The amount of credit provided in Section 2d of this Act;

8. The amount of tax due;

9. The signature of the taxpayer; and

10. Such other reasonable information as the Department may require.

If a taxpayer fails to sign a return within 30 days after the proper notice and demand for signature by the Department, the return shall be considered valid and any amount shown to be due on the return shall be deemed assessed.

Each return shall be accompanied by the statement of prepaid tax issued pursuant to Section 2e for which credit is claimed.

Prior to October 1, 2003, a retailer may accept a Manufacturer's Purchase Credit certification from a purchaser in satisfaction of Use Tax as provided in Section 3-85 of the Use Tax Act if the purchaser provides the appropriate documentation as required by Section 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit certification, accepted by a retailer prior to October 1, 2003 as provided in Section 3-85 of the Use Tax Act, may be used by that retailer to satisfy Retailers' Occupation Tax liability in the amount claimed in the certification, not to exceed 6.25% of the receipts subject to tax from a qualifying purchase. A Manufacturer's Purchase Credit reported on any original or amended return filed under this Act after October 20, 2003 shall be disallowed. No Manufacturer's Purchase Credit may be used after September 30, 2003 to satisfy any tax liability imposed under this Act, including any audit liability.

The Department may require returns to be filed on a quarterly basis. If so required, a return for each calendar quarter shall be filed on or before the twentieth day of the calendar month following the end of such calendar quarter. The taxpayer shall also file a return with the Department for each of the first two months of each calendar quarter, on or before the twentieth day of the following calendar month, stating:

1. The name of the seller;

2. The address of the principal place of business from which he engages in the business of selling tangible personal property at retail in this State;

3. The total amount of taxable receipts received by him during the preceding calendar month from sales of tangible personal property by him during such preceding calendar month, including receipts from charge and time sales, but less all deductions allowed by law;

4. The amount of credit provided in Section 2d of this Act;

5. The amount of tax due; and

6. Such other reasonable information as the Department may require.

If a total amount of less than $1 is payable, refundable or creditable, such amount shall be disregarded if it is less than 50 cents and shall be increased to $1 if it is 50 cents or more.

Beginning October 1, 1993, a taxpayer who has an average monthly tax liability of $150,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1994, a taxpayer who has an average monthly tax liability of $100,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 1995, a taxpayer who has an average monthly tax liability of $50,000 or more shall make all payments required by rules of the Department by electronic funds transfer. Beginning October 1, 2000, a taxpayer who has an annual tax liability of $200,000 or more shall make all payments required by rules of the Department by electronic funds transfer. The term "annual tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year. The term "average monthly tax liability" shall be the sum of the taxpayer's liabilities under this Act, and under all other State and local occupation and use tax laws administered by the Department, for the immediately preceding calendar year divided by 12. Beginning on October 1, 2002, a taxpayer who has a tax liability in the amount set forth in subsection (b) of Section 2505-210 of the Department of Revenue Law shall make all payments required by rules of the Department by electronic funds transfer.

Before August 1 of each year beginning in 1993, the Department shall notify all taxpayers required to make payments by electronic funds transfer. All taxpayers required to make payments by electronic funds transfer shall make those payments for a minimum of one year beginning on October 1.

Any taxpayer not required to make payments by electronic funds transfer may make payments by electronic funds transfer with the permission of the Department.

All taxpayers required to make payment by electronic funds transfer and any taxpayers authorized to voluntarily make payments by electronic funds transfer shall make those payments in the manner authorized by the Department.

The Department shall adopt such rules as are necessary to effectuate a program of electronic funds transfer and the requirements of this Section.

Any amount which is required to be shown or reported on any return or other document under this Act shall, if such amount is not a whole-dollar amount, be increased to the nearest whole-dollar amount in any case where the fractional part of a dollar is 50 cents or more, and decreased to the nearest whole-dollar amount where the fractional part of a dollar is less than 50 cents.

If the retailer is otherwise required to file a monthly return and if the retailer's average monthly tax liability to the Department does not exceed $200, the Department may authorize his returns to be filed on a quarter annual basis, with the return for January, February and March of a given year being due by April 20 of such year; with the return for April, May and June of a given year being due by July 20 of such year; with the return for July, August and September of a given year being due by October 20 of such year, and with the return for October, November and December of a given year being due by January 20 of the following year.

If the retailer is otherwise required to file a monthly or quarterly return and if the retailer's average monthly tax liability with the Department does not exceed $50, the Department may authorize his returns to be filed on an annual basis, with the return for a given year being due by January 20 of the following year.

Such quarter annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Act concerning the time within which a retailer may file his return, in the case of any retailer who ceases to engage in a kind of business which makes him responsible for filing returns under this Act, such retailer shall file a final return under this Act with the Department not more than one month after discontinuing such business.

Where the same person has more than one business registered with the Department under separate registrations under this Act, such person may not file each return that is due as a single return covering all such registered businesses, but shall file separate returns for each such registered business.

In addition, with respect to motor vehicles, watercraft, aircraft, and trailers that are required to be

registered with an agency of this State, every retailer selling this kind of tangible personal property shall file, with the Department, upon a form to be prescribed and supplied by the Department, a separate return for each such item of tangible personal property which the retailer sells, except that if, in the same transaction, (i) a retailer of aircraft, watercraft, motor vehicles or trailers transfers more than one aircraft, watercraft, motor vehicle or trailer to another aircraft, watercraft, motor vehicle retailer or trailer retailer for the purpose of resale or (ii) a retailer of aircraft, watercraft, motor vehicles, or trailers transfers more than one aircraft, watercraft, motor vehicle, or trailer to a purchaser for use as a qualifying rolling stock as provided in Section 2-5 of this Act, then that seller may report the transfer of all aircraft, watercraft, motor vehicles or trailers involved in that transaction to the Department on the same uniform invoice-transaction reporting return form. For purposes of this Section, "watercraft" means a Class 2, Class 3, or Class 4 watercraft as defined in Section 3-2 of the Boat Registration and Safety Act, a personal watercraft, or any boat equipped with an inboard motor.

Any retailer who sells only motor vehicles, watercraft, aircraft, or trailers that are required to be registered with an agency of this State, so that all retailers' occupation tax liability is required to be reported, and is reported, on such transaction reporting returns and who is not otherwise required to file monthly or quarterly returns, need not file monthly or quarterly returns. However, those retailers shall be required to file returns on an annual basis.

The transaction reporting return, in the case of motor vehicles or trailers that are required to be registered with an agency of this State, shall be the same document as the Uniform Invoice referred to in Section 5-402 of The Illinois Vehicle Code and must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale; a sufficient identification of the property sold; such other information as is required in Section 5-402 of The Illinois Vehicle Code, and such other information as the Department may reasonably require.

The transaction reporting return in the case of watercraft or aircraft must show the name and address of the seller; the name and address of the purchaser; the amount of the selling price including the amount allowed by the retailer for traded-in property, if any; the amount allowed by the retailer for the traded-in tangible personal property, if any, to the extent to which Section 1 of this Act allows an exemption for the value of traded-in property; the balance payable after deducting such trade-in allowance from the total selling price; the amount of tax due from the retailer with respect to such transaction; the amount of tax collected from the purchaser by the retailer on such transaction (or satisfactory evidence that such tax is not due in that particular instance, if that is claimed to be the fact); the place and date of the sale, a sufficient identification of the property sold, and such other information as the Department may reasonably require.

Such transaction reporting return shall be filed not later than 20 days after the day of delivery of the item that is being sold, but may be filed by the retailer at any time sooner than that if he chooses to do so. The transaction reporting return and tax remittance or proof of exemption from the Illinois use tax may be transmitted to the Department by way of the State agency with which, or State officer with whom the tangible personal property must be titled or registered (if titling or registration is required) if the Department and such agency or State officer determine that this procedure will expedite the processing of applications for title or registration.

With each such transaction reporting return, the retailer shall remit the proper amount of tax due (or shall submit satisfactory evidence that the sale is not taxable if that is the case), to the Department or its agents, whereupon the Department shall issue, in the purchaser's name, a use tax receipt (or a certificate of exemption if the Department is satisfied that the particular sale is tax exempt) which such purchaser may submit to the agency with which, or State officer with whom, he must title or register the tangible personal property that is involved (if titling or registration is required) in support of such purchaser's application for an Illinois certificate or other evidence of title or registration to such tangible personal property.

No retailer's failure or refusal to remit tax under this Act precludes a user, who has paid the proper tax to the retailer, from obtaining his certificate of title or other evidence of title or registration (if titling or registration is required) upon satisfying the Department that such user has paid the proper tax (if tax is due) to the retailer. The Department shall adopt appropriate rules to carry out the mandate of this paragraph.

If the user who would otherwise pay tax to the retailer wants the transaction reporting return filed and

the payment of the tax or proof of exemption made to the Department before the retailer is willing to take these actions and such user has not paid the tax to the retailer, such user may certify to the fact of such delay by the retailer and may (upon the Department being satisfied of the truth of such certification) transmit the information required by the transaction reporting return and the remittance for tax or proof of exemption directly to the Department and obtain his tax receipt or exemption determination, in which event the transaction reporting return and tax remittance (if a tax payment was required) shall be credited by the Department to the proper retailer's account with the Department, but without the 2.1% or 1.75% discount provided for in this Section being allowed. When the user pays the tax directly to the Department, he shall pay the tax in the same amount and in the same form in which it would be remitted if the tax had been remitted to the Department by the retailer.

Refunds made by the seller during the preceding return period to purchasers, on account of tangible personal property returned to the seller, shall be allowed as a deduction under subdivision 5 of his monthly or quarterly return, as the case may be, in case the seller had theretofore included the receipts from the sale of such tangible personal property in a return filed by him and had paid the tax imposed by this Act with respect to such receipts.

Where the seller is a corporation, the return filed on behalf of such corporation shall be signed by the president, vice-president, secretary or treasurer or by the properly accredited agent of such corporation.

Where the seller is a limited liability company, the return filed on behalf of the limited liability company shall be signed by a manager, member, or properly accredited agent of the limited liability company.

Except as provided in this Section, the retailer filing the return under this Section shall, at the time of filing such return, pay to the Department the amount of tax imposed by this Act less a discount of 2.1% prior to January 1, 1990 and 1.75% on and after January 1, 1990, or $5 per calendar year, whichever is greater, which is allowed to reimburse the retailer for the expenses incurred in keeping records, preparing and filing returns, remitting the tax and supplying data to the Department on request. Any prepayment made pursuant to Section 2d of this Act shall be included in the amount on which such 2.1% or 1.75% discount is computed. In the case of retailers who report and pay the tax on a transaction by transaction basis, as provided in this Section, such discount shall be taken with each such tax remittance instead of when such retailer files his periodic return.

Before October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $10,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. On and after October 1, 2000, if the taxpayer's average monthly tax liability to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act, and the Service Use Tax Act, excluding any liability for prepaid sales tax to be remitted in accordance with Section 2d of this Act, was $20,000 or more during the preceding 4 complete calendar quarters, he shall file a return with the Department each month by the 20th day of the month next following the month during which such tax liability is incurred and shall make payment to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to January 1, 1985, each payment shall be in an amount equal to 1/4 of the taxpayer's actual liability for the month or an amount set by the Department not to exceed 1/4 of the average monthly liability of the taxpayer to the Department for the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability in such 4 quarter period). If the month during which such tax liability is incurred begins on or after January 1, 1985 and prior to January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1987 and prior to January 1, 1988, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1988, and prior to January 1, 1989, or begins on or after January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. If the month during which such tax liability is incurred begins on or after January 1, 1989, and prior to January 1, 1996, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year or 100% of the taxpayer's actual

liability for the quarter monthly reporting period. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month. Before October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $10,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $9,000, or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $10,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $10,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. On and after October 1, 2000, once applicable, the requirement of the making of quarter monthly payments to the Department by taxpayers having an average monthly tax liability of $20,000 or more as determined in the manner provided above shall continue until such taxpayer's average monthly liability to the Department during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarter period is less than $20,000. However, if a taxpayer can show the Department that a substantial change in the taxpayer's business has occurred which causes the taxpayer to anticipate that his average monthly tax liability for the reasonably foreseeable future will fall below the $20,000 threshold stated above, then such taxpayer may petition the Department for a change in such taxpayer's reporting status. The Department shall change such taxpayer's reporting status unless it finds that such change is seasonal in nature and not likely to be long term. If any such quarter monthly payment is not paid at the time or in the amount required by this Section, then the taxpayer shall be liable for penalties and interest on the difference between the minimum amount due as a payment and the amount of such quarter monthly payment actually and timely paid, except insofar as the taxpayer has previously made payments for that month to the Department in excess of the minimum payments previously due as provided in this Section. The Department shall make reasonable rules and regulations to govern the quarter monthly payment amount and quarter monthly payment dates for taxpayers who file on other than a calendar monthly basis.

The provisions of this paragraph apply before October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes which average in excess of $25,000 per month during the preceding 2 complete calendar quarters, shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which such liability is incurred. If the month during which such tax liability is incurred began prior to the effective date of this amendatory Act of 1985, each payment shall be in an amount not less than 22.5% of the taxpayer's actual liability under Section 2d. If the month during which such tax liability is incurred begins on or after January 1, 1986, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 27.5% of the taxpayer's liability for the same calendar month of the preceding calendar year. If the month during which such tax liability is incurred begins on or after January 1, 1987, each payment shall be in an amount equal to 22.5% of the taxpayer's actual liability for the month or 26.25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of such quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until such taxpayer's average monthly prepaid tax collections during the preceding 2 complete calendar quarters is $25,000 or less. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

The provisions of this paragraph apply on and after October 1, 2001. Without regard to whether a taxpayer is required to make quarter monthly payments as specified above, any taxpayer who is required by Section 2d of this Act to collect and remit prepaid taxes and has collected prepaid taxes that average in excess of $20,000 per month during the preceding 4 complete calendar quarters shall file a return with the Department as required by Section 2f and shall make payments to the Department on or before the 7th, 15th, 22nd and last day of the month during which the liability is incurred. Each payment shall be in an

amount equal to 22.5% of the taxpayer's actual liability for the month or 25% of the taxpayer's liability for the same calendar month of the preceding year. The amount of the quarter monthly payments shall be credited against the final tax liability of the taxpayer's return for that month filed under this Section or Section 2f, as the case may be. Once applicable, the requirement of the making of quarter monthly payments to the Department pursuant to this paragraph shall continue until the taxpayer's average monthly prepaid tax collections during the preceding 4 complete calendar quarters (excluding the month of highest liability and the month of lowest liability) is less than $19,000 or until such taxpayer's average monthly liability to the Department as computed for each calendar quarter of the 4 preceding complete calendar quarters is less than $20,000. If any such quarter monthly payment is not paid at the time or in the amount required, the taxpayer shall be liable for penalties and interest on such difference, except insofar as the taxpayer has previously made payments for that month in excess of the minimum payments previously due.

If any payment provided for in this Section exceeds the taxpayer's liabilities under this Act, the Use Tax Act, the Service Occupation Tax Act and the Service Use Tax Act, as shown on an original monthly return, the Department shall, if requested by the taxpayer, issue to the taxpayer a credit memorandum no later than 30 days after the date of payment. The credit evidenced by such credit memorandum may be assigned by the taxpayer to a similar taxpayer under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations to be prescribed by the Department. If no such request is made, the taxpayer may credit such excess payment against tax liability subsequently to be remitted to the Department under this Act, the Use Tax Act, the Service Occupation Tax Act or the Service Use Tax Act, in accordance with reasonable rules and regulations prescribed by the Department. If the Department subsequently determined that all or any part of the credit taken was not actually due to the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount shall be reduced by 2.1% or 1.75% of the difference between the credit taken and that actually due, and that taxpayer shall be liable for penalties and interest on such difference.

If a retailer of motor fuel is entitled to a credit under Section 2d of this Act which exceeds the taxpayer's liability to the Department under this Act for the month which the taxpayer is filing a return, the Department shall issue the taxpayer a credit memorandum for the excess.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund, a special fund in the State treasury which is hereby created, the net revenue realized for the preceding month from the 1% tax on sales of food for human consumption which is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food which 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.

Beginning January 1, 1990, each month the Department shall pay into the County and Mass Transit District Fund, a special fund in the State treasury which is hereby created, 4% of the net revenue realized for the preceding month from the 6.25% general rate.

Beginning August 1, 2000, each month the Department shall pay into the County and Mass Transit District Fund 20% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Beginning January 1, 1990, each month the Department shall pay into the Local Government Tax Fund 16% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Beginning August 1, 2000, each month the Department shall pay into the Local Government Tax Fund 80% of the net revenue realized for the preceding month from the 1.25% rate on the selling price of motor fuel and gasohol.

Of the remainder of the moneys received by the Department pursuant to this Act, (a) 1.75% thereof shall be paid into the Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on and after July 1, 1989, 3.8% thereof shall be paid into the Build Illinois Fund; provided, however, that if in any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%, as the case may be, of the moneys received by the Department and required to be paid into the Build Illinois Fund pursuant to this Act, Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, and Section 9 of the Service Occupation Tax Act, such Acts being hereinafter called the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case may be, of moneys being hereinafter called the "Tax Act Amount", and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall be less than the Annual Specified Amount (as hereinafter defined), an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; the "Annual Specified Amount" means the amounts specified below for fiscal years 1986 through 1993:

Fiscal Year	Annual Specified Amount
1986	$54,800,000
1987	$76,650,000
1988	$80,480,000
1989	$88,510,000
1990	$115,330,000
1991	$145,470,000
1992	$182,730,000
1993	$206,520,000;

and means the Certified Annual Debt Service Requirement (as defined in Section 13 of the Build Illinois Bond Act) or the Tax Act Amount, whichever is greater, for fiscal year 1994 and each fiscal year thereafter; and further provided, that if on the last business day of any month the sum of (1) the Tax Act Amount required to be deposited into the Build Illinois Bond Account in the Build Illinois Fund during such month and (2) the amount transferred to the Build Illinois Fund from the State and Local Sales Tax Reform Fund shall have been less than 1/12 of the Annual Specified Amount, an amount equal to the difference shall be immediately paid into the Build Illinois Fund from other moneys received by the Department pursuant to the Tax Acts; and, further provided, that in no event shall the payments required under the preceding proviso result in aggregate payments into the Build Illinois Fund pursuant to this clause (b) for any fiscal year in excess of the greater of (i) the Tax Act Amount or (ii) the Annual Specified Amount for such fiscal year. The amounts payable into the Build Illinois Fund under clause (b) of the first sentence in this paragraph shall be payable only until such time as the aggregate amount on deposit under each trust indenture securing Bonds issued and outstanding pursuant to the Build Illinois Bond Act is sufficient, taking into account any future investment income, to fully provide, in accordance with such indenture, for the defeasance of or the payment of the principal of, premium, if any, and interest on the Bonds secured by such indenture and on any Bonds expected to be issued thereafter and all fees and costs payable with respect thereto, all as certified by the Director of the Bureau of the Budget. If on the last business day of any month in which Bonds are outstanding pursuant to the Build Illinois Bond Act, the aggregate of moneys deposited in the Build Illinois Bond Account in the Build Illinois Fund in such month shall be less than the amount required to be transferred in such month from the Build Illinois Bond Account to the Build Illinois Bond Retirement and Interest Fund pursuant to Section 13 of the Build Illinois Bond Act, an amount equal to such deficiency shall be immediately paid from other moneys received by the Department pursuant to the Tax Acts to the Build Illinois Fund; provided, however, that any amounts paid to the Build Illinois Fund in any fiscal year pursuant to this sentence shall be deemed to constitute payments pursuant to clause (b) of the first sentence of this paragraph and shall reduce the amount otherwise payable for such fiscal year pursuant to that clause (b). The moneys received by the Department pursuant to this Act and required to be deposited into the Build Illinois Fund are subject to the pledge, claim and charge set forth in Section 12 of the Build Illinois Bond Act.

Subject to payment of amounts into the Build Illinois Fund as provided in the preceding paragraph or in any amendment thereto hereafter enacted, the following specified monthly installment of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority provided under Section 8.25f of the State Finance Act, but not in excess of sums designated as "Total Deposit", shall be deposited in the aggregate from collections under Section 9 of the Use Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the Service Occupation Tax Act, and Section 3 of the Retailers' Occupation Tax Act into the McCormick Place Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	$0
1994	53,000,000
1995	58,000,000
1996	61,000,000
1997	64,000,000
1998	68,000,000

1999	71,000,000
2000	75,000,000
2001	80,000,000
2002	93,000,000
2003	99,000,000
2004	103,000,000
2005	108,000,000
2006	113,000,000
2007	119,000,000
2008	126,000,000
2009	132,000,000
2010	139,000,000
2011	146,000,000
2012	153,000,000
2013	161,000,000
2014	170,000,000
2015	179,000,000
2016	189,000,000
2017	199,000,000
2018	210,000,000
2019	221,000,000
2020	233,000,000
2021	246,000,000
2022	260,000,000
2023 and each fiscal year thereafter that bonds are outstanding under Section 13.2 of the Metropolitan Pier and Exposition Authority Act, but not after fiscal year 2042.	275,000,000

Beginning July 20, 1993 and in each month of each fiscal year thereafter, one-eighth of the amount requested in the certificate of the Chairman of the Metropolitan Pier and Exposition Authority for that fiscal year, less the amount deposited into the McCormick Place Expansion Project Fund by the State Treasurer in the respective month under subsection (g) of Section 13 of the Metropolitan Pier and Exposition Authority Act, plus cumulative deficiencies in the deposits required under this Section for previous months and years, shall be deposited into the McCormick Place Expansion Project Fund, until the full amount requested for the fiscal year, but not in excess of the amount specified above as "Total Deposit", has been deposited.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project

Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning July 1, 1993, the Department shall each month pay into the Illinois Tax Increment Fund 0.27% of 80% of the net revenue realized for the preceding month from the 6.25% general rate on the selling price of tangible personal property.

Subject to payment of amounts into the Build Illinois Fund and the McCormick Place Expansion Project Fund pursuant to the preceding paragraphs or in any amendments thereto hereafter enacted, beginning with the receipt of the first report of taxes paid by an eligible business and continuing for a 25-year period, the Department shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business. For purposes of this paragraph, the term "eligible business" means a new electric generating facility certified pursuant to Section 605-332 of the Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois.

Of the remainder of the moneys received by the Department pursuant to this Act, 75% thereof shall be paid into the State Treasury and 25% shall be reserved in a special account and used only for the transfer to the Common School Fund as part of the monthly transfer from the General Revenue Fund in accordance with Section 8a of the State Finance Act.

The Department may, upon separate written notice to a taxpayer, require the taxpayer to prepare and file with the Department on a form prescribed by the Department within not less than 60 days after receipt of the notice an annual information return for the tax year specified in the notice. Such annual return to the Department shall include a statement of gross receipts as shown by the retailer's last Federal income tax return. If the total receipts of the business as reported in the Federal income tax return do not agree with the gross receipts reported to the Department of Revenue for the same period, the retailer shall attach to his annual return a schedule showing a reconciliation of the 2 amounts and the reasons for the difference. The retailer's annual return to the Department shall also disclose the cost of goods sold by the retailer during the year covered by such return, opening and closing inventories of such goods for such year, costs of goods used from stock or taken from stock and given away by the retailer during such year, payroll information of the retailer's business during such year and any additional reasonable information which the Department deems would be helpful in determining the accuracy of the monthly, quarterly or annual returns filed by such retailer as provided for in this Section.

If the annual information return required by this Section is not filed when and as required, the taxpayer shall be liable as follows:

(i) Until January 1, 1994, the taxpayer shall be liable for a penalty equal to 1/6 of 1% of the tax due from such taxpayer under this Act during the period to be covered by the annual return for each month or fraction of a month until such return is filed as required, the penalty to be assessed and collected in the same manner as any other penalty provided for in this Act.

(ii) On and after January 1, 1994, the taxpayer shall be liable for a penalty as described in Section 3-4 of the Uniform Penalty and Interest Act.

The chief executive officer, proprietor, owner or highest ranking manager shall sign the annual return to certify the accuracy of the information contained therein. Any person who willfully signs the annual return containing false or inaccurate information shall be guilty of perjury and punished accordingly. The annual return form prescribed by the Department shall include a warning that the person signing the return may be liable for perjury.

The provisions of this Section concerning the filing of an annual information return do not apply to a retailer who is not required to file an income tax return with the United States Government.

As soon as possible after the first day of each month, upon certification of the Department of Revenue, the Comptroller shall order transferred and the Treasurer shall transfer from the General Revenue Fund to the Motor Fuel Tax Fund an amount equal to 1.7% of 80% of the net revenue realized under this Act for the second preceding month. Beginning April 1, 2000, this transfer is no longer required and shall not be made.

Net revenue realized for a month shall be the revenue collected by the State pursuant to this Act, less the amount paid out during that month as refunds to taxpayers for overpayment of liability.

For greater simplicity of administration, manufacturers, importers and wholesalers whose products are sold at retail in Illinois by numerous retailers, and who wish to do so, may assume the responsibility for accounting and paying to the Department all tax accruing under this Act with respect to such sales, if the retailers who are affected do not make written objection to the Department to this arrangement.

Any person who promotes, organizes, provides retail selling space for concessionaires or other types of sellers at the Illinois State Fair, DuQuoin State Fair, county fairs, local fairs, art shows, flea markets and similar exhibitions or events, including any transient merchant as defined by Section 2 of the Transient

Merchant Act of 1987, is required to file a report with the Department providing the name of the merchant's business, the name of the person or persons engaged in merchant's business, the permanent address and Illinois Retailers Occupation Tax Registration Number of the merchant, the dates and location of the event and other reasonable information that the Department may require. The report must be filed not later than the 20th day of the month next following the month during which the event with retail sales was held. Any person who fails to file a report required by this Section commits a business offense and is subject to a fine not to exceed $250.

Any person engaged in the business of selling tangible personal property at retail as a concessionaire or other type of seller at the Illinois State Fair, county fairs, art shows, flea markets and similar exhibitions or events, or any transient merchants, as defined by Section 2 of the Transient Merchant Act of 1987, may be required to make a daily report of the amount of such sales to the Department and to make a daily payment of the full amount of tax due. The Department shall impose this requirement when it finds that there is a significant risk of loss of revenue to the State at such an exhibition or event. Such a finding shall be based on evidence that a substantial number of concessionaires or other sellers who are not residents of Illinois will be engaging in the business of selling tangible personal property at retail at the exhibition or event, or other evidence of a significant risk of loss of revenue to the State. The Department shall notify concessionaires and other sellers affected by the imposition of this requirement. In the absence of notification by the Department, the concessionaires and other sellers shall file their returns as otherwise required in this Section. (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99; 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff. 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600, eff. 6-28-02; 92-651, eff. 7-11-02.)

Section 50-30. The Illinois Vehicle Code is amended by changing Section 3-2001 as follows:

(625 ILCS 5/3-2001) (from Ch. 95 1/2, par. 3-2001)

Sec. 3-2001. Until July 1, 2003, a tax of $200 is hereby imposed on the purchase of any passenger car as defined in Section 1-157 of this Code, purchased in Illinois by or on behalf of an insurance company to replace a passenger car of an insured person in settlement of a total loss claim. The tax imposed by this Section shall apply only to that portion of the purchase price of the replacement vehicle paid by the insurance company in settlement of the total loss claim, but not including any portion of such insurance payment which exceeds the market value of the total loss vehicle. (Source: P.A. 83-1353.) ARTICLE 99

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

Represnetative Hoffman requests a roll call vote on Floor Amendment No. 1.

And on that motion, a vote was taken resulting as follows:

61, Yeas; 55, Nays; 0, Answering Present.

(ROLL CALL 47)

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL ON THIRD READING

The following bill and any amendments adopted thereto were printed and laid upon the Members' desks. Any amendments pending were tabled pursuant to Rule 40(a).

On motion of Representative Madigan, SENATE BILL 842 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:

60, Yeas; 56, Nays; 0, Answering Present.

(ROLL CALL 48)

This bill, as amended, 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 in the House amendment/s adopted.

SENATE BILLS ON SECOND READING

SENATE BILL 841. Having been read by title a second time on May 29, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 1

AMENDMENT NO. 1____. Amend Senate Bill 841 by replacing everything after the enacting clause with the following:

"Section 2. The Illinois Income Tax Act is amended by adding Section 215 as follows:

(35 ILCS 5/215 new)

Sec. 215. Transportation Employee Credit.

(a) For each taxable year beginning on or after January 1, 2004, a qualified employer shall be allowed a credit against the tax imposed by subsections (a) and (b) of Section 201 of this Act in the amount of $50 for each eligible employee employed by the taxpayer as of the last day of the taxable year.

(b) For purposes of this Section, "qualified employer" means:

(1) any employer who pays a commercial distribution fee under Section 3-815.1 of the Illinois Vehicle Code during the taxable year; or

(2) any employer who, as of the end of the taxable year, has one or more employees whose compensation is subject to tax only by the employee's state of residence pursuant to 49 U.S.C 14503(a)(1).

(c) For purposes of this Section, "employee" includes an individual who is treated as an employee of the taxpayer under Section 401(c) of the Internal Revenue Code and whose actual assigned duties are such that, if the individual were a common-law employee performing such duties in 2 or more states, the individual's compensation would be subject to tax only by the individual's state of residence pursuant to 49 U.S.C. 14503(a)(1).

(d) An employee is an "eligible employee" only if all of the following criteria are met:

(1) The employee is an operator of a motor vehicle;

(2) The employee's compensation, pursuant to 49 U.S.C. 14503(a)(1), is subject to tax only by the employee's state of residence, or would be subject to tax only by the employee's state of residence if the employee's actual duties were performed in 2 or more states;

(3) As of the end of the taxable year for which the credit is claimed, the employee is a resident of this State for purposes of this Act and 49 U.S.C. 14503(a)(1); and

(4) The employee is a full-time employee working 30 or more hours per week for 180 consecutive days; provided that such 180-day period may be completed after the end of the taxable year for which the credit under this Section is claimed.

(e) For partners, shareholders of subchapter S corporations, and owners of limited liability companies, if the limited liability company is treated as a partnership for purposes of federal and State income taxation, there shall be allowed a credit under this Section to be determined in accordance with the determination of income and distributive share of income under Sections 702 and 704 and subchapter S of the Internal Revenue Code.

(f) Any credit allowed under this Section which is unused in the year the credit is earned may be carried forward to each of the 5 taxable years following the year for which the credit is first computed until it is used. This credit shall be applied first to the earliest year for which there is a liability. If there is a credit under this Section from more than one tax year that is available to offset a liability, the earliest credit arising under this Section shall be applied first.

(g) This Section is exempt from the provisions of Section 250 of this Act.

(h) The Department of Revenue shall promulgate such rules and regulations as may be deemed necessary to carry out the purposes of this Section.

Section 5. The Use Tax Act is amended by changing Sections 3-5, 3-55, 3-60, and 3-61 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) On and after July 1, 2003, the use in this State of motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds and that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act. (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.)

(35 ILCS 105/3-55) (from Ch. 120, par. 439.3-55)

Sec. 3-55. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of tangible personal property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of tangible personal property by an interstate carrier for hire as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer executed or in effect at the time of purchase of tangible personal property by interstate carriers for-hire for use as rolling stock moving in interstate commerce as long as so used by the interstate carriers for-hire, 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.

(c) The use, in this State, by 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 as long as so used by the interstate carriers for hire, 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.

(d) The use, in this State, of tangible personal property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another State in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other State.

(e) The temporary storage, in this State, of tangible personal property that is acquired outside this State and that, after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other tangible personal property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(f) The temporary storage in this State of building materials and fixtures that are acquired either in this State or outside this State by an Illinois registered combination retailer and construction contractor, and that the purchaser thereafter uses outside this State by incorporating that property into real estate located outside this State.

(g) The use or purchase of tangible personal property by 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.

(h) The use, in this State, of a motor vehicle that was 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 shall be prima facie evidence that the motor vehicle will not be titled in this State.

(i) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-90.

(j) Beginning on January 1, 2002, the use of 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 subsection (j). The permit issued under this subsection (j) 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. (Source: P.A. 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff. 8-14-99; 92-16, eff. 6-28-01; 92-488, eff. 8-23-01; 92-680, eff. 7-16-02.)

(35 ILCS 105/3-60) (from Ch. 120, par. 439.3-60)

Sec. 3-60. Rolling stock exemption. Except as provided in Section 3-61 of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if the rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois. (Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 105/3-61)

Sec. 3-61. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (b) and (c) of Section 3-55 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (b) and (c) of Section 3-55 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal

property qualifies for the exemption but such trips shall be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 10. The Service Use Tax Act is amended by changing Sections 2, 3-45, 3-50, and 3-51 as follows:

(35 ILCS 110/2) (from Ch. 120, par. 439.32)

Sec. 2. "Use" means the exercise by any person of any right or power over tangible personal property incident to the ownership of that property, but does not include the sale or use for demonstration by him of that property in any form as tangible personal property in the regular course of business. "Use" does not mean the interim use of tangible personal property nor the physical incorporation of tangible personal property, as an ingredient or constituent, into other tangible personal property, (a) which is sold in the regular course of business or (b) which the person incorporating such ingredient or constituent therein has undertaken at the time of such purchase to cause to be transported in interstate commerce to destinations outside the State of Illinois.

"Purchased from a serviceman" means the acquisition of the ownership of, or title to, tangible personal property through a sale of service.

"Purchaser" means any person who, through a sale of service, acquires the ownership of, or title to, any tangible personal property.

"Cost price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him or her by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Selling price" means the consideration for a sale valued in money whether received in money or otherwise, including cash, credits and service, and shall be determined without any deduction on account of the serviceman's cost of the property sold, the cost of materials used, labor or service cost or any other expense whatsoever, but does not include interest or finance charges which appear as separate items on the bill of sale or sales contract nor charges that are added to prices by sellers on account of the seller's duty to collect, from the purchaser, the tax that is imposed by this Act.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of service" means any transaction except:

(1) a retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(2) a sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(3) except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body, or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which 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.

(4) a sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or by lessors under a lease of one year or longer, executed or in effect at the time of purchase of personal property, to interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by such interstate carriers for hire, 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.

(4a) a sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors, or shippers of tangible personal property which is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce so long as so used by interstate carriers for hire,

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.

(4a-5) on and after July 1, 2003, a sale or transfer of a motor vehicle of the second division with a gross vehicle weight in excess of 8,000 pounds as an incident to the rendering of service if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(5) a sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such 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 such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Use Tax or Service Occupation Tax, rather than Use Tax or Retailers' Occupation Tax.

(5a) the repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property to a destination outside Illinois, for use outside Illinois.

(5b) a sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(6) a sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is 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 such user and not subject to sale or resale.

(7) at the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35%, or 75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production, of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (5) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (5), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be

deemed to end until the completion of the final product in the last operation or stage of production in the series; and further, for purposes of exemption (5), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. 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 product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The user of such machinery and equipment and tools without an active resale registration number shall prepare a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit. The Department shall prescribe the form of the certificate.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (5) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (3) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

The purchase, employment and transfer of such tangible personal property as newsprint and ink for the primary purpose of conveying news (with or without other information) is not a purchase, use or sale of service or of tangible personal property within the meaning of this Act.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service.

"Serviceman maintaining a place of business in this State", or any like term, means and includes any serviceman:

1. having or maintaining within this State, directly or by a subsidiary, an office, distribution house, sales house, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the serviceman or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such serviceman or subsidiary is licensed to do business in this State;

2. soliciting orders for tangible personal property by means of a telecommunication or television shopping system (which utilizes toll free numbers) which is intended by the retailer to be broadcast by cable television or other means of broadcasting, to consumers located in this State;

3. pursuant to a contract with a broadcaster or publisher located in this State, soliciting orders for tangible personal property by means of advertising which is disseminated primarily to consumers located in this State and only secondarily to bordering jurisdictions;

4. soliciting orders for tangible personal property by mail if the solicitations are substantial and recurring and if the retailer benefits from any banking, financing, debt collection, telecommunication, or marketing activities occurring in this State or benefits from the location in this State of authorized installation, servicing, or repair facilities;

5. being owned or controlled by the same interests which own or control any retailer engaging in business in the same or similar line of business in this State;

6. having a franchisee or licensee operating under its trade name if the franchisee or licensee is

required to collect the tax under this Section;

7. pursuant to a contract with a cable television operator located in this State, soliciting orders for tangible personal property by means of advertising which is transmitted or distributed over a cable television system in this State; or

8. engaging in activities in Illinois, which activities in the state in which the supply business engaging in such activities is located would constitute maintaining a place of business in that state.

(Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01.)

(35 ILCS 110/3-45) (from Ch. 120, par. 439.33-45)

Sec. 3-45. Multistate exemption. To prevent actual or likely multistate taxation, the tax imposed by this Act does not apply to the use of tangible personal property in this State under the following circumstances:

(a) The use, in this State, of property acquired outside this State by a nonresident individual and brought into this State by the individual for his or her own use while temporarily within this State or while passing through this State.

(b) The use, in this State, of property that is acquired outside this State and that is moved into this State for use as rolling stock moving in interstate commerce.

(c) The use, in this State, of property that is acquired outside this State and caused to be brought into this State by a person who has already paid a tax in another state in respect to the sale, purchase, or use of that property, to the extent of the amount of the tax properly due and paid in the other state.

(d) The temporary storage, in this State, of property that is acquired outside this State and that after being brought into this State and stored here temporarily, is used solely outside this State or is physically attached to or incorporated into other property that is used solely outside this State, or is altered by converting, fabricating, manufacturing, printing, processing, or shaping, and, as altered, is used solely outside this State.

(e) Beginning July 1, 1999, the use, in this State, of fuel acquired outside this State and brought into this State in the fuel supply tanks of locomotives engaged in freight hauling and passenger service for interstate commerce. This subsection is exempt from the provisions of Section 3-75.

(f) Beginning on January 1, 2002, the use of 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 subsection (f). The permit issued under this subsection (f) 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. (Source: P.A. 91-51, eff. 6-30-99; 91-313, eff. 7-29-99; 91-587, eff. 8-14-99; 92-16, eff. 6-28-01; 92-488, eff. 8-23-01.)

(35 ILCS 110/3-50) (from Ch. 120, par. 439.33-50)

Sec. 3-50. Rolling stock exemption. Except as provided in Section 3-51 of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if the rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois. (Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 110/3-51)

Sec. 3-51. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsection (b) of Section 3-45 means for motor vehicles, as defined in Section 1-46 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (4) and (4a) of the definition of "sale of service" in Section 2 and subsection (b) of Section 3-45 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when

during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 15. The Service Occupation Tax Act is amended by changing Sections 2 and 2d as follows:

(35 ILCS 115/2) (from Ch. 120, par. 439.102)

Sec. 2. "Transfer" means any transfer of the title to property or of the ownership of property whether or not the transferor retains title as security for the payment of amounts due him from the transferee.

"Cost Price" means the consideration paid by the serviceman for a purchase valued in money, whether paid in money or otherwise, including cash, credits and services, and shall be determined without any deduction on account of the supplier's cost of the property sold or on account of any other expense incurred by the supplier. When a serviceman contracts out part or all of the services required in his sale of service, it shall be presumed that the cost price to the serviceman of the property transferred to him by his or her subcontractor is equal to 50% of the subcontractor's charges to the serviceman in the absence of proof of the consideration paid by the subcontractor for the purchase of such property.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation, limited liability company, and any receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Sale of Service" means any transaction except:

(a) A retail sale of tangible personal property taxable under the Retailers' Occupation Tax Act or under the Use Tax Act.

(b) A sale of tangible personal property for the purpose of resale made in compliance with Section 2c of the Retailers' Occupation Tax Act.

(c) Except as hereinafter provided, a sale or transfer of tangible personal property as an incident to the rendering of service for or by any governmental body or for or by any corporation, society, association, foundation or institution organized and operated exclusively for charitable, religious or educational purposes or any not-for-profit corporation, society, association, foundation, institution or organization which has no compensated officers or employees and which 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.

(d) A sale or transfer of tangible personal property as an incident to the rendering of service for interstate carriers for hire for use as rolling stock moving in interstate commerce or lessors under leases of one year or longer, executed or in effect at the time of purchase, to 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.

(d-1) A sale or transfer of tangible personal property as an incident to the rendering of service for owners, lessors or shippers of tangible personal property which 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.

(d-1.1) On and after July 1, 2003, a sale or transfer of a motor vehicle of the second division with a gross vehicle weight in excess of 8,000 pounds as an incident to the rendering of service if that motor vehicle is subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(d-2) The repairing, reconditioning or remodeling, for a common carrier by rail, of tangible personal property which belongs to such carrier for hire, and as to which such carrier receives the physical possession of the repaired, reconditioned or remodeled item of tangible personal property in Illinois, and which such carrier transports, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the person who repaired, reconditioned or remodeled the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-3) A sale or transfer of tangible personal property which is produced by the seller thereof on special order in such a way as to have made the applicable tax the Service Occupation Tax or the Service Use Tax, rather than the Retailers' Occupation Tax or the Use Tax, for an interstate carrier by rail which receives the physical possession of such property in Illinois, and which transports such property, or shares with another common carrier in the transportation of such property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of such property to a destination outside Illinois, for use outside Illinois.

(d-4) Until January 1, 1997, a sale, by a registered serviceman paying tax under this Act to the Department, of special order printed materials delivered outside Illinois and which are not returned to this State, if delivery is made by the seller or agent of the seller, including an agent who causes the product to be delivered outside Illinois by a common carrier or the U.S. postal service.

(e) A sale or transfer of machinery and equipment used primarily in the process of the manufacturing or assembling, either in an existing, an expanded or a new manufacturing facility, of tangible personal property for wholesale or retail sale or lease, whether such 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 such sale or lease is made apart from or as an incident to the seller's engaging in a service occupation and the applicable tax is a Service Occupation Tax or Service Use Tax, rather than Retailers' Occupation Tax or Use Tax.

(f) The sale or transfer of distillation machinery and equipment, sold as a unit or kit and assembled or installed by the retailer, which machinery and equipment is 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 such user and not subject to sale or resale.

(g) At the election of any serviceman not required to be otherwise registered as a retailer under Section 2a of the Retailers' Occupation Tax Act, made for each fiscal year sales of service in which the aggregate annual cost price of tangible personal property transferred as an incident to the sales of service is less than 35% (75% in the case of servicemen transferring prescription drugs or servicemen engaged in graphic arts production) of the aggregate annual total gross receipts from all sales of service. The purchase of such tangible personal property by the serviceman shall be subject to tax under the Retailers' Occupation Tax Act and the Use Tax Act. However, if a primary serviceman who has made the election described in this paragraph subcontracts service work to a secondary serviceman who has also made the election described in this paragraph, the primary serviceman does not incur a Use Tax liability if the secondary serviceman (i) has paid or will pay Use Tax on his or her cost price of any tangible personal property transferred to the primary serviceman and (ii) certifies that fact in writing to the primary serviceman.

Tangible personal property transferred incident to the completion of a maintenance agreement is exempt from the tax imposed pursuant to this Act.

Exemption (e) also includes machinery and equipment used in the general maintenance or repair of such exempt machinery and equipment or for in-house manufacture of exempt machinery and equipment. For the purposes of exemption (e), each of these terms shall have the following meanings: (1) "manufacturing process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by procedures commonly regarded as manufacturing, processing, fabricating, or refining which changes some existing material or materials into a material with a different form, use or name. In relation to a recognized integrated business composed of a series of operations which collectively constitute manufacturing, or individually constitute manufacturing operations, the manufacturing process shall be deemed to commence with the first operation or stage of production in the series, and shall not be deemed to end until the completion of the final product in the last operation or stage of production in the series; and further for purposes of exemption (e), photoprocessing is deemed to be a manufacturing process of tangible personal property for wholesale or retail sale; (2) "assembling process" shall mean the production of any article of tangible personal property, whether such article is a finished product or an article for use in the process of manufacturing or assembling a different article of tangible personal property, by the combination of existing materials in a manner commonly regarded as assembling which results in a material of a different form, use or name; (3) "machinery" shall mean major mechanical machines or major components of such machines contributing to a manufacturing or assembling process; and (4) "equipment" shall include any independent device or tool separate from any machinery but essential to an integrated manufacturing or assembly process; including computers used primarily in a manufacturer's ~~manufacuturer's~~ computer assisted design, computer assisted manufacturing (CAD/CAM) system; or any subunit or assembly comprising a component of any machinery or auxiliary, adjunct or

attachment parts of machinery, such as tools, dies, jigs, fixtures, patterns and molds; or any parts which require periodic replacement in the course of normal operation; but shall not include hand tools. 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 product being manufactured or assembled for wholesale or retail sale or lease. The purchaser of such machinery and equipment who has an active resale registration number shall furnish such number to the seller at the time of purchase. The purchaser of such machinery and equipment and tools without an active resale registration number shall furnish to the seller a certificate of exemption for each transaction stating facts establishing the exemption for that transaction, which certificate shall be available to the Department for inspection or audit.

Except as provided in Section 2d of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if such rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois.

Any informal rulings, opinions or letters issued by the Department in response to an inquiry or request for any opinion from any person regarding the coverage and applicability of exemption (e) to specific devices shall be published, maintained as a public record, and made available for public inspection and copying. If the informal ruling, opinion or letter contains trade secrets or other confidential information, where possible the Department shall delete such information prior to publication. Whenever such informal rulings, opinions, or letters contain any policy of general applicability, the Department shall formulate and adopt such policy as a rule in accordance with the provisions of the Illinois Administrative Procedure Act.

On and after July 1, 1987, no entity otherwise eligible under exemption (c) of this Section shall make tax free purchases unless it has an active exemption identification number issued by the Department.

"Serviceman" means any person who is engaged in the occupation of making sales of service.

"Sale at Retail" means "sale at retail" as defined in the Retailers' Occupation Tax Act.

"Supplier" means any person who makes sales of tangible personal property to servicemen for the purpose of resale as an incident to a sale of service. (Source: P.A. 91-51, eff. 6-30-99; 92-484, eff. 8-23-01; revised 11-22-02.)

(35 ILCS 115/2d)

Sec. 2d. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in subsections (d) and (d-1) of the definition of "sale of service" in Section 2 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (d) and (d-1) of the definition of "sale of service" in Section 2 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois will not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips will be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 20. The Retailers' Occupation Tax Act is amended by changing Sections 2-5, 2-50, and 2-51 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) Tangible 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.

(12-5) On and after July 1, 2003, motor vehicles of the second division with a gross vehicle weight in excess of 8,000 pounds that are subject to the commercial distribution fee imposed under Section 3-815.1 of the Illinois Vehicle Code. This exemption applies to repair and replacement parts added after the initial purchase of such a motor vehicle if that motor vehicle is used in a manner that would qualify for the rolling stock exemption otherwise provided for in this Act.

(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. (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.)

(35 ILCS 120/2-50) (from Ch. 120, par. 441-50)

Sec. 2-50. Rolling stock exemption. Except as provided in Section 2-51 of this Act, the rolling stock exemption applies to rolling stock used by an interstate carrier for hire, even just between points in Illinois, if the rolling stock transports, for hire, persons whose journeys or property whose shipments originate or terminate outside Illinois. (Source: P.A. 91-51, eff. 6-30-99.)

(35 ILCS 120/2-51)

Sec. 2-51. Motor vehicles; use as rolling stock definition. Through June 30, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 means for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, and trailers, as defined in Section 1-209 of the Illinois Vehicle Code, when on 15 or more occasions in a 12-month period the motor vehicle and trailer has carried persons or property for hire in interstate commerce, even just between points in Illinois, if the motor vehicle and trailer transports persons whose journeys or property whose shipments originate or terminate outside Illinois. This definition applies to all property purchased for the purpose of being attached to those motor vehicles or trailers as a part thereof. On and after July 1, 2003, "use as rolling stock moving in interstate commerce" in paragraphs (12) and (13) of Section 2-5 occurs for motor vehicles, as defined in Section 1-146 of the Illinois Vehicle Code, when during a 12-month period the rolling stock has carried persons or property for hire in interstate commerce for 51% of its total trips and transports persons whose journeys or property whose shipments originate or terminate outside Illinois. Trips that are only between points in Illinois shall not be counted as interstate trips when calculating whether the tangible personal property qualifies for the exemption but such trips shall be included in total trips taken. (Source: P.A. 91-587, eff. 8-14-99.)

Section 25. The Illinois Vehicle Code is amended by changing Sections 3-402.1 and 20-101 and by adding Section 3-815.1 as follows:

(625 ILCS 5/3-402.1) (from Ch. 95 1/2, par. 3-402.1)

Sec. 3-402.1. Proportional Registration. Any owner or rental owner engaged in operating a fleet of

apportionable vehicles in this state and one or more other states may, in lieu of registration of such vehicles under the general provisions of sections 3-402, 3-815, 3-815.1, and 3-819, register and license such fleet for operations in this state by filing an application statement, signed under penalties of perjury, with the Secretary of State which shall be in such form and contain such information as the Secretary of State shall require, declaring the total mileage operated in all states by such fleet, the total mileage operated in this state by such fleet during the preceding year, and describing and identifying each apportionable vehicle to be operated in this state during the ensuing year. If mileage data is not available for the preceding year, the Secretary of State may accept the latest 12-month period available. "Preceding year" means the period of 12 consecutive months immediately prior to July 1st of the year immediately preceding the registration or license year for which proportional registration is sought.

Such owner shall determine the proportion of in-state miles to total fleet miles. Such percentage figure shall be such owner's apportionment factor. In determining the total fee payment, such owner shall first compute the license fee or fees for each vehicle within the fleet which would otherwise be required, and then multiply the said amount by the Illinois apportionment factor adding the fees for each vehicle to arrive at a total amount for the fleet. Apportionable trailers and semitrailers will be registered in accordance with the provisions of Section 3-813 of this Code.

Upon receipt of the appropriate fees from such owner as computed under the provisions of this section, the Secretary of State shall, when this state is the base jurisdiction, issue to such owner number plates or other distinctive tags or such evidence of registration as the Secretary of State shall deem appropriate to identify each vehicle in the fleet as a part of a proportionally registered interstate fleet.

Vehicles registered under the provision of this section shall be considered fully licensed and properly registered in Illinois for any type of movement or operation. The proportional registration and licensing provisions of this section shall apply to vehicles added to fleets and operated in this state during the registration year, applying the same apportionment factor to such fees as would be payable for the remainder of the registration year.

Apportionment factors for apportionable vehicles not operated in this state during the preceding year shall be determined by the Secretary of State on the basis of a full statement of the proposed methods of operation and in conformity with an estimated mileage chart as calculated by the Secretary of State. An established fleet adding states at the time of renewal shall estimate mileage for the added states in conformity with a mileage chart developed by the Secretary of State. (Source: P.A. 90-89, eff. 1-1-98.)

(625 ILCS 5/3-815.1 new)

Sec. 3-815.1. Commercial distribution fee. Beginning July 1, 2003, in addition to any tax or fee imposed under this Code:

(a) vehicles of the second division with a gross vehicle weight that exceeds 8,000 pounds and that incur any tax or fee under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, and shall pay to the Secretary of State a commercial distribution fee, for each registration year, for the use of the public highways, State infrastructure, and State services, in an amount equal to 36% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code, or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar.

(b) vehicles of the second division with a gross vehicle weight of 8,000 pounds or less and that incur any tax or fee under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, and have claimed the rolling stock exemption under the Retailers' Occupation Tax Act, Use Tax Act, Service Occupation Tax Act, or Service Use Tax Act shall pay to the Illinois Department of Revenue (or the Secretary of State under an intergovernmental agreement) a commercial distribution fee, for each registration year, for the use of the public highways, State infrastructure, and State services, in an amount equal to 36% of the taxes and fees incurred under subsection (a) of Section 3-815 of this Code or subsection (a) of Section 3-818 of this Code, as applicable, rounded up to the nearest whole dollar.

The fees paid under this Section shall be deposited by the Secretary of State into the General Revenue Fund.

(625 ILCS 5/20-101) (from Ch. 95 1/2, par. 20-101)

Sec. 20-101. Moneys derived from registration, operation and use of automobiles and from fuel taxes - Use. From and after the effective date of this Act, except as provided in Section 3-815.1 of this Code, no public moneys derived from fees, excises or license taxes relating to registration, operation and use of vehicles on public highways or to fuels used for the propulsion of such vehicles, shall be appropriated or expended other than for costs of administering the laws imposing such fees, excises and license taxes, statutory refunds and adjustments allowed thereunder, administrative costs of the Department of Transportation, payment of debts and liabilities incurred in construction and reconstruction of public

highways and bridges, acquisition of rights-of-way for, and the cost of construction, reconstruction, maintenance, repair and operation of public highways and bridges under the direction and supervision of the State, political subdivision or municipality collecting such moneys, and the costs for patrolling and policing the public highways (by the State, political subdivision or municipality collecting such money) for enforcement of traffic laws; provided, that such moneys may be used for the retirement of and interest on bonds heretofore issued for purposes other than the construction of public highways or bridges but not to a greater extent, nor a greater length of time, than is provided in acts heretofore adopted and now in force. Further the separation of grades of such highways with railroads and costs associated with protection of at-grade highway and railroad crossings shall 1lso be permissible. (Source: P.A. 81-2nd S.S.-3.)

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

Representative Hoffman requests a roll call on Floor Amendment No. 1

And on that motion, a vote was taken resulting as follows:

57, Yeas; 54, Nays; 3, Answering Present.

(ROLL CALL 49)

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 1 was adopted and the bill, as amended, was advanced to the order of Third Reading.

AGREED RESOLUTIONS

HOUSE RESOLUTIONS 363, 366, 367, 368, 369, 371, 372, 373, 375, 376, 377, 379, 380, 381, 382, 383, 384, 385, 388 and 378 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the Agreed Resolutions were adopted.

HOUSE BILL ON SECOND READING

HOUSE BILL 422. Having been recalled on May 15, 2003, and held on the order of Second Reading, the same was again taken up.

Floor Amendment No. 1 remained in the Committee on Local Government.

Floor Amendment No. 2 remained in the Committee on Rules.

Representative May offered the following amendments and moved their adoption.

AMENDMENT NO. 3

AMENDMENT NO. 3____. Amend House Bill 422 by replacing the title with the following:

"AN ACT concerning wetlands."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Wetlands Protection Act.

Section 5. Scope. This Act does not apply to property within a municipality with a population greater than 500,000, nor to property within the incorporated or unincorporated area of a county with a population greater than 3,000,000.

Section 10. Definitions. For the purposes of this Act:

(a) "ADID" means those aquatic sites identified by the United States Environmental Protection Agency and the United States Army Corps of Engineers as areas generally unsuitable for disposal of dredged or fill material in accordance with 40 C.F.R. Part 230.80.

(b) "Affected property" means any property upon which a regulated activity is conducted.

(c) "Agency" means the Illinois Environmental Protection Agency.

(d) "Agricultural land" means land that is currently used for normal farming or ranching activities.

(e) "Avoidance" means any action taken in a manner such that a regulated activity will not occur.

(f) "Bog" means a peat-accumulating wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum, resulting in highly acidic conditions.

(g) "Commencing such a regulated activity" means any steps taken in preparation of conducting a regulated activity that may impact the affected property, such as cutting, filling, pumping of water, and earth movement.

(h) "Committee" means the Wetlands Advisory Committee.

(i) "Contiguous wetland" means a wetland that is delineated on the affected property and extends beyond the boundary of that property.

(j) "Converted wetland" means a wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including the removal of woody vegetation or any activity that results in impairing or reducing the flow and circulation of water) for the purpose of or with the effect of making possible the production of an agricultural commodity without further application of the manipulations described herein if: (i) such production would not have been possible but for such action, and (ii) before such action such land was wetland, farmed wetland, or farmed-wetland pasture and was neither highly erodible land nor highly erodible cropland.

(k) "Corps of Engineers" or "COE" means the United States Army Corps of Engineers.

(l) "Cypress swamp" means forested, permanent or semi-permanent bodies of water, with species assemblages characteristic of the Gulf and Southeastern Coastal Plains, including bald cypress, which are restricted to extreme southern Illinois.

(m) "Department" means the Illinois Department of Natural Resources.

(n) "Director" means the Director of Natural Resources.

(o) "Fen" means a wetland fed by an alkaline water source such as a calcareous spring or seep.

(p) "Floristic quality index" means an index calculated using the Floristic Quality Assessment Method of assessing floristic integrity (or quality) by summing the numerical quality ratings of all plant species present then dividing the total by the number of native species present (mean coefficient of conservatism) or by the square root of the number of native species (floristic quality index). (Taft, J.B., G.S. Wilhelm, D.M. Ladd, and L.A. Masters. 1997. Floristic quality assessment for vegetation in Illinois, a method for assessing vegetation integrity. Erigenia 15: 3-95.)

(q) "Incidentally created" means created as a result of any normal or routine activity coincidental with the conduct of legitimate business enterprises, except that a wetland or depression created as mitigation for any activity affecting wetlands is not "incidentally created."

(r) "Incidental fallback" means the redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the State when such material falls back to substantially the same place as the initial removal.

(s) "Isolated wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that are not regulated under the federal Clean Water Act.

(t) "Panne" means wet interdunal flats located near Lake Michigan.

(u) "Person" means an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or other legal entity, or its legal representative, agent, or assigns.

(v) "Prior converted cropland" means a converted wetland where the conversion occurred prior to December 23, 1985, an agricultural commodity has been produced at least once before December 23, 1985, and as of December 23, 1985, the converted wetland did not support woody vegetation and met the following hydrologic criteria: (i) inundation was less than 15 consecutive days during the growing season or 10% of the growing season, whichever is less, in most years (50% chance or more); and (ii) if a pothole, ponding was less than 7 consecutive days during the growing season in most years (50% chance or more) and saturation was less than 14 consecutive days during the growing season most years (50% chance or more).

(w) "Regulated activity" means the discharge of dredged or fill material into a wetland, the drainage of a wetland, or excavation of a wetland that results in more than incidental fallback.

(x) "Threatened or endangered species" means those species that have been designated as threatened or endangered by the Illinois Endangered Species Protection Board pursuant to the Illinois Endangered Species Protection Act and those species that have been designated as threatened or endangered by the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act.

(y) "Upland" means non-wetland, when used to describe a particular land use, or non-hydric, when used

to describe a soil type.

(z) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 20. Exemptions.

(a) As long as they do not have as their purpose bringing a wetland into a use to which it was not previously subject, the following are not prohibited by or otherwise subject to regulation under this Act:

(1) Normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices.

(2) Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.

(3) Construction or maintenance of farm or stock ponds or irrigation canals or ditches, or the maintenance of drainage ditches.

(4) Construction of temporary sedimentation basins on a construction site that does not include any regulated activities within a wetland.

(5) Construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired, that the reach of the wetland is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized.

(6) Except for Class IA and Class IB wetlands, activities for the placement of pilings for linear projects, such as bridges, elevated walkways, and power line structures in accordance with best management practices, to assure that the flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired, that the reach of the wetland is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized.

(7) Installation and maintenance of signs, lighting, and fences and the mowing of vegetation within existing maintained rights-of-way.

(8) Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings.

(9) Construction projects that have obtained any necessary building permits from applicable local jurisdictions prior to the effective date of this Act.

(10) Application of media, including deicing media, on the surface of existing roads for purposes of public safety.

(11) Non-surface disturbing surveys and investigations for construction, planning, maintenance, or location of environmental resources.

(12) Wetland management practices on lands that are used primarily for the management of waterfowl, other migratory water birds, or furbearers if such practices took place on these lands prior to the effective date of this Act. This includes vegetation management that may include the use of fire, chemical, or mechanical (hydro-axe, bulldozer, rome disk, or similar equipment) removal of invading woody or herbaceous vegetation to maintain a preferred successional stage. Use of chemicals must be by a certified applicator and chemicals must be registered for appropriate use. Clearing or removal of woody vegetation shall be limited to 4-inch dbh (diameter at breast height) or smaller material for the purpose of establishing or maintaining the successional stage of a wetland as an herbaceous wetland vegetated by native moist soil plants or selected wildlife food plants.

(b) Any exemption authorized by and pertaining to wetlands that are subject to regulation under the federal Clean Water Act, or regulations promulgated thereunder, shall also be an exemption for the purpose of this Act.

(c) The following are not isolated wetlands for purposes of this Act:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to comply with water quality standards of the State or to remediate a site in accordance with an approved Agency program, and former waste treatment systems that have ceased operation less than 33 years prior to commencement of the proposed activity or which are undergoing remediation in accordance with an approved Agency program.

(2) A drainage or irrigation ditch.

(3) An artificially irrigated area that would revert to upland if the irrigation ceased.

(4) An artificial lake or pond created by excavating or diking upland to collect and retain water for

the primary purpose of stock watering, irrigation, wildlife, fire control, ornamentation or landscaping, or as a settling pond.

(5) Except for isolated wetlands created pursuant to mining activities regulated in accordance with item (7) below, an incidentally created water-filled depression, unless: (i) ownership of the property containing the depression has been transferred away from the party who incidentally created the water-filled depression, (ii) that ownership transfer occurred more than 12 months prior to the commencement of an otherwise regulated activity, (iii) the use of the property has changed from the use that existed when the property was transferred from the party who incidentally created the water-filled depression, and (iv) the resulting body of water meets the definition in this Act of an isolated wetland; or if the ownership of the property has not been transferred from the party who created the incidentally created water-filled depression, the depression was not created more than 33 years before the date the application is received by the Department.

(6) Stormwater or spill management systems, including retention and detention basins, ditches and channels, and former stormwater or spill management systems that have ceased operation less than 33 years prior to commencement of the proposed activity or which are undergoing remediation in accordance with an approved Agency program.

(7) Waters that undergo mining activities conducted pursuant to a federal, State, regional, or local permit that requires the reclamation of the affected wetlands if the reclamation will be completed within a reasonable period of time after completion of activities at the site and, upon completion of such reclamation, the wetlands will support functions generally equivalent to the functions supported by the wetlands at the time of commencement of such activities.

(8) Prior converted cropland.

Section 25. Applicability. Until June 30, 2007, the requirements of this Act apply to all isolated wetlands as that term is defined in this Act. In the event that an isolated wetland ceases to meet that definition because it becomes subject to regulation under the federal Clean Water Act, such wetland shall no longer be subject to the provisions of this Act.

Beginning July 1, 2007, the requirements of this Act apply to all wetlands as that term is defined in this Act, unless a COE permit is required; provided, however, that if an exemption under Section 20 applies, that exemption shall continue in effect after July 1, 2007.

The Department on behalf of the State of Illinois may enter into written delegation agreements with the Corps of Engineers under which it may assume all or portions of COE authority under the federal Clean Water Act. Such delegation agreements shall provide, at a minimum, that all delineation, classification, notification, and permitting requirements shall be at least as stringent as those contained in this Act.

Section 30. Wetlands delineation, classification, notification, permits. The requirements of this Section apply upon the adoption of rules under Sections 45(c) and 60 of this Act, or 270 days from the effective date of this Act, whichever occurs first.

(a) The procedures and regulatory criteria for the delineation, classification, notification, and permitting for wetlands shall be conducted in accordance with the provisions of this Section.

(b) Any person who intends to conduct a regulated activity within the State may request a determination from the Department as to the existence, location, and surface area of any wetlands on or contiguous to the affected property. Nothing in this Section shall require the person to seek such a determination; however, failure to seek and obtain a determination shall not be a defense against a violation of this Act.

The person seeking a determination shall provide the Department with sufficient information to render such a determination. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1. Delineation of the portion of a contiguous wetland not on the affected property shall be made to the extent reasonably possible, and methods other than physical onsite evaluations shall be considered by the Department.

The Department shall provide notice to the applicant as to whether a submitted application is complete. Unless the Department notifies the applicant that the application is incomplete within 15 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination.

The Department shall, upon receipt of a complete determination request, provide the person, within 30 days, with a determination as to the existence, location, and surface area of wetlands located on or contiguous to the affected property.

If the Department determines that there are no wetlands on the affected property, any otherwise regulated activity conducted on the property shall not be subject to the provisions of this Act.

If the Department determines that there is one or more wetlands on or contiguous to the affected

property, the person may apply to the Department for classification of such wetlands.

Any determination of a wetland by the Department is a final decision for purposes of appeal.

(c) If any person intends to conduct a regulated activity, such person may, prior to commencing such a regulated activity, request that the wetland be classified as Class IA, IB, II, or III in accordance with the provisions of this Section. Nothing in this Section shall require the person to seek such a classification; however, any wetlands not so classified shall be considered Class IA for the purposes of this Act.

The person seeking a classification shall provide the Department with sufficient information to render such a classification. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1.

Unless the Department notifies the applicant that the application is incomplete within 15 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination. The Department shall, upon receipt of a complete classification request, provide the person, within 30 days, with a classification of wetlands located on or contiguous to the affected property. If the Department fails to provide the person with a classification within 30 days, the classification requested by the person shall be deemed granted.

Wetlands shall be classified as follows:

(1) The Department shall classify a wetland as a Class IA Wetland if and only if:

(A) the wetland is or encompasses a bog;

(B) the wetland is or encompasses a fen;

(C) the wetland is or encompasses a panne;

(D) the wetland is or encompasses a cypress swamp;

(E) the wetland is or encompasses a Category I Illinois Natural Areas Inventory Site, provided that the Department shall disclose within 5 working days of a request from an applicant, a prospective applicant, or a qualified professional on behalf of an applicant or a prospective applicant whether a site identified by latitude and longitude includes a Category I Illinois Natural Areas Inventory Site; or

(F) a threatened or endangered species has been identified in the wetland.

(2) The Department shall classify a wetland as a Class IB Wetland if and only if the wetland:

(A) is or encompasses an ADID site;

(B) is or encompasses a Category VI Illinois Natural Area Inventory Site or regional equivalent; provided that the Department shall disclose within 5 working days of a request from an applicant, a prospective applicant, or a qualified professional on behalf of an applicant or a prospective applicant whether a site identified by latitude and longitude includes a Category VI Illinois Natural Areas Inventory Site; or

(C) has a Floristic Quality Index (FQI) which is equal to or greater than 20 or a mean coefficient of conservatism (Mean C) equal to or greater than 3.5, determined in accordance with rules adopted by the Department.

(3) The Department shall classify a wetland as a Class II Wetland if and only if the wetland is not a Class I-A, Class I-B, or Class III wetland.

(4) The Department shall classify a wetland as a Class III Wetland if and only if:

(A) the wetland is not a Class IA or Class IB wetland; and

(B) the total size of the wetland, including contiguous areas, is

(i) less than 0.25 acre, or

(ii) less than 0.5 acre if the wetland is in a county that does not have authority to establish a stormwater management program under Section 5-1062 of the Counties Code and the wetland is in agricultural land.

(d) Subject to the provisions of Section 40 regarding general permits, no person may conduct or cause to be conducted a regulated activity within or affecting a wetland in such a manner that the biological or hydrological integrity of the wetland is impaired within the scope of this Act, except in accordance with the terms of an individual permit issued by the Department or authorization to proceed as applicable under this Section.

(1) Class IA Wetlands:

(A) A permit to conduct a regulated activity affecting a Class IA wetland within the scope of this Act shall be granted if documentation is submitted that demonstrates that complete avoidance of impacts to the Class IA wetland precludes all economic use of the entire parcel and that no practicable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the

Department shall make a determination as to whether the proposed modification represents the least amount of wetland impact required to restore an economic use to the upland portion of the parcel.

Wetland losses shall be mitigated at a ratio of 4.5:1 and shall be mitigated in kind and within the same watershed as the impacted area restoring, to the maximum degree practicable as determined by the Department, both the type and functions of the wetland that will be affected by the regulatory activity.

The Director, for good cause shown and on a case-by-case basis, may authorize an upward or downward departure from the mitigation ratio otherwise required under this subdivision (d)(1), but for a Class IA wetland the Director shall require a mitigation ration of at least 4:1 and shall not require a mitigation ratio greater than 5:1.

(B) No permit under this subdivision (d)(1) may be issued by the Department without a public notice and a public hearing.

(2) Class IB Wetlands:

(A) A permit to conduct a regulated activity affecting a Class IB wetland within the scope of this Act shall be granted if documentation is submitted that demonstrates that no practicable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification constitutes the least amount of wetland impact practicable and whether a permit should be granted.

Wetland losses shall be mitigated at a ratio of 3:1 and shall be mitigated in kind and within the same watershed as the impacted area, restoring both the type and functions of the wetlands that will be affected by the regulated activity.

The Director, for good cause shown and on a case-by-case basis, may authorize an upward or downward departure from the mitigation ratio otherwise required under this subdivision (d)(2), but for a Class IB wetland the Director shall require a mitigation ration of at least 2.5:1 and shall not require a mitigation ratio greater than 3.5:1.

(B) No permit under this subdivision (d)(2) may be issued by the Department without a public notice and opportunity for public hearing being afforded. The Department shall hold a public hearing concerning a permit application if the proposed activity may have a significant impact upon wetland resources or if the Department determines that a public hearing is otherwise appropriate.

(3) Class II Wetlands:

(A) A permit to conduct a regulated activity affecting a Class II wetland within the scope of this Act shall be granted if documentation is submitted demonstrating that no reasonable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification constitutes the least amount of wetland impact practicable and whether a permit should be granted.

Wetland losses shall be mitigated at a ratio of 1.5:1 and shall be mitigated in kind and within the same watershed as the impacted area, restoring both the type and functions of the wetland that will be affected by the regulated activity.

(B) No permit under this subdivision (d)(3) may be issued by the Department without a public notice and opportunity for public hearing being afforded. The Department shall hold a public hearing concerning a permit application if the proposed activity may have a significant impact upon wetland resources or if the Department determines that a public hearing is otherwise appropriate.

(4) Class III Wetlands:

(A) No regulated activity covered under this Act that will impact an area that has been classified as a Class III wetland may be undertaken without prior notification to the Department.

(B) Such notification shall include (1) a sketch that reasonably depicts the area that will be affected by the regulated activity, including wetland and water boundaries for the areas affected and the existing land uses and structures; (2) a description of the proposed activity, including its purpose; (3) a description of any public benefit to be derived from the proposed project; and (4) the names and addresses of adjacent landowners as determined by the current tax assessment rolls.

(C) Upon receipt of a notification of intent, the Department shall verify that the regulated activity will affect a wetland that it previously classified as Class III.

If the Department so verifies, the Department shall send the person, within 30 days of the receipt of such notification, a response stating that the regulated activity may proceed.

If the Department cannot so verify, the Department shall send the person, within 30 days of the

receipt of such notification, a response stating that no classification has been made by the Department, or that a Classification of IA, IB, or II was made and that the regulated activity may not proceed until either a classification is made pursuant to this Section, or a permit is obtained, as applicable.

Failure of the Department to respond to a notification shall be deemed an authorization to proceed.

(D) No permit shall be required for a regulated activity covered under this Act that will impact an area that has been classified as a Class III wetland.

(e) Within 15 days of the receipt of a permit application, the Department shall determine if an application is complete. To be deemed complete, an application must provide all information, as requested in Department application forms, sufficient to evaluate the application. Such information shall include, at a minimum: (1) a map of the area that will be affected by the activity, including wetland and water boundaries for the areas affected and the existing uses and structures. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1; (2) a description of the proposed activity, including its purpose, the location and dimensions of any structures, grading or fills, drainage, roads, sewers and water supply, parking lots, stormwater facilities, discharge of pollutants, and onsite waste disposal; (3) a description of any public benefit to be derived from the proposed project; and (4) the names and addresses of adjacent landowners as determined by the current tax assessment rolls. The Department application forms shall be finalized and made available prior to the date on which any application is required. The Department shall provide notice to the applicant as to whether a submitted application is complete. Unless the Department notifies the applicant that the application is incomplete within 20 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination. The Department may, to the extent practicable, provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness. Within 90 days from the receipt of a complete application for permit, the Department shall either issue or deny the permit or issue it with conditions. If a public hearing is held on the application, however, this period shall be extended by 45 days.

(f) The Department shall not issue a permit pursuant to this Section unless the Agency has certified that the proposed activity will not cause or contribute to a violation of any State water quality standard. The Agency will be deemed to have certified that the proposed activity will not cause or contribute to a violation of any State water quality standard if it has not declined in writing to so certify within 80 days of the filing of the application unless the Agency has requested that the applicant supply more information relevant to assessing the water quality impacts of the proposed activity. If a public hearing is held on the application, however, this period shall be extended by 45 days.

(g) A person may submit concurrent requests for (i) determination and delineation, (ii) classification, and (iii) issuance of a permit or notification. The Department shall act on such combined requests concurrently in accordance with expedited permitting procedures adopted by the Department.

(h) Any person may submit an application for an after-the-fact permit to be issued under this Act, and the Department is authorized to issue such an after-the-fact permit if it determines that the activities covered by the after-the-fact permit application were undertaken and conducted in response to emergency circumstances where there may be an imminent threat to persons, public infrastructure, personal property, or uninterrupted utility service that made it impracticable for the applicant to obtain prior authorization under this Act to undertake and conduct such activities. The applicant shall be required to demonstrate that it provided notice to the Department of the emergency circumstances as soon as reasonably possible following the discovery of such circumstances.

(i) The Department shall adopt rules to carry out the provisions of this Section in accordance with Section 45 of this Act.

Section 35. Surety. The Department may provide by rule for any requirements regarding bonds or letters of credit in favor of the State, including conditions sufficient to secure compliance with conditions and limitations of a permit.

Section 40. General permits.

(a) Notwithstanding Section 30, any person who intends to conduct a regulated activity within the State may do so in accordance with a general permit issued by the Department under this Section.

(b) Permits for all categories of activities, subject to the same permit limitations and conditions, that are the subject of a nationwide permit issued by the Corps of Engineers in effect on the date of the enactment of this Act, are adopted as general permits covering regulated activities subject to this Act.

(c) The Department may adopt general permits covering other activities that would be subject to the same permit limitations and conditions, if it determines that the activities in such category will cause only minimal adverse environmental effects when performed separately, will have only minimal cumulative adverse effect on the environment, will not cause or contribute to a violation of State water quality standards when performed separately, and will have only a minimal cumulative adverse effect on water quality. The Department may prescribe best management practices for any general permit issued under this Section. The Department shall consider any optional mitigation proposed by an applicant in determining whether the net adverse environmental effects of a proposed regulated activity are minimal.

Specifically, the Department must adopt general permits for each of the following:

(1) The construction or maintenance of access roads for utility lines, substations or related equipment or facilities.

(2) Activities for the purpose of preserving and enhancing aviation safety or to prevent an airport hazard.

(d) No general permit adopted under this Section shall be for a period of more than 5 years after the date of its issuance. A general permit may be revoked or modified by the Department if, after opportunity for public hearing, the Department determines that the activities authorized by the general permit have an adverse impact on the environment, cause or contribute to a violation of State water quality standards, or are more appropriately authorized by individual permits.

(e) Compliance with the terms of a general permit shall be deemed compliance with the provisions of this Act if the applicant (i) files a notice of intent to be covered under the provisions of the general permit in accordance with regulations adopted pursuant to this Act and (ii) files any reports required by the general permit.

(f) The Department shall respond to a notice of intent to proceed under a general permit issued under this Section within 30 days after the Department receives the notice. In the event that the Department fails to respond to a notice of intent to proceed within 30 days as required by this subsection (f), the person submitting the notice shall be deemed fully authorized to conduct the activities described in the notice under the terms and conditions of the applicable general permit.

Section 45. Wetlands Advisory Committee; duties; rules

(a) There is hereby established a Wetlands Advisory Committee, which shall consist of 17 members appointed by the Governor and 2 non-voting members.

The Committee shall include 7 members selected from among the following organizations:

(1) The Illinois State Chamber of Commerce.
(2) The Illinois Association of Realtors.
(3) The Chemical Industry Council of Illinois.
(4) The Consulting Engineers Council of Illinois.
(5) The Illinois Association of Aggregate Producers.
(6) The Illinois Association of Home Builders.
(7) The Illinois Energy Association.
(8) The Illinois Manufacturers Association.
(9) The National Solid Waste Management Association.
(10) The Illinois Farm Bureau.

The Committee shall include 5 members selected from the membership of environmental and conservation groups in the State.

The Committee shall include 2 members representing counties exercising authority under Section 5-1062 or 5-1062.1 of the Counties Code to establish stormwater management programs.

The Committee shall include 3 other members as determined by the Governor.

The Director of Natural Resources, or his or her designee, and the Director of the Illinois Environmental Protection Agency, or his or her designee, shall be non-voting members of the Committee.

The Committee shall biannually elect from its membership a Chair, who shall not be an employee of the Illinois Environmental Protection Agency or the Illinois Department of Natural Resources.

Members of the Advisory Committee may organize themselves as they deem necessary and shall serve without compensation.

The Department shall provide reasonable and necessary staff support to the Committee.

(b) Within 120 days after the effective date of this Act, the Committee shall recommend rules to the Department. From time to time the Committee shall review, evaluate, and make recommendations (i) regarding State laws, rules, and procedures that relate to this Act and (ii) relating to the State's efforts to implement this Act.

(c) Within 6 months after the effective date of this Act, the Department, after consideration of the recommendations of the Committee (or if the Committee for any reason has not made recommendations, the Department itself), shall adopt any rules required by this Act prescribing procedures and standards for its administration. Nothing in this Act shall preclude, at any time, the recommendation, proposal, or adoption of any other rules deemed necessary for the orderly implementation of this Act.

(d) The Committee shall develop a plan for statewide wetlands protection and shall submit such plan to the Department. The Department may seek to obtain a delegation of COE authority under Section 404 of the federal Clean Water Act for all wetlands in Illinois on or before July 1, 2007 in accordance with Section 25 of this Act.

(e) The Committee shall assist counties having stormwater management authority under Section 5-1062 or 5-1062.1 of the Counties Code in coordinating and unifying stormwater management regulations adopted thereto, as required in Section 65(f) of this Act.

Section 50. Appeal of final Department decision; judicial review.

(a) Any permit applicant who has been denied a permit in whole or in part, and any person who participated in the permit proceeding and who is aggrieved by a decision of the Department to grant a permit in whole or in part, may appeal the decision to the Director within 35 days of the permit grant or denial. However, the 35-day period for appealing to the Director may be extended by the applicant for a period of time not to exceed 90 days by written notice provided to the Director. In all such appeals, the burden of persuasion shall be on the party appealing the Department's decision.

(b) A person aggrieved by a final decision made pursuant to this Act may seek judicial review of the decision pursuant to the Administrative Review Law.

Section 55. Investigation; enforcement.

(a) In accordance with constitutional limitations, the Department shall have authority to enter at all reasonable times upon any private or public property for the purpose of inspecting and investigating to ascertain possible violations of this Act or of rules adopted hereunder, or of permits or terms or conditions thereof.

(b) The civil penalties provided for in this Section may be recovered in a civil action which may be instituted in a court of competent jurisdiction. The State's Attorney of the county in which the alleged violation occurred, or the Attorney General, may, at the request of the Department or on his or her own motion, institute a civil action in a court of competent jurisdiction to recover civil penalties and to obtain an injunction to restrain violations of the Act.

(c) Any person who violates any provision of this Act or any rule adopted hereunder, or any permit or term or condition thereof, shall be liable for a civil penalty of not to exceed $10,000 per day of violation; such penalties may be made payable to the Wetlands Protection Fund and shall be deposited into that Fund as provided in subsection (j). In determining the appropriate civil penalty to be imposed under this Section, the Court is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) The duration and gravity of the violation.

(2) The presence or absence of due diligence on the part of the violator in attempting to comply with requirements of this Act and rules adopted hereunder or to secure relief therefrom as provided by this Act.

(3) Any economic benefits accrued by the violator through the violation.

(4) The amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to this Act.

(5) The number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

(d) Any violation of any provision of this Act or any rule adopted hereunder, or any permit or term or condition thereof, shall not be deemed a criminal offense.

(e) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(f) The Department may terminate a permit if the holder substantially violates any condition of the permit, obtains a permit by misrepresentation, or fails to disclose relevant facts.

(g) The Attorney General, or the State's Attorney of the county where the affected wetland is located,

may, upon his or her own motion or upon request of the Department, institute a civil action in circuit court for an injunction or other appropriate legal action to restrain a violation of this Act or of any rule adopted under this Act. In the proceeding the court shall determine whether a violation has been committed or is likely to occur, and shall enter any order it considers necessary to remove the effects of the violation and to prevent the violation from occurring, continuing, or being renewed in the future. An order may include a requirement that the violator restore the affected wetland area, including a provision that, if the violator does not comply by restoring the wetland within a reasonable time, the Department may restore the wetland to its condition prior to the violation and the violator shall be liable to the Department for the cost of restoration.

(h) Any penalty assessed pursuant to this Act, including costs of wetland restoration and any restoration requirement, shall be recorded by the clerk of the court as a lien against the land and shall not be removed until the penalty is paid or the restoration is completed.

(i) All costs, fees, and expenses in connection with an enforcement or restoration action shall be assessed as damages against the violator.

(j) All penalties collected under this Section shall be deposited into the Wetlands Protection Fund.

(k) Enforcement actions under this Section may be concurrent or separate.

Section 60. Fees.

(a) Within 90 days after the effective date of this Act the Department shall propose to the Illinois Pollution Control Board, and within 6 months of receiving that proposal the Board shall adopt by rule:

(1) a minimal processing fee for notification regarding Class III Wetlands and for processing a notice of intent to proceed under a general permit; and

(2) a schedule of permit fees for single regulated activities in Class IA, Class IB, and Class II wetlands.

(b) These fees shall be set at levels that allow the wetlands program to operate financially on a self-sustaining basis. The Department shall annually review the fees to determine whether the wetlands program is operating financially on a self-sustaining basis, and it may propose any necessary changes in the fees to the Illinois Pollution Control Board.

Section 65. County authority.

(a) Nothing in this Act preempts or denies the right of any governmental body with a stormwater management program under Section 5-1062 of the Counties Code to control or regulate activities in any wetlands within the jurisdiction of the governmental body, subject to subsection (b).

(b) Upon the request of a governmental body with a stormwater management program under Section 5-1062 of the Counties Code, the Director shall, within 30 calendar days of receiving the request, provide a letter recognizing whether the governmental body's stormwater management program:

(1) provides wetlands protection consistent with the intent of this Act; and

(2) has an administration and qualified staff to implement the governmental body's stormwater management program.

(c) Activities within or affecting wetlands that occur within the jurisdiction of the governmental body with a stormwater management program under Section 5-1062 of the Counties Code that meets the provisions of subdivisions (b)(1) and (b)(2) of this Section are exempt from the requirements of this Act, but must meet those county stormwater management requirements, at a minimum. This exemption also applies during the period that the Department is considering a county's request under subsection (b). Until a request has been submitted under subsection (b), the requirements of this Act shall apply.

(d) The Director may rescind recognition status in the event that the governmental body with a stormwater management program under Section 5-1062 of the Counties Code no longer meets the provisions of subdivisions (b)(1) and (b)(2) of this Section.

(e) A governmental body with a stormwater management program under Section 5-1062 of the Counties Code that has obtained recognition by the Director under subsection (b) of this Section shall submit an annual report to the Director.

(f) Counties having authority under Section 5-1062 of the Counties Code to adopt a stormwater management program shall seek with the assistance of the Northeastern Illinois Planning Commission to coordinate and unify regulations adopted pursuant thereto.

(g) Nothing in this Act shall be construed as a limitation or preemption of any home rule power.

Section 70. Wetlands Protection Fund. All fees and penalties collected by the Department pursuant to this Act shall be deposited into the Wetlands Protection Fund, which is hereby created as a special fund in the State Treasury. In addition to any moneys that may be appropriated from the General Revenue Fund, the Illinois General Assembly shall appropriate moneys in the Wetlands Protection Fund to the Department

in amounts deemed necessary to implement this Act.

Section 95. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Wetlands Protection Fund. Section 97. 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.".

AMENDMENT NO. 4

AMENDMENT NO. 4____. Amend House Bill 422 by replacing the title with the following:

"AN ACT concerning wetlands."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Wetlands Protection Act.

Section 5. Scope. This Act does not apply to property within a municipality with a population greater than 500,000, nor to property within the incorporated or unincorporated area of a county with a population greater than 3,000,000.

Section 10. Definitions. For the purposes of this Act:

(a) "ADID" means those aquatic sites identified by the United States Environmental Protection Agency and the United States Army Corps of Engineers as areas generally unsuitable for disposal of dredged or fill material in accordance with 40 C.F.R. Part 230.80.

(b) "Affected property" means any property upon which a regulated activity is conducted.

(c) "Agency" means the Illinois Environmental Protection Agency.

(d) "Agricultural land" means land that is currently used for normal farming or ranching activities.

(e) "Avoidance" means any action taken in a manner such that a regulated activity will not occur.

(f) "Bog" means a peat-accumulating wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum, resulting in highly acidic conditions.

(g) "Commencing such a regulated activity" means any steps taken in preparation of conducting a regulated activity that may impact the affected property, such as cutting, filling, pumping of water, and earth movement.

(h) "Committee" means the Wetlands Advisory Committee.

(i) "Contiguous wetland" means a wetland that is delineated on the affected property and extends beyond the boundary of that property.

(j) "Converted wetland" means a wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including the removal of woody vegetation or any activity that results in impairing or reducing the flow and circulation of water) for the purpose of or with the effect of making possible the production of an agricultural commodity without further application of the manipulations described herein if: (i) such production would not have been possible but for such action, and (ii) before such action such land was wetland, farmed wetland, or farmed-wetland pasture and was neither highly erodible land nor highly erodible cropland.

(k) "Corps of Engineers" or "COE" means the United States Army Corps of Engineers.

(l) "Cypress swamp" means forested, permanent or semi-permanent bodies of water, with species assemblages characteristic of the Gulf and Southeastern Coastal Plains, including bald cypress, which are restricted to extreme southern Illinois.

(m) "Department" means the Illinois Department of Natural Resources.

(n) "Director" means the Director of Natural Resources.

(o) "Fen" means a wetland fed by an alkaline water source such as a calcareous spring or seep.

(p) "Floristic quality index" means an index calculated using the Floristic Quality Assessment Method of assessing floristic integrity (or quality) by summing the numerical quality ratings of all plant species present then dividing the total by the number of native species present (mean coefficient of conservatism) or by the square root of the number of native species (floristic quality index). (Taft, J.B., G.S. Wilhelm, D.M. Ladd, and L.A. Masters. 1997. Floristic quality assessment for vegetation in Illinois, a method for assessing vegetation integrity. Erigenia 15: 3-95.)

(q) "Incidentally created" means created as a result of any normal or routine activity coincidental with the conduct of legitimate business enterprises, except that a wetland or depression created as mitigation for any activity affecting wetlands is not "incidentally created."

(r) "Incidental fallback" means the redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the State when such material falls back to substantially the same place as the initial removal.

(s) "Isolated wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that are not regulated under the federal Clean Water Act.

(t) "Panne" means wet interdunal flats located near Lake Michigan.

(u) "Person" means an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or other legal entity, or its legal representative, agent, or assigns.

(v) "Prior converted cropland" means a converted wetland where the conversion occurred prior to December 23, 1985, an agricultural commodity has been produced at least once before December 23, 1985, and as of December 23, 1985, the converted wetland did not support woody vegetation and met the following hydrologic criteria: (i) inundation was less than 15 consecutive days during the growing season or 10% of the growing season, whichever is less, in most years (50% chance or more); and (ii) if a pothole, ponding was less than 7 consecutive days during the growing season in most years (50% chance or more) and saturation was less than 14 consecutive days during the growing season most years (50% chance or more).

(w) "Regulated activity" means the discharge of dredged or fill material into a wetland, the drainage of a wetland, or excavation of a wetland that results in more than incidental fallback.

(x) "Threatened or endangered species" means those species that have been designated as threatened or endangered by the Illinois Endangered Species Protection Board pursuant to the Illinois Endangered Species Protection Act and those species that have been designated as threatened or endangered by the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act.

(y) "Upland" means non-wetland, when used to describe a particular land use, or non-hydric, when used to describe a soil type.

(z) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 20. Exemptions.

(a) As long as they do not have as their purpose bringing a wetland into a use to which it was not previously subject, the following are not prohibited by or otherwise subject to regulation under this Act:

(1) Normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices.

(2) Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.

(3) Construction or maintenance of farm or stock ponds or irrigation canals or ditches, or the maintenance of drainage ditches.

(4) Construction of temporary sedimentation basins on a construction site that does not include any regulated activities within a wetland.

(5) Construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired, that the reach of the wetland is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized.

(6) Except for Class IA and Class IB wetlands, activities for the placement of pilings for linear projects, such as bridges, elevated walkways, and power line structures in accordance with best management practices, to assure that the flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired, that the reach of the wetland is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized.

(7) Installation and maintenance of signs, lighting, and fences and the mowing of vegetation within existing maintained rights-of-way.

(8) Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings.

(9) Construction projects that have obtained any necessary building permits from applicable local jurisdictions prior to the effective date of this Act.

(10) Application of media, including deicing media, on the surface of existing roads for purposes of public safety.

(11) Non-surface disturbing surveys and investigations for construction, planning, maintenance, or location of environmental resources.

(12) Wetland management practices on lands that are used primarily for the management of waterfowl, other migratory water birds, or furbearers if such practices took place on these lands prior to the effective date of this Act. This includes vegetation management that may include the use of fire, chemical, or mechanical (hydro-axe, bulldozer, rome disk, or similar equipment) removal of invading woody or herbaceous vegetation to maintain a preferred successional stage. Use of chemicals must be by a certified applicator and chemicals must be registered for appropriate use. Clearing or removal of woody vegetation shall be limited to 4-inch dbh (diameter at breast height) or smaller material for the purpose of establishing or maintaining the successional stage of a wetland as an herbaceous wetland vegetated by native moist soil plants or selected wildlife food plants.

(b) Any exemption authorized by and pertaining to wetlands that are subject to regulation under the federal Clean Water Act, or regulations promulgated thereunder, shall also be an exemption for the purpose of this Act.

(c) The following are not isolated wetlands for purposes of this Act:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to comply with water quality standards of the State or to remediate a site in accordance with an approved Agency program, and former waste treatment systems that have ceased operation less than 33 years prior to commencement of the proposed activity or which are undergoing remediation in accordance with an approved Agency program.

(2) A drainage or irrigation ditch.

(3) An artificially irrigated area that would revert to upland if the irrigation ceased.

(4) An artificial lake or pond created by excavating or diking upland to collect and retain water for the primary purpose of stock watering, irrigation, wildlife, fire control, ornamentation or landscaping, or as a settling pond.

(5) Except for isolated wetlands created pursuant to mining activities regulated in accordance with item (7) below, an incidentally created water-filled depression, unless: (i) ownership of the property containing the depression has been transferred away from the party who incidentally created the water-filled depression, (ii) that ownership transfer occurred more than 12 months prior to the commencement of an otherwise regulated activity, (iii) the use of the property has changed from the use that existed when the property was transferred from the party who incidentally created the water-filled depression, and (iv) the resulting body of water meets the definition in this Act of an isolated wetland; or if the ownership of the property has not been transferred from the party who created the incidentally created water-filled depression, the depression was not created more than 33 years before the date the application is received by the Department.

(6) Stormwater or spill management systems, including retention and detention basins, ditches and channels, and former stormwater or spill management systems that have ceased operation less than 33 years prior to commencement of the proposed activity or which are undergoing remediation in accordance with an approved Agency program.

(7) Waters that undergo mining activities conducted pursuant to a federal, State, regional, or local permit that requires the reclamation of the affected wetlands if the reclamation will be completed within a reasonable period of time after completion of activities at the site and, upon completion of such reclamation, the wetlands will support functions generally equivalent to the functions supported by the wetlands at the time of commencement of such activities.

(8) Prior converted cropland.

(d) Any activity covered by the Interagency Wetland Policy Act of 1989 is exempt from all of the provisions of this Act.

Section 25. Applicability. Until June 30, 2007, the requirements of this Act apply to all isolated wetlands as that term is defined in this Act. In the event that an isolated wetland ceases to meet that definition because it becomes subject to regulation under the federal Clean Water Act, such wetland shall no longer be subject to the provisions of this Act.

Beginning July 1, 2007, the requirements of this Act apply to all wetlands as that term is defined in this Act, unless a COE permit is required; provided, however, that if an exemption under Section 20 applies, that exemption shall continue in effect after July 1, 2007.

The Department on behalf of the State of Illinois may enter into written delegation agreements with the Corps of Engineers under which it may assume all or portions of COE authority under the federal Clean Water Act. Such delegation agreements shall provide, at a minimum, that all delineation, classification,

notification, and permitting requirements shall be at least as stringent as those contained in this Act.

Section 30. Wetlands delineation, classification, notification, permits. The requirements of this Section apply upon the adoption of rules under Sections 45(c) and 60 of this Act, or 270 days from the effective date of this Act, whichever occurs first.

(a) The procedures and regulatory criteria for the delineation, classification, notification, and permitting for wetlands shall be conducted in accordance with the provisions of this Section.

(b) Any person who intends to conduct a regulated activity within the State may request a determination from the Department as to the existence, location, and surface area of any wetlands on or contiguous to the affected property. Nothing in this Section shall require the person to seek such a determination; however, failure to seek and obtain a determination shall not be a defense against a violation of this Act.

The person seeking a determination shall provide the Department with sufficient information to render such a determination. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1. Delineation of the portion of a contiguous wetland not on the affected property shall be made to the extent reasonably possible, and methods other than physical onsite evaluations shall be considered by the Department.

The Department shall provide notice to the applicant as to whether a submitted application is complete. Unless the Department notifies the applicant that the application is incomplete within 15 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination.

The Department shall, upon receipt of a complete determination request, provide the person, within 30 days, with a determination as to the existence, location, and surface area of wetlands located on or contiguous to the affected property.

If the Department determines that there are no wetlands on the affected property, any otherwise regulated activity conducted on the property shall not be subject to the provisions of this Act.

If the Department determines that there is one or more wetlands on or contiguous to the affected property, the person may apply to the Department for classification of such wetlands.

Any determination of a wetland by the Department is a final decision for purposes of appeal.

(c) If any person intends to conduct a regulated activity, such person may, prior to commencing such a regulated activity, request that the wetland be classified as Class IA, IB, II, or III in accordance with the provisions of this Section. Nothing in this Section shall require the person to seek such a classification; however, any wetlands not so classified shall be considered Class IA for the purposes of this Act.

The person seeking a classification shall provide the Department with sufficient information to render such a classification. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1.

Unless the Department notifies the applicant that the application is incomplete within 15 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination. The Department shall, upon receipt of a complete classification request, provide the person, within 30 days, with a classification of wetlands located on or contiguous to the affected property. If the Department fails to provide the person with a classification within 30 days, the classification requested by the person shall be deemed granted.

Wetlands shall be classified as follows:

(1) The Department shall classify a wetland as a Class IA Wetland if and only if:

(A) the wetland is or encompasses a bog;

(B) the wetland is or encompasses a fen;

(C) the wetland is or encompasses a panne;

(D) the wetland is or encompasses a cypress swamp;

(E) the wetland is or encompasses a Category I Illinois Natural Areas Inventory Site, provided that the Department shall disclose within 5 working days of a request from an applicant, a prospective applicant, or a qualified professional on behalf of an applicant or a prospective applicant whether a site identified by latitude and longitude includes a Category I Illinois Natural Areas Inventory Site; or

(F) a threatened or endangered species has been identified in the wetland.

(2) The Department shall classify a wetland as a Class IB Wetland if and only if the wetland:

(A) is or encompasses an ADID site;

(B) is or encompasses a Category VI Illinois Natural Area Inventory Site or regional equivalent; provided that the Department shall disclose within 5 working days of a request from an applicant, a prospective applicant, or a qualified professional on behalf of an applicant or a prospective applicant

whether a site identified by latitude and longitude includes a Category VI Illinois Natural Areas Inventory Site; or

(C) has a Floristic Quality Index (FQI) which is equal to or greater than 20 or a mean coefficient of conservatism (Mean C) equal to or greater than 3.5, determined in accordance with rules adopted by the Department.

(3) The Department shall classify a wetland as a Class II Wetland if and only if the wetland is not a Class I-A, Class I-B, or Class III wetland.

(4) The Department shall classify a wetland as a Class III Wetland if and only if:

(A) the wetland is not a Class IA or Class IB wetland; and

(B) the total size of the wetland, including contiguous areas, is

(i) less than 0.25 acre, or

(ii) less than 0.5 acre if the wetland is in a county that does not have authority to establish a stormwater management program under Section 5-1062 of the Counties Code and the wetland is in agricultural land.

(d) Subject to the provisions of Section 40 regarding general permits, no person may conduct or cause to be conducted a regulated activity within or affecting a wetland in such a manner that the biological or hydrological integrity of the wetland is impaired within the scope of this Act, except in accordance with the terms of an individual permit issued by the Department or authorization to proceed as applicable under this Section.

(1) Class IA Wetlands:

(A) A permit to conduct a regulated activity affecting a Class IA wetland within the scope of this Act shall be granted if documentation is submitted that demonstrates that complete avoidance of impacts to the Class IA wetland precludes all economic use of the entire parcel and that no practicable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification represents the least amount of wetland impact required to restore an economic use to the upland portion of the parcel.

Wetland losses shall be mitigated at a ratio of 4.5:1 and shall be mitigated in kind and within the same watershed as the impacted area restoring, to the maximum degree practicable as determined by the Department, both the type and functions of the wetland that will be affected by the regulatory activity.

The Director, for good cause shown and on a case-by-case basis, may authorize an upward or downward departure from the mitigation ratio otherwise required under this subdivision (d)(1), but for a Class IA wetland the Director shall require a mitigation ration of at least 4:1 and shall not require a mitigation ratio greater than 5:1.

(B) No permit under this subdivision (d)(1) may be issued by the Department without a public notice and a public hearing.

(2) Class IB Wetlands:

(A) A permit to conduct a regulated activity affecting a Class IB wetland within the scope of this Act shall be granted if documentation is submitted that demonstrates that no practicable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification constitutes the least amount of wetland impact practicable and whether a permit should be granted.

Wetland losses shall be mitigated at a ratio of 3:1 and shall be mitigated in kind and within the same watershed as the impacted area, restoring both the type and functions of the wetlands that will be affected by the regulated activity.

The Director, for good cause shown and on a case-by-case basis, may authorize an upward or downward departure from the mitigation ratio otherwise required under this subdivision (d)(2), but for a Class IB wetland the Director shall require a mitigation ration of at least 2.5:1 and shall not require a mitigation ratio greater than 3.5:1.

(B) No permit under this subdivision (d)(2) may be issued by the Department without a public notice and opportunity for public hearing being afforded. The Department shall hold a public hearing concerning a permit application if the proposed activity may have a significant impact upon wetland resources or if the Department determines that a public hearing is otherwise appropriate.

(3) Class II Wetlands:

(A) A permit to conduct a regulated activity affecting a Class II wetland within the scope of this

Act shall be granted if documentation is submitted demonstrating that no reasonable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification constitutes the least amount of wetland impact practicable and whether a permit should be granted.

Wetland losses shall be mitigated at a ratio of 1.5:1 and shall be mitigated in kind and within the same watershed as the impacted area, restoring both the type and functions of the wetland that will be affected by the regulated activity.

(B) No permit under this subdivision (d)(3) may be issued by the Department without a public notice and opportunity for public hearing being afforded. The Department shall hold a public hearing concerning a permit application if the proposed activity may have a significant impact upon wetland resources or if the Department determines that a public hearing is otherwise appropriate.

(4) Class III Wetlands:

(A) No regulated activity covered under this Act that will impact an area that has been classified as a Class III wetland may be undertaken without prior notification to the Department.

(B) Such notification shall include (1) a sketch that reasonably depicts the area that will be affected by the regulated activity, including wetland and water boundaries for the areas affected and the existing land uses and structures; (2) a description of the proposed activity, including its purpose; (3) a description of any public benefit to be derived from the proposed project; and (4) the names and addresses of adjacent landowners as determined by the current tax assessment rolls.

(C) Upon receipt of a notification of intent, the Department shall verify that the regulated activity will affect a wetland that it previously classified as Class III.

If the Department so verifies, the Department shall send the person, within 30 days of the receipt of such notification, a response stating that the regulated activity may proceed.

If the Department cannot so verify, the Department shall send the person, within 30 days of the receipt of such notification, a response stating that no classification has been made by the Department, or that a Classification of IA, IB, or II was made and that the regulated activity may not proceed until either a classification is made pursuant to this Section, or a permit is obtained, as applicable.

Failure of the Department to respond to a notification shall be deemed an authorization to proceed.

(D) No permit shall be required for a regulated activity covered under this Act that will impact an area that has been classified as a Class III wetland.

(e) Within 15 days of the receipt of a permit application, the Department shall determine if an application is complete. To be deemed complete, an application must provide all information, as requested in Department application forms, sufficient to evaluate the application. Such information shall include, at a minimum: (1) a map of the area that will be affected by the activity, including wetland and water boundaries for the areas affected and the existing uses and structures. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1; (2) a description of the proposed activity, including its purpose, the location and dimensions of any structures, grading or fills, drainage, roads, sewers and water supply, parking lots, stormwater facilities, discharge of pollutants, and onsite waste disposal; (3) a description of any public benefit to be derived from the proposed project; and (4) the names and addresses of adjacent landowners as determined by the current tax assessment rolls. The Department application forms shall be finalized and made available prior to the date on which any application is required. The Department shall provide notice to the applicant as to whether a submitted application is complete. Unless the Department notifies the applicant that the application is incomplete within 20 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination. The Department may, to the extent practicable, provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness. Within 90 days from the receipt of a complete application for permit, the Department shall either issue or deny the permit or issue it with conditions. If a public hearing is held on the application, however, this period shall be extended by 45 days.

(f) The Department shall not issue a permit pursuant to this Section unless the Agency has certified that the proposed activity will not cause or contribute to a violation of any State water quality standard. The Agency will be deemed to have certified that the proposed activity will not cause or contribute to a violation of any State water quality standard if it has not declined in writing to so certify within 80 days of

the filing of the application unless the Agency has requested that the applicant supply more information relevant to assessing the water quality impacts of the proposed activity. If a public hearing is held on the application, however, this period shall be extended by 45 days.

(g) A person may submit concurrent requests for (i) determination and delineation, (ii) classification, and (iii) issuance of a permit or notification. The Department shall act on such combined requests concurrently in accordance with expedited permitting procedures adopted by the Department.

(h) Any person may submit an application for an after-the-fact permit to be issued under this Act, and the Department is authorized to issue such an after-the-fact permit if it determines that the activities covered by the after-the-fact permit application were undertaken and conducted in response to emergency circumstances where there may be an imminent threat to persons, public infrastructure, personal property, or uninterrupted utility service that made it impracticable for the applicant to obtain prior authorization under this Act to undertake and conduct such activities. The applicant shall be required to demonstrate that it provided notice to the Department of the emergency circumstances as soon as reasonably possible following the discovery of such circumstances.

(i) The Department shall adopt rules to carry out the provisions of this Section in accordance with Section 45 of this Act.

Section 35. Surety. The Department may provide by rule for any requirements regarding bonds or letters of credit in favor of the State, including conditions sufficient to secure compliance with conditions and limitations of a permit.

Section 40. General permits.

(a) Notwithstanding Section 30, any person who intends to conduct a regulated activity within the State may do so in accordance with a general permit issued by the Department under this Section.

(b) Permits for all categories of activities, subject to the same permit limitations and conditions, that are the subject of a nationwide permit issued by the Corps of Engineers in effect on the date of the enactment of this Act, are adopted as general permits covering regulated activities subject to this Act.

(c) The Department may adopt general permits covering other activities that would be subject to the same permit limitations and conditions, if it determines that the activities in such category will cause only minimal adverse environmental effects when performed separately, will have only minimal cumulative adverse effect on the environment, will not cause or contribute to a violation of State water quality standards when performed separately, and will have only a minimal cumulative adverse effect on water quality. The Department may prescribe best management practices for any general permit issued under this Section. The Department shall consider any optional mitigation proposed by an applicant in determining whether the net adverse environmental effects of a proposed regulated activity are minimal.

Specifically, the Department must adopt general permits for each of the following:

(1) The construction or maintenance of access roads for utility lines, substations or related equipment or facilities.

(2) Activities for the purpose of preserving and enhancing aviation safety or to prevent an airport hazard.

(d) No general permit adopted under this Section shall be for a period of more than 5 years after the date of its issuance. A general permit may be revoked or modified by the Department if, after opportunity for public hearing, the Department determines that the activities authorized by the general permit have an adverse impact on the environment, cause or contribute to a violation of State water quality standards, or are more appropriately authorized by individual permits.

(e) Compliance with the terms of a general permit shall be deemed compliance with the provisions of this Act if the applicant (i) files a notice of intent to be covered under the provisions of the general permit in accordance with regulations adopted pursuant to this Act and (ii) files any reports required by the general permit.

(f) The Department shall respond to a notice of intent to proceed under a general permit issued under this Section within 30 days after the Department receives the notice. In the event that the Department fails to respond to a notice of intent to proceed within 30 days as required by this subsection (f), the person submitting the notice shall be deemed fully authorized to conduct the activities described in the notice under the terms and conditions of the applicable general permit.

Section 45. Wetlands Advisory Committee; duties; rules

(a) There is hereby established a Wetlands Advisory Committee, which shall consist of 17 members appointed by the Governor and 2 non-voting members.

The Committee shall include 5 members representing the interests of business, industry, real estate, and agriculture.

The Committee shall include 5 members selected from the membership of environmental and conservation groups in the State.

The Committee shall include 2 members representing counties exercising authority under Section 5-1062 or 5-1062.1 of the Counties Code to establish stormwater management programs.

The Committee shall include one member representing municipalities.

The Committee shall include one member representing building trades unions.

The Committee shall include 3 other members as determined by the Governor.

The Director of Natural Resources, or his or her designee, and the Director of the Illinois Environmental Protection Agency, or his or her designee, shall be non-voting members of the Committee.

The Committee shall biannually elect from its membership a Chair, who shall not be an employee of the Illinois Environmental Protection Agency or the Illinois Department of Natural Resources.

Members of the Advisory Committee may organize themselves as they deem necessary and shall serve without compensation.

The Department shall provide reasonable and necessary staff support to the Committee.

(b) Within 120 days after the effective date of this Act, the Committee shall recommend rules to the Department. From time to time the Committee shall review, evaluate, and make recommendations (i) regarding State laws, rules, and procedures that relate to this Act and (ii) relating to the State's efforts to implement this Act.

(c) Within 6 months after the effective date of this Act, the Department, after consideration of the recommendations of the Committee (or if the Committee for any reason has not made recommendations, the Department itself), shall adopt any rules required by this Act prescribing procedures and standards for its administration. Nothing in this Act shall preclude, at any time, the recommendation, proposal, or adoption of any other rules deemed necessary for the orderly implementation of this Act.

(d) The Committee shall develop a plan for statewide wetlands protection and shall submit such plan to the Department. The Department may seek to obtain a delegation of COE authority under Section 404 of the federal Clean Water Act for all wetlands in Illinois on or before July 1, 2007 in accordance with Section 25 of this Act.

(e) The Committee shall assist counties having stormwater management authority under Section 5-1062 or 5-1062.1 of the Counties Code in coordinating and unifying stormwater management regulations adopted thereto, as required in Section 65(f) of this Act.

Section 50. Appeal of final Department decision; judicial review.

(a) Any permit applicant who has been denied a permit in whole or in part, and any person who participated in the permit proceeding and who is aggrieved by a decision of the Department to grant a permit in whole or in part, may appeal the decision to the Director within 35 days of the permit grant or denial. However, the 35-day period for appealing to the Director may be extended by the applicant for a period of time not to exceed 90 days by written notice provided to the Director. In all such appeals, the burden of persuasion shall be on the party appealing the Department's decision.

(b) A person aggrieved by a final decision made pursuant to this Act may seek judicial review of the decision pursuant to the Administrative Review Law.

Section 55. Investigation; enforcement.

(a) In accordance with constitutional limitations, the Department shall have authority to enter at all reasonable times upon any private or public property for the purpose of inspecting and investigating to ascertain possible violations of this Act or of rules adopted hereunder, or of permits or terms or conditions thereof.

(b) The civil penalties provided for in this Section may be recovered in a civil action which may be instituted in a court of competent jurisdiction. The State's Attorney of the county in which the alleged violation occurred, or the Attorney General, may, at the request of the Department or on his or her own motion, institute a civil action in a court of competent jurisdiction to recover civil penalties and to obtain an injunction to restrain violations of the Act.

(c) Any person who violates any provision of this Act or any rule adopted hereunder, or any permit or term or condition thereof, shall be liable for a civil penalty of not to exceed $10,000 per day of violation; such penalties may be made payable to the Wetlands Protection Fund and shall be deposited into that Fund as provided in subsection (j). In determining the appropriate civil penalty to be imposed under this Section, the Court is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) The duration and gravity of the violation.

(2) The presence or absence of due diligence on the part of the violator in attempting to comply with

requirements of this Act and rules adopted hereunder or to secure relief therefrom as provided by this Act.

(3) Any economic benefits accrued by the violator through the violation.

(4) The amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to this Act.

(5) The number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

(d) Any violation of any provision of this Act or any rule adopted hereunder, or any permit or term or condition thereof, shall not be deemed a criminal offense.

(e) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(f) The Department may terminate a permit if the holder substantially violates any condition of the permit, obtains a permit by misrepresentation, or fails to disclose relevant facts.

(g) The Attorney General, or the State's Attorney of the county where the affected wetland is located, may, upon his or her own motion or upon request of the Department, institute a civil action in circuit court for an injunction or other appropriate legal action to restrain a violation of this Act or of any rule adopted under this Act. In the proceeding the court shall determine whether a violation has been committed or is likely to occur, and shall enter any order it considers necessary to remove the effects of the violation and to prevent the violation from occurring, continuing, or being renewed in the future. An order may include a requirement that the violator restore the affected wetland area, including a provision that, if the violator does not comply by restoring the wetland within a reasonable time, the Department may restore the wetland to its condition prior to the violation and the violator shall be liable to the Department for the cost of restoration.

(h) Any penalty assessed pursuant to this Act, including costs of wetland restoration and any restoration requirement, shall be recorded by the clerk of the court as a lien against the land and shall not be removed until the penalty is paid or the restoration is completed.

(i) All costs, fees, and expenses in connection with an enforcement or restoration action shall be assessed as damages against the violator.

(j) All penalties collected under this Section shall be deposited into the Wetlands Protection Fund.

(k) Enforcement actions under this Section may be concurrent or separate.

Section 60. Fees.

(a) Within 90 days after the effective date of this Act the Department shall propose to the Illinois Pollution Control Board, and within 6 months of receiving that proposal the Board shall adopt by rule:

(1) a minimal processing fee for notification regarding Class III Wetlands and for processing a notice of intent to proceed under a general permit; and

(2) a schedule of permit fees for single regulated activities in Class IA, Class IB, and Class II wetlands.

(b) These fees shall be set at levels that allow the wetlands program to operate financially on a self-sustaining basis. The Department shall annually review the fees to determine whether the wetlands program is operating financially on a self-sustaining basis, and it may propose any necessary changes in the fees to the Illinois Pollution Control Board.

Section 65. County authority.

(a) Nothing in this Act preempts or denies the right of any governmental body with a stormwater management program under Section 5-1062 of the Counties Code to control or regulate activities in any wetlands within the jurisdiction of the governmental body, subject to subsection (b).

(b) Upon the request of a governmental body with a stormwater management program under Section 5-1062 of the Counties Code, the Director shall, within 30 calendar days of receiving the request, provide a letter recognizing whether the governmental body's stormwater management program:

(1) provides wetlands protection consistent with the intent of this Act; and

(2) has an administration and qualified staff to implement the governmental body's stormwater management program.

(c) Activities within or affecting wetlands that occur within the jurisdiction of the governmental body with a stormwater management program under Section 5-1062 of the Counties Code that meets the

provisions of subdivisions (b)(1) and (b)(2) of this Section are exempt from the requirements of this Act, but must meet those county stormwater management requirements, at a minimum. This exemption also applies during the period that the Department is considering a county's request under subsection (b). Until a request has been submitted under subsection (b), the requirements of this Act shall apply.

(d) The Director may rescind recognition status in the event that the governmental body with a stormwater management program under Section 5-1062 of the Counties Code no longer meets the provisions of subdivisions (b)(1) and (b)(2) of this Section.

(e) A governmental body with a stormwater management program under Section 5-1062 of the Counties Code that has obtained recognition by the Director under subsection (b) of this Section shall submit an annual report to the Director.

(f) Counties having authority under Section 5-1062 of the Counties Code to adopt a stormwater management program shall seek with the assistance of the Northeastern Illinois Planning Commission to coordinate and unify regulations adopted pursuant thereto.

(g) Nothing in this Act shall be construed as a limitation or preemption of any home rule power.

Section 70. Wetlands Protection Fund. All fees and penalties collected by the Department pursuant to this Act shall be deposited into the Wetlands Protection Fund, which is hereby created as a special fund in the State Treasury. In addition to any moneys that may be appropriated from the General Revenue Fund, the Illinois General Assembly shall appropriate moneys in the Wetlands Protection Fund to the Department in amounts deemed necessary to implement this Act.

Section 95. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Wetlands Protection Fund. Section 97. 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.".

AMENDMENT NO. 5

AMENDMENT NO. 5____. Amend House Bill 422 by replacing the title with the following:

"AN ACT concerning wetlands."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Wetlands Protection Act.

Section 5. Scope. This Act does not apply to property within a municipality with a population greater than 500,000, nor to property within the incorporated or unincorporated area of a county with a population greater than 3,000,000.

Section 10. Definitions. For the purposes of this Act:

(a) "ADID" means those aquatic sites identified by the United States Environmental Protection Agency and the United States Army Corps of Engineers as areas generally unsuitable for disposal of dredged or fill material in accordance with 40 C.F.R. Part 230.80.

(b) "Affected property" means any property upon which a regulated activity is conducted.

(c) "Agency" means the Illinois Environmental Protection Agency.

(d) "Agricultural land" means land that is currently used for normal farming or ranching activities.

(e) "Avoidance" means any action taken in a manner such that a regulated activity will not occur.

(f) "Bog" means a peat-accumulating wetland that has no significant inflows or outflows and supports acidophilic mosses, particularly sphagnum, resulting in highly acidic conditions.

(g) "Commencing such a regulated activity" means any steps taken in preparation of conducting a regulated activity that may impact the affected property, such as cutting, filling, pumping of water, and earth movement.

(h) "Committee" means the Wetlands Advisory Committee.

(i) "Contiguous wetland" means a wetland that is delineated on the affected property and extends beyond the boundary of that property.

(j) "Converted wetland" means a wetland that has been drained, dredged, filled, leveled, or otherwise manipulated (including the removal of woody vegetation or any activity that results in impairing or reducing the flow and circulation of water) for the purpose of or with the effect of making possible the production of an agricultural commodity without further application of the manipulations described herein if: (i) such production would not have been possible but for such action, and (ii) before such action such land was wetland, farmed wetland, or farmed-wetland pasture and was neither highly erodible land nor highly erodible cropland.

(k) "Corps of Engineers" or "COE" means the United States Army Corps of Engineers.

(l) "Cypress swamp" means forested, permanent or semi-permanent bodies of water, with species assemblages characteristic of the Gulf and Southeastern Coastal Plains, including bald cypress, which are restricted to extreme southern Illinois.

(m) "Department" means the Illinois Department of Natural Resources.

(n) "Director" means the Director of Natural Resources.

(o) "Fen" means a wetland fed by an alkaline water source such as a calcareous spring or seep.

(p) "Floristic quality index" means an index calculated using the Floristic Quality Assessment Method of assessing floristic integrity (or quality) by summing the numerical quality ratings of all plant species present then dividing the total by the number of native species present (mean coefficient of conservatism) or by the square root of the number of native species (floristic quality index). (Taft, J.B., G.S. Wilhelm, D.M. Ladd, and L.A. Masters. 1997. Floristic quality assessment for vegetation in Illinois, a method for assessing vegetation integrity. Erigenia 15: 3-95.)

(q) "Incidentally created" means created as a result of any normal or routine activity coincidental with the conduct of legitimate business enterprises, except that a wetland or depression created as mitigation for any activity affecting wetlands is not "incidentally created."

(r) "Incidental fallback" means the redeposit of small volumes of dredged material that is incidental to excavation activity in waters of the State when such material falls back to substantially the same place as the initial removal.

(s) "Isolated wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that are not regulated under the federal Clean Water Act.

(t) "Panne" means wet interdunal flats located near Lake Michigan.

(u) "Person" means an individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or other legal entity, or its legal representative, agent, or assigns.

(v) "Prior converted cropland" means a converted wetland where the conversion occurred prior to December 23, 1985, an agricultural commodity has been produced at least once before December 23, 1985, and as of December 23, 1985, the converted wetland did not support woody vegetation and met the following hydrologic criteria: (i) inundation was less than 15 consecutive days during the growing season or 10% of the growing season, whichever is less, in most years (50% chance or more); and (ii) if a pothole, ponding was less than 7 consecutive days during the growing season in most years (50% chance or more) and saturation was less than 14 consecutive days during the growing season most years (50% chance or more).

(w) "Regulated activity" means the discharge of dredged or fill material into a wetland, the drainage of a wetland, or excavation of a wetland that results in more than incidental fallback.

(x) "Threatened or endangered species" means those species that have been designated as threatened or endangered by the Illinois Endangered Species Protection Board pursuant to the Illinois Endangered Species Protection Act and those species that have been designated as threatened or endangered by the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act.

(y) "Upland" means non-wetland, when used to describe a particular land use, or non-hydric, when used to describe a soil type.

(z) "Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 20. Exemptions.

(a) As long as they do not have as their purpose bringing a wetland into a use to which it was not previously subject, the following are not prohibited by or otherwise subject to regulation under this Act:

(1) Normal farming, silviculture, and ranching activities such as plowing, seeding, cultivating, minor drainage, harvesting for the production of food, fiber, and forest products, or upland soil and water conservation practices.

(2) Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.

(3) Construction or maintenance of farm or stock ponds or irrigation canals or ditches, or the maintenance of drainage ditches.

(4) Construction of temporary sedimentation basins on a construction site that does not include any

regulated activities within a wetland.

(5) Construction or maintenance of farm roads or forest roads, or temporary roads for moving mining equipment, where such roads are constructed and maintained, in accordance with best management practices, to assure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired, that the reach of the wetland is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized.

(6) Except for Class IA and Class IB wetlands, activities for the placement of pilings for linear projects, such as bridges, elevated walkways, and power line structures in accordance with best management practices, to assure that the flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired, that the reach of the wetland is not reduced, and that any adverse effect on the aquatic environment will be otherwise minimized.

(7) Installation and maintenance of signs, lighting, and fences and the mowing of vegetation within existing maintained rights-of-way.

(8) Repair and maintenance of existing buildings, facilities, lawns, and ornamental plantings.

(9) Construction projects that have obtained any necessary building permits from applicable local jurisdictions prior to the effective date of this Act.

(10) Application of media, including deicing media, on the surface of existing roads for purposes of public safety.

(11) Non-surface disturbing surveys and investigations for construction, planning, maintenance, or location of environmental resources.

(12) Wetland management practices on lands that are used primarily for the management of waterfowl, other migratory water birds, or furbearers if such practices took place on these lands prior to the effective date of this Act. This includes vegetation management that may include the use of fire, chemical, or mechanical (hydro-axe, bulldozer, rome disk, or similar equipment) removal of invading woody or herbaceous vegetation to maintain a preferred successional stage. Use of chemicals must be by a certified applicator and chemicals must be registered for appropriate use. Clearing or removal of woody vegetation shall be limited to 4-inch dbh (diameter at breast height) or smaller material for the purpose of establishing or maintaining the successional stage of a wetland as an herbaceous wetland vegetated by native moist soil plants or selected wildlife food plants.

(b) Any exemption authorized by and pertaining to wetlands that are subject to regulation under the federal Clean Water Act, or regulations promulgated thereunder, shall also be an exemption for the purpose of this Act.

(c) The following are not isolated wetlands for purposes of this Act:

(1) Waste treatment systems, including treatment ponds or lagoons, designed to comply with water quality standards of the State or to remediate a site in accordance with an approved Agency program, and former waste treatment systems that have ceased operation less than 33 years prior to commencement of the proposed activity or which are undergoing remediation in accordance with an approved Agency program.

(2) A drainage or irrigation ditch.

(3) An artificially irrigated area that would revert to upland if the irrigation ceased.

(4) An artificial lake or pond created by excavating or diking upland to collect and retain water for the primary purpose of stock watering, irrigation, wildlife, fire control, ornamentation or landscaping, or as a settling pond.

(5) Except for isolated wetlands created pursuant to mining activities regulated in accordance with item (7) below, an incidentally created water-filled depression, unless: (i) ownership of the property containing the depression has been transferred away from the party who incidentally created the water-filled depression, (ii) that ownership transfer occurred more than 12 months prior to the commencement of an otherwise regulated activity, (iii) the use of the property has changed from the use that existed when the property was transferred from the party who incidentally created the water-filled depression, and (iv) the resulting body of water meets the definition in this Act of an isolated wetland; or if the ownership of the property has not been transferred from the party who created the incidentally created water-filled depression, the depression was not created more than 33 years before the date the application is received by the Department.

(6) Stormwater or spill management systems, including retention and detention basins, ditches and channels, and former stormwater or spill management systems that have ceased operation less than 33 years prior to commencement of the proposed activity or which are undergoing remediation in accordance with an approved Agency program.

(7) Waters that undergo mining activities conducted pursuant to a federal, State, regional, or local permit that requires the reclamation of the affected wetlands if the reclamation will be completed within a reasonable period of time after completion of activities at the site and, upon completion of such reclamation, the wetlands will support functions generally equivalent to the functions supported by the wetlands at the time of commencement of such activities.

(8) Prior converted cropland.

(d) Any activity covered by the Interagency Wetland Policy Act of 1989 is exempt from all of the provisions of this Act.

Section 25. Applicability. Until June 30, 2007, the requirements of this Act apply to all isolated wetlands as that term is defined in this Act. In the event that an isolated wetland ceases to meet that definition because it becomes subject to regulation under the federal Clean Water Act, such wetland shall no longer be subject to the provisions of this Act.

Beginning July 1, 2007, the requirements of this Act apply to all wetlands as that term is defined in this Act, unless a COE permit is required; provided, however, that if an exemption under Section 20 applies, that exemption shall continue in effect after July 1, 2007.

The Department on behalf of the State of Illinois may enter into written delegation agreements with the Corps of Engineers under which it may assume all or portions of COE authority under the federal Clean Water Act. Such delegation agreements shall provide, at a minimum, that all delineation, classification, notification, and permitting requirements shall be at least as stringent as those contained in this Act.

Section 30. Wetlands delineation, classification, notification, permits. The requirements of this Section apply upon the adoption of rules under Sections 45(c) and 60 of this Act, or 270 days from the effective date of this Act, whichever occurs first.

(a) The procedures and regulatory criteria for the delineation, classification, notification, and permitting for wetlands shall be conducted in accordance with the provisions of this Section.

(b) Any person who intends to conduct a regulated activity within the State may request a determination from the Department as to the existence, location, and surface area of any wetlands on or contiguous to the affected property. Nothing in this Section shall require the person to seek such a determination; however, failure to seek and obtain a determination shall not be a defense against a violation of this Act.

The person seeking a determination shall provide the Department with sufficient information to render such a determination. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1. Delineation of the portion of a contiguous wetland not on the affected property shall be made to the extent reasonably possible, and methods other than physical onsite evaluations shall be considered by the Department.

The Department shall provide notice to the applicant as to whether a submitted application is complete. Unless the Department notifies the applicant that the application is incomplete within 15 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination.

The Department shall, upon receipt of a complete determination request, provide the person, within 30 days, with a determination as to the existence, location, and surface area of wetlands located on or contiguous to the affected property.

If the Department determines that there are no wetlands on the affected property, any otherwise regulated activity conducted on the property shall not be subject to the provisions of this Act.

If the Department determines that there is one or more wetlands on or contiguous to the affected property, the person may apply to the Department for classification of such wetlands.

Any determination of a wetland by the Department is a final decision for purposes of appeal.

(c) If any person intends to conduct a regulated activity, such person may, prior to commencing such a regulated activity, request that the wetland be classified as Class IA, IB, II, or III in accordance with the provisions of this Section. Nothing in this Section shall require the person to seek such a classification; however, any wetlands not so classified shall be considered Class IA for the purposes of this Act.

The person seeking a classification shall provide the Department with sufficient information to render such a classification. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-87-1.

Unless the Department notifies the applicant that the application is incomplete within 15 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination. The Department shall, upon receipt of a complete classification request, provide the person, within 30 days, with a classification of wetlands located on or contiguous to the affected property. If the Department fails to provide the person with a classification

within 30 days, the classification requested by the person shall be deemed granted.

Wetlands shall be classified as follows:

(1) The Department shall classify a wetland as a Class IA Wetland if and only if:

(A) the wetland is or encompasses a bog;

(B) the wetland is or encompasses a fen;

(C) the wetland is or encompasses a panne;

(D) the wetland is or encompasses a cypress swamp;

(E) the wetland is or encompasses a Category I Illinois Natural Areas Inventory Site, provided that the Department shall disclose within 5 working days of a request from an applicant, a prospective applicant, or a qualified professional on behalf of an applicant or a prospective applicant whether a site identified by latitude and longitude includes a Category I Illinois Natural Areas Inventory Site; or

(F) a threatened or endangered species has been identified in the wetland.

(2) The Department shall classify a wetland as a Class IB Wetland if and only if the wetland:

(A) is or encompasses an ADID site;

(B) is or encompasses a Category VI Illinois Natural Area Inventory Site or regional equivalent; provided that the Department shall disclose within 5 working days of a request from an applicant, a prospective applicant, or a qualified professional on behalf of an applicant or a prospective applicant whether a site identified by latitude and longitude includes a Category VI Illinois Natural Areas Inventory Site; or

(C) has a Floristic Quality Index (FQI) which is equal to or greater than 20 or a mean coefficient of conservatism (Mean C) equal to or greater than 3.5, determined in accordance with rules adopted by the Department.

(3) The Department shall classify a wetland as a Class II Wetland if and only if the wetland is not a Class I-A, Class I-B, or Class III wetland.

(4) The Department shall classify a wetland as a Class III Wetland if and only if:

(A) the wetland is not a Class IA or Class IB wetland; and

(B) the total size of the wetland, including contiguous areas, is

(i) less than 0.25 acre, or

(ii) less than 0.5 acre if the wetland is in a county that does not have authority to establish a stormwater management program under Section 5-1062 of the Counties Code and the wetland is in agricultural land.

(d) Subject to the provisions of Section 40 regarding general permits, no person may conduct or cause to be conducted a regulated activity within or affecting a wetland in such a manner that the biological or hydrological integrity of the wetland is impaired within the scope of this Act, except in accordance with the terms of an individual permit issued by the Department or authorization to proceed as applicable under this Section.

(1) Class IA Wetlands:

(A) A permit to conduct a regulated activity affecting a Class IA wetland within the scope of this Act shall be granted if documentation is submitted that demonstrates that complete avoidance of impacts to the Class IA wetland precludes all economic use of the entire parcel and that no practicable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification represents the least amount of wetland impact required to restore an economic use to the upland portion of the parcel.

Wetland losses shall be mitigated at a ratio of 4.5:1 and shall be mitigated in kind and within the same watershed as the impacted area restoring, to the maximum degree practicable as determined by the Department, both the type and functions of the wetland that will be affected by the regulatory activity.

The Director, for good cause shown and on a case-by-case basis, may authorize an upward or downward departure from the mitigation ratio otherwise required under this subdivision (d)(1), but for a Class IA wetland the Director shall require a mitigation ration of at least 4:1 and shall not require a mitigation ratio greater than 5:1.

(B) No permit under this subdivision (d)(1) may be issued by the Department without a public notice and a public hearing.

(2) Class IB Wetlands:

(A) A permit to conduct a regulated activity affecting a Class IB wetland within the scope of this

Act shall be granted if documentation is submitted that demonstrates that no practicable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification constitutes the least amount of wetland impact practicable and whether a permit should be granted.

Wetland losses shall be mitigated at a ratio of 3:1 and shall be mitigated in kind and within the same watershed as the impacted area, restoring both the type and functions of the wetlands that will be affected by the regulated activity.

The Director, for good cause shown and on a case-by-case basis, may authorize an upward or downward departure from the mitigation ratio otherwise required under this subdivision (d)(2), but for a Class IB wetland the Director shall require a mitigation ration of at least 2.5:1 and shall not require a mitigation ratio greater than 3.5:1.

(B) No permit under this subdivision (d)(2) may be issued by the Department without a public notice and opportunity for public hearing being afforded. The Department shall hold a public hearing concerning a permit application if the proposed activity may have a significant impact upon wetland resources or if the Department determines that a public hearing is otherwise appropriate.

(3) Class II Wetlands:

(A) A permit to conduct a regulated activity affecting a Class II wetland within the scope of this Act shall be granted if documentation is submitted demonstrating that no reasonable alternative to wetland modification exists.

Based upon a review of the submitted documentation and any other available resources, the Department shall make a determination as to whether the proposed modification constitutes the least amount of wetland impact practicable and whether a permit should be granted.

Wetland losses shall be mitigated at a ratio of 1.5:1 and shall be mitigated in kind and within the same watershed as the impacted area, restoring both the type and functions of the wetland that will be affected by the regulated activity.

(B) No permit under this subdivision (d)(3) may be issued by the Department without a public notice and opportunity for public hearing being afforded. The Department shall hold a public hearing concerning a permit application if the proposed activity may have a significant impact upon wetland resources or if the Department determines that a public hearing is otherwise appropriate.

(4) Class III Wetlands:

(A) No regulated activity covered under this Act that will impact an area that has been classified as a Class III wetland may be undertaken without prior notification to the Department.

(B) Such notification shall include (1) a sketch that reasonably depicts the area that will be affected by the regulated activity, including wetland and water boundaries for the areas affected and the existing land uses and structures; (2) a description of the proposed activity, including its purpose; (3) a description of any public benefit to be derived from the proposed project; and (4) the names and addresses of adjacent landowners as determined by the current tax assessment rolls.

(C) Upon receipt of a notification of intent, the Department shall verify that the regulated activity will affect a wetland that it previously classified as Class III.

If the Department so verifies, the Department shall send the person, within 30 days of the receipt of such notification, a response stating that the regulated activity may proceed.

If the Department cannot so verify, the Department shall send the person, within 30 days of the receipt of such notification, a response stating that no classification has been made by the Department, or that a Classification of IA, IB, or II was made and that the regulated activity may not proceed until either a classification is made pursuant to this Section, or a permit is obtained, as applicable.

Failure of the Department to respond to a notification shall be deemed an authorization to proceed.

(D) No permit shall be required for a regulated activity covered under this Act that will impact an area that has been classified as a Class III wetland.

(e) Within 15 days of the receipt of a permit application, the Department shall determine if an application is complete. To be deemed complete, an application must provide all information, as requested in Department application forms, sufficient to evaluate the application. Such information shall include, at a minimum: (1) a map of the area that will be affected by the activity, including wetland and water boundaries for the areas affected and the existing uses and structures. Such information shall include a wetland delineation made in accordance with the COE Wetlands Delineation Manual, Technical Report Y-

87-1; (2) a description of the proposed activity, including its purpose, the location and dimensions of any structures, grading or fills, drainage, roads, sewers and water supply, parking lots, stormwater facilities, discharge of pollutants, and onsite waste disposal; (3) a description of any public benefit to be derived from the proposed project; and (4) the names and addresses of adjacent landowners as determined by the current tax assessment rolls. The Department application forms shall be finalized and made available prior to the date on which any application is required. The Department shall provide notice to the applicant as to whether a submitted application is complete. Unless the Department notifies the applicant that the application is incomplete within 20 days of receipt of the application, the application shall be deemed complete. The Department may request additional information as needed to make the completeness determination. The Department may, to the extent practicable, provide the applicant with a reasonable opportunity to correct deficiencies prior to a final determination of completeness. Within 90 days from the receipt of a complete application for permit, the Department shall either issue or deny the permit or issue it with conditions. If a public hearing is held on the application, however, this period shall be extended by 45 days.

(f) The Department shall not issue a permit pursuant to this Section unless the Agency has certified that the proposed activity will not cause or contribute to a violation of any State water quality standard. The Agency will be deemed to have certified that the proposed activity will not cause or contribute to a violation of any State water quality standard if it has not declined in writing to so certify within 80 days of the filing of the application unless the Agency has requested that the applicant supply more information relevant to assessing the water quality impacts of the proposed activity. If a public hearing is held on the application, however, this period shall be extended by 45 days.

(g) A person may submit concurrent requests for (i) determination and delineation, (ii) classification, and (iii) issuance of a permit or notification. The Department shall act on such combined requests concurrently in accordance with expedited permitting procedures adopted by the Department.

(h) Any person may submit an application for an after-the-fact permit to be issued under this Act, and the Department is authorized to issue such an after-the-fact permit if it determines that the activities covered by the after-the-fact permit application were undertaken and conducted in response to emergency circumstances where there may be an imminent threat to persons, public infrastructure, personal property, or uninterrupted utility service that made it impracticable for the applicant to obtain prior authorization under this Act to undertake and conduct such activities. The applicant shall be required to demonstrate that it provided notice to the Department of the emergency circumstances as soon as reasonably possible following the discovery of such circumstances.

(i) The Department shall adopt rules to carry out the provisions of this Section in accordance with Section 45 of this Act.

Section 35. Surety. The Department may provide by rule for any requirements regarding bonds or letters of credit in favor of the State, including conditions sufficient to secure compliance with conditions and limitations of a permit.

Section 40. General permits.

(a) Notwithstanding Section 30, any person who intends to conduct a regulated activity within the State may do so in accordance with a general permit issued by the Department under this Section.

(b) Permits for all categories of activities, subject to the same permit limitations and conditions, that are the subject of a nationwide permit issued by the Corps of Engineers in effect on the date of the enactment of this Act, are adopted as general permits covering regulated activities subject to this Act.

(c) The Department may adopt general permits covering other activities that would be subject to the same permit limitations and conditions, if it determines that the activities in such category will cause only minimal adverse environmental effects when performed separately, will have only minimal cumulative adverse effect on the environment, will not cause or contribute to a violation of State water quality standards when performed separately, and will have only a minimal cumulative adverse effect on water quality. The Department may prescribe best management practices for any general permit issued under this Section. The Department shall consider any optional mitigation proposed by an applicant in determining whether the net adverse environmental effects of a proposed regulated activity are minimal.

Specifically, the Department must adopt general permits for each of the following:

(1) The construction or maintenance of access roads for utility lines, substations or related equipment or facilities.

(2) Activities for the purpose of preserving and enhancing aviation safety or to prevent an airport hazard.

(d) No general permit adopted under this Section shall be for a period of more than 5 years after the

date of its issuance. A general permit may be revoked or modified by the Department if, after opportunity for public hearing, the Department determines that the activities authorized by the general permit have an adverse impact on the environment, cause or contribute to a violation of State water quality standards, or are more appropriately authorized by individual permits.

(e) Compliance with the terms of a general permit shall be deemed compliance with the provisions of this Act if the applicant (i) files a notice of intent to be covered under the provisions of the general permit in accordance with regulations adopted pursuant to this Act and (ii) files any reports required by the general permit.

(f) The Department shall respond to a notice of intent to proceed under a general permit issued under this Section within 30 days after the Department receives the notice. In the event that the Department fails to respond to a notice of intent to proceed within 30 days as required by this subsection (f), the person submitting the notice shall be deemed fully authorized to conduct the activities described in the notice under the terms and conditions of the applicable general permit.

Section 45. Wetlands Advisory Committee; duties; rules

(a) There is hereby established a Wetlands Advisory Committee, which shall consist of 17 members appointed by the Governor and 2 non-voting members.

The Committee shall include 5 members representing the interests of business, industry, real estate, and agriculture.

The Committee shall include 5 members selected from the membership of environmental and conservation groups in the State.

The Committee shall include 2 members representing counties exercising authority under Section 5-1062 or 5-1062.1 of the Counties Code to establish stormwater management programs.

The Committee shall include one member representing municipalities.

The Committee shall include one member representing building trades unions.

The Committee shall include 3 other members as determined by the Governor.

The Director of Natural Resources, or his or her designee, and the Director of the Illinois Environmental Protection Agency, or his or her designee, shall be non-voting members of the Committee.

The Committee shall biannually elect from its membership a Chair, who shall not be an employee of the Illinois Environmental Protection Agency or the Illinois Department of Natural Resources.

Members of the Advisory Committee may organize themselves as they deem necessary and shall serve without compensation.

The Department shall provide reasonable and necessary staff support to the Committee.

(b) Within 120 days after the effective date of this Act, the Committee shall recommend rules to the Department. From time to time the Committee shall review, evaluate, and make recommendations (i) regarding State laws, rules, and procedures that relate to this Act and (ii) relating to the State's efforts to implement this Act.

(c) Within 6 months after the effective date of this Act, the Department, after consideration of the recommendations of the Committee (or if the Committee for any reason has not made recommendations, the Department itself), shall adopt any rules required by this Act prescribing procedures and standards for its administration. Nothing in this Act shall preclude, at any time, the recommendation, proposal, or adoption of any other rules deemed necessary for the orderly implementation of this Act.

(d) The Committee shall develop a plan for statewide wetlands protection and shall submit such plan to the Department. The Department may seek to obtain a delegation of COE authority under Section 404 of the federal Clean Water Act for all wetlands in Illinois on or before July 1, 2007 in accordance with Section 25 of this Act.

(e) The Committee shall assist counties having stormwater management authority under Section 5-1062 or 5-1062.1 of the Counties Code in coordinating and unifying stormwater management regulations adopted thereto, as required in Section 65(f) of this Act.

Section 50. Appeal of final Department decision; judicial review.

(a) Any permit applicant who has been denied a permit in whole or in part, and any person who participated in the permit proceeding and who is aggrieved by a decision of the Department to grant a permit in whole or in part, may appeal the decision to the Director within 35 days of the permit grant or denial. However, the 35-day period for appealing to the Director may be extended by the applicant for a period of time not to exceed 90 days by written notice provided to the Director. In all such appeals, the burden of persuasion shall be on the party appealing the Department's decision.

(b) A person aggrieved by a final decision made pursuant to this Act may seek judicial review of the decision pursuant to the Administrative Review Law.

Section 55. Investigation; enforcement.

(a) In accordance with constitutional limitations, the Department shall have authority to enter at all reasonable times upon any private or public property for the purpose of inspecting and investigating to ascertain possible violations of this Act or of rules adopted hereunder, or of permits or terms or conditions thereof.

(b) The civil penalties provided for in this Section may be recovered in a civil action which may be instituted in a court of competent jurisdiction. The State's Attorney of the county in which the alleged violation occurred, or the Attorney General, may, at the request of the Department or on his or her own motion, institute a civil action in a court of competent jurisdiction to recover civil penalties and to obtain an injunction to restrain violations of the Act.

(c) Any person who violates any provision of this Act or any rule adopted hereunder, or any permit or term or condition thereof, shall be liable for a civil penalty of not to exceed $10,000 per day of violation; such penalties may be made payable to the Wetlands Protection Fund and shall be deposited into that Fund as provided in subsection (j). In determining the appropriate civil penalty to be imposed under this Section, the Court is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) The duration and gravity of the violation.

(2) The presence or absence of due diligence on the part of the violator in attempting to comply with requirements of this Act and rules adopted hereunder or to secure relief therefrom as provided by this Act.

(3) Any economic benefits accrued by the violator through the violation.

(4) The amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to this Act.

(5) The number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

(d) Any violation of any provision of this Act or any rule adopted hereunder, or any permit or term or condition thereof, shall not be deemed a criminal offense.

(e) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(f) The Department may terminate a permit if the holder substantially violates any condition of the permit, obtains a permit by misrepresentation, or fails to disclose relevant facts.

(g) The Attorney General, or the State's Attorney of the county where the affected wetland is located, may, upon his or her own motion or upon request of the Department, institute a civil action in circuit court for an injunction or other appropriate legal action to restrain a violation of this Act or of any rule adopted under this Act. In the proceeding the court shall determine whether a violation has been committed or is likely to occur, and shall enter any order it considers necessary to remove the effects of the violation and to prevent the violation from occurring, continuing, or being renewed in the future. An order may include a requirement that the violator restore the affected wetland area, including a provision that, if the violator does not comply by restoring the wetland within a reasonable time, the Department may restore the wetland to its condition prior to the violation and the violator shall be liable to the Department for the cost of restoration.

(h) Any penalty assessed pursuant to this Act, including costs of wetland restoration and any restoration requirement, shall be recorded by the clerk of the court as a lien against the land and shall not be removed until the penalty is paid or the restoration is completed.

(i) All costs, fees, and expenses in connection with an enforcement or restoration action shall be assessed as damages against the violator.

(j) All penalties collected under this Section shall be deposited into the Wetlands Protection Fund.

(k) Enforcement actions under this Section may be concurrent or separate.

Section 60. Fees.

(a) Within 90 days after the effective date of this Act the Department shall propose to the Illinois Pollution Control Board, and within 6 months of receiving that proposal the Board shall adopt by rule:

(1) a minimal processing fee for notification regarding Class III Wetlands and for processing a notice of intent to proceed under a general permit; and

(2) a schedule of permit fees for single regulated activities in Class IA, Class IB, and Class II wetlands.

(b) These fees shall be set at levels that allow the wetlands program to operate financially on a self-sustaining basis. The Department shall annually review the fees to determine whether the wetlands program is operating financially on a self-sustaining basis, and it may propose any necessary changes in the fees to the Illinois Pollution Control Board.

Section 65. County authority.

(a) Nothing in this Act preempts or denies the right of any governmental body with a stormwater management program under Section 5-1062 of the Counties Code to control or regulate activities in any wetlands within the jurisdiction of the governmental body.

(b) Upon the request of a governmental body with a stormwater management program under Section 5-1062 of the Counties Code, the Director shall, within 30 calendar days of receiving the request, provide a letter recognizing whether the governmental body's stormwater management program:

(1) provides wetlands protection consistent with the intent of this Act; and

(2) has an administration and qualified staff to implement the governmental body's stormwater management program.

(b-5) After consultation with the Department of Natural Resources, the General Assembly finds and declares that the stormwater management programs implemented by DuPage, Lake, and Kane Counties under Section 5-1062 of the Counties Code, as they exist at the time of the passage of this Act, meet the requirements of subsection (b), and therefore they shall be deemed to have received recognition and approval under that subsection without further action by the Department.

(c) Activities within or affecting wetlands that occur within the jurisdiction of a governmental body with a stormwater management program under Section 5-1062 of the Counties Code that meets the provisions of subdivisions (b)(1) and (b)(2) of this Section are exempt from the requirements of this Act, but must meet those county stormwater management requirements, at a minimum. This exemption also applies during the period that the Department is considering a county's request under subsection (b), but the requirements of this Act do apply until the county has requested recognition under subsection (b), unless the county has received immediate recognition under subsection (b-5) of this Section.

(d) The Director may rescind recognition status in the event that the governmental body with a stormwater management program under Section 5-1062 of the Counties Code no longer meets the provisions of subdivisions (b)(1) and (b)(2) of this Section.

(e) A governmental body with a stormwater management program under Section 5-1062 of the Counties Code that has obtained recognition by the Director under subsection (b) of this Section shall submit an annual report to the Director.

(f) Counties having authority under Section 5-1062 of the Counties Code to adopt a stormwater management program shall seek with the assistance of the Northeastern Illinois Planning Commission to coordinate and unify regulations adopted pursuant thereto.

(g) Nothing in this Act shall be construed as a limitation or preemption of any home rule power.

Section 70. Wetlands Protection Fund. All fees and penalties collected by the Department pursuant to this Act shall be deposited into the Wetlands Protection Fund, which is hereby created as a special fund in the State Treasury. In addition to any moneys that may be appropriated from the General Revenue Fund, the Illinois General Assembly shall appropriate moneys in the Wetlands Protection Fund to the Department in amounts deemed necessary to implement this Act.

Section 95. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Wetlands Protection Fund. Section 97. 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 motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 3, 4 and 5 were ordered engrossed; and the bill, as amended, was 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 May, HOUSE BILL 422 was taken up and read by title a third time.

Representative Black request a verified roll call.

Representative Black withdraws his request

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

65, Yeas; 48, Nays; 4, Answering Present.

(ROLL CALL 50)

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.

ACTION ON MOTIONS

Pursuant to the motion submitted previously, Representative Bradley moved to reconsider the vote by which Floor Amendment No. 4 to SENATE BILL 1733 failed.

And on that motion, a vote was taken resulting as follows:

75, Yeas; 42, Nays; 0, Answering Present.

(ROLL CALL 51)

The motion prevailed.

SENATE BILL ON SECOND READING

SENATE BILL 1733. Having been read by title a second time on May 30, 2003, and held on the order of Second Reading, the same was again taken up.

Representative Currie offered and withdrew Amendments numbered 1, 2 and 3.

Representative Currie offered the following amendment and moved its adoption.

AMENDMENT NO. 4

AMENDMENT NO. 4____. Amend Senate Bill 1733 by replacing the title with the following:

"AN ACT in relation to taxes."; and

by replacing everything after the enacting clause with the following: "ARTICLE 5

Section 5-1. Short title. This Article may be cited as the Gas Use Tax Law.

Section 5-5. Definitions. For purposes of this Law:

"Delivering supplier" means any person engaged in the business of delivering gas to persons for use or consumption and not for resale, and who, in any case where more than one person participates in the delivery of gas to a specific purchaser, is the last of the suppliers engaged in delivering the gas prior to its receipt by the purchaser.

"Delivering supplier maintaining a place of business in this State", or any like term, means any delivering supplier having or maintaining within this State, directly or by a subsidiary, an office, distribution facility, sales office, or other place of business, or any employee, agent, or other representative operating within this State under the authority of such delivering supplier or such delivering supplier's subsidiary, irrespective of whether such place of business or agent or other representative is located in this State permanently or temporarily, or whether such delivering supplier or such delivering supplier's subsidiary is licensed to do business in this State.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue.

"Gas" means any gaseous fuel distributed through a pipeline system.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company,

joint adventure, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, or any city, town, county, or other political subdivision of this State.

"Purchase of out-of-State gas" means a transaction for the purchase of gas from any supplier in a manner that does not subject the seller of that gas to liability under the Gas Revenue Tax Act.

"Purchase price" means the consideration paid for the distribution, supply, furnishing, sale, transportation, or delivery of gas to a person for use or consumption and not for resale, and for all services directly related to the production, transportation, or distribution of gas distributed, supplied, furnished, sold, transmitted, or delivered for use or consumption, including cash, services, and property of every kind and nature. However, "purchase price" shall not include consideration paid for:

(i) Any charge for a dishonored check.

(ii) Any finance or credit charge, penalty, charge for delayed payment, or discount for prompt payment.

(iii) Any charge for reconnection of service or for replacement or relocation of facilities.

(iv) Any advance or contribution in aid of construction.

(v) Repair, inspection, or servicing of equipment located on customer premises.

(vi) Leasing or rental of equipment, the leasing or rental of which is not necessary to furnishing, supplying, or selling gas.

(vii) Any purchase by a purchaser if the supplier is prohibited by federal or State constitution, treaty, convention, statute, or court decision from recovering the related tax liability from such purchaser.

(viii) Any amounts added to purchasers' bills because of changes made pursuant to the tax imposed by this Law.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Purchaser" means any person who acquires the ownership of gas for use or consumption, and not for resale, for a valuable consideration.

"Self-assessing purchaser" means a purchaser of gas for use or consumption that is required to be registered with the Department and is responsible for filing returns and paying the tax imposed under this Law directly to the Department.

"Use" means the exercise by any person of any right or power over gas incident to the ownership of that gas, except that it does not include the sale of gas in the regular course of business.

Section 5-10. Imposition of tax. Beginning October 1, 2003, a tax is imposed upon the privilege of using in this State gas obtained in a purchase of out-of-state gas at the rate of 2.4 cents per therm or 5% of the purchase price for the billing period, whichever is the lower rate. Such tax rate shall be referred to as the "self-assessing purchaser tax rate." Beginning with bills issued by delivering suppliers on and after October 1, 2003, purchasers may elect an alternative tax rate of 2.4 cents per therm to be paid under the provisions of Section 5-15 of this Law to a delivering supplier maintaining a place of business in this State. Such tax rate shall be referred to as the "alternate tax rate". The tax imposed under this Section shall not apply to gas used by business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

Section 5-15. Collection of Gas Use Tax; relief of duty. Beginning with bills issued on and after October 1, 2003, a delivering supplier maintaining a place of business in this State shall collect, from the purchasers who have elected the alternate tax rate provided in Section 5-10 of this Law, the tax that is imposed by this Law at the alternate 2.4 cents per therm rate. The tax imposed at the alternate tax rate by this Law shall, when collected, be stated as a distinct and separate item apart from the selling price of the gas. The tax collected by any delivering supplier shall constitute a debt owed by that person to this State. Upon receipt by a delivering supplier of a copy of a certificate of registration issued to a self-assessing purchaser under Section 5-20 of this Law, that delivering supplier is relieved of the duty to collect the alternate tax from that self-assessing purchaser beginning with bills issued to that self-assessing purchaser 30 or more days after receipt of the copy of that certificate of registration.

Section. 5-20. Self-assessing purchaser registration; certificate of registration. Any purchaser who does not elect the alternate tax rate to be paid to a delivering supplier shall register with the Department as a self-assessing purchaser and pay the tax imposed by Section 5-10 of this Law directly to the Department at the self-assessing purchaser rate.

A purchaser registering as a self-assessing purchaser may not revoke such registration for at least one year thereafter. Application for a certificate of registration as a self-assessing purchaser shall be made to the Department upon forms furnished by the Department and shall contain any reasonable information that the

Department may require. The self-assessing purchaser shall be required to disclose the name of the delivering supplier or suppliers who are delivering the gas upon which the self-assessing purchaser will be paying tax directly to the Department.

Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration as a self-assessing purchaser. The applicant shall provide a copy of the certificate of registration as a self-assessing purchaser to the applicant's delivering supplier or suppliers.

Section 5-25. Self-assessing purchaser; direct return and payment of tax. Except for purchasers who have chosen the alternate tax rate to be paid to a delivering supplier maintaining a place of business in this State, the tax imposed in Section 5-10 of this Law shall be paid to the Department directly by each self-assessing purchaser who is subject to the tax imposed by this Law. Each self-assessing purchaser shall, on or before the 15th day of each month, make a return to the Department for the preceding calendar month, stating the following:

(1) His or her name and principal address.

(2) The total number of therms used by him or her during the preceding calendar month and upon the basis of which the tax is imposed.

(3) The purchase price of gas used by him or her during the preceding calendar month and upon the basis of which the tax is imposed.

(4) Amount of tax (computed upon items 2 and 3).

(5) Such other reasonable information as the Department may require.

In making such return, the self-assessing purchaser may use any reasonable method to derive reportable "therms" and "purchase price" from his or her billing and payment records.

If the average monthly liability of the self-assessing purchaser to the Department does not exceed $100, the Department may authorize his or her returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year.

If the average monthly liability of the self-assessing purchaser to the Department does not exceed $20, the Department may authorize his or her returns to be filed on a annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a self-assessing purchaser may file his or her return, in the case of any such self-assessing purchaser who ceases to engage in a kind of business which makes him or her responsible for filing returns under this Law, such person shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each self-assessing purchaser whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such person's actual tax liability for the month or 25% of such person's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of the self-assessing purchaser's return for that month. Any outstanding credit, approved by the Department, arising from the self-assessing purchaser's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such self-assessing purchaser's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

The self-assessing purchaser making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law. All moneys received by the Department under this Law shall be paid into the General Revenue Fund in the State treasury.

Section 5-30. Registration of delivering suppliers. A delivering supplier maintaining a place of business

in this State who engages in the delivery of gas in this State shall register with the Department. A delivering supplier, if required to register under the Gas Revenue Tax Act, need not obtain an additional certificate of registration under this Law, but shall be deemed to be sufficiently registered by virtue of his being registered under the Gas Revenue Tax Act. Application for a certificate of registration shall be made to the Department upon forms furnished by the Department and shall contain any reasonable information the Department may require. Upon receipt of the application for a certificate of registration in proper form, the Department shall issue to the applicant a certificate of registration. The Department may deny a certificate of registration to any applicant if such applicant is in default for moneys due under this Law. Any person aggrieved by any decision of the Department under this Section may, within 20 days after notice of such decision, protest and request a hearing, whereupon the Department shall give notice to such person of the time and place fixed for such hearing and shall hold a hearing in conformity with the provisions of this Law and then issue its final administrative decision in the matter to such person. In the absence of such a protest within 20 days, the Department's decision shall become final without any further determination being made or notice given.

Section 5-35. Return and payment of tax by delivering supplier. Each delivering supplier who is required under Section 5-15 to collect the tax imposed by this Law shall make a return to the Department on or before the 15th day of each month for the preceding calendar month stating the following:

(1) His or her name.

(2) The address of his or her principal place of business and the address of the principal place of business (if that is a different address) from which he or she engages in the business of delivering gas to persons for use or consumption and not for resale.

(3) The total number of therms of gas delivered to purchasers during the preceding calendar month and upon the basis of which the tax is imposed.

(4) Amount of tax computed upon item 3.

(5) Such other reasonable information as the Department may require.

In making such return the person engaged in the business of delivering gas to persons for use or consumption and not for resale may use any reasonable method to derive reportable "therms" from his or her billing and payment records.

If the average monthly liability to the Department of the delivering supplier does not exceed $100, the Department may authorize his or her returns to be filed on a quarter-annual basis, with the return for January, February, and March of a given year being due by April 30 of such year; with the return for April, May, and June of a given year being due by July 31 of such year; with the return for July, August, and September of a given year being due by October 31 of such year; and with the return for October, November, and December of a given year being due by January 31 of the following year.

If the average monthly liability to the Department of the delivering supplier does not exceed $20, the Department may authorize his or her returns to be filed on an annual basis, with the return for a given year being due by January 31 of the following year.

Such quarter-annual and annual returns, as to form and substance, shall be subject to the same requirements as monthly returns.

Notwithstanding any other provision in this Law concerning the time within which a delivering supplier may file his or her return, in the case of any delivering supplier who ceases to engage in a kind of business that makes him or her responsible for filing returns under this Law, such delivering supplier shall file a final return under this Law with the Department not more than one month after discontinuing such business.

Each delivering supplier whose average monthly liability to the Department under this Law was $10,000 or more during the preceding calendar year, excluding the month of highest liability and the month of lowest liability in such calendar year, and who is not operated by a unit of local government, shall make estimated payments to the Department on or before the 7th, 15th, 22nd, and last day of the month during which tax liability to the Department is incurred in an amount not less than the lower of either 22.5% of such person's actual tax liability for the month or 25% of such person's actual tax liability for the same calendar month of the preceding year. The amount of such quarter-monthly payments shall be credited against the final tax liability of such person's return for that month. Any outstanding credit, approved by the Department, arising from such person's overpayment of his or her final tax liability for any month may be applied to reduce the amount of any subsequent quarter-monthly payment or credited against the final tax liability of such person's return for any subsequent month. If any quarter-monthly payment is not paid at the time or in the amount required by this Section, such person shall be liable for penalty and interest on the difference between the minimum amount due as a payment and the amount of such payment actually and

timely paid, except insofar as such person has previously made payments for that month to the Department in excess of the minimum payments previously due.

The delivering supplier making the return provided for in this Section shall, at the time of making such return, pay to the Department the amount of tax imposed by this Law. All moneys received by the Department under this Law shall be paid into the General Revenue Fund in the State treasury.

Section 5-40. Incorporation of applicable Sections. The Department shall have full power to administer and enforce this Law; to collect all taxes, penalties, and interest due hereunder; to dispose of taxes, penalties, and interest so collected in the manner hereinafter provided; and to determine all rights to credit memoranda or refunds arising on account of the erroneous payment of tax, penalty, or interest hereunder. In the administration of, and compliance with, this Section, the Department and persons who are subject to this Section shall have the same rights, remedies, privileges, immunities, powers, and duties, be subject to the same conditions, restrictions, limitations, penalties, and definitions of terms, and employ the same modes of procedure, as are prescribed in Sections 2, 4, 5, 6, 7, 9 (except provisions relating to transaction returns and except that the due date for returns shall be the 15th day of each month for the preceding calendar month), 10, 11, 12, 12a, 12b, 13, 14, 15, 18, 19, 20, 21, and 22 of the Use Tax Act, and are not inconsistent with this Section, as fully as if those provisions were set forth herein.

Section 5-45. Multistate exemption. To prevent actual multi-state taxation of the privilege that is subject to taxation under this Law, any purchaser, upon proof that purchaser has paid a tax in another state on such event, shall be allowed a credit against the tax imposed by this Law, to the extent of the amount of the tax properly due and paid in the other state.

Section 5-50. Exemptions. The tax imposed under this Act shall not apply to:

(1) Gas used by business enterprises located in an enterprise zone certified by the Department of Commerce and Economic Opportunity pursuant to the Illinois Enterprise Zone Act;

(2) Gas used by governmental bodies, or a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes. Such use shall not be exempt unless the government body, or corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes has first been issued a tax exemption identification number by the Department of Revenue pursuant to Section 1g of the Retailers' Occupation Tax Act. A limited liability company may qualify for the exemption under this Section only if the limited liability company is organized and operated exclusively for educational purposes. The term "educational purposes" shall have the same meaning as that set forth in Section 2h of the Retailers' Occupation Tax Act;

(3) Gas used in the production of electric energy. This exemption does not include gas used in the general maintenance or heating of an electric energy production facility or other structure;

(4) Gas used in a petroleum refinery operation;

(5) Gas purchased by persons for use in liquefaction and fractionation processes that produce value added natural gas byproducts for resale;

(6) Gas used in the production of anhydrous ammonia and downstream nitrogen fertilizer products for resale.

The Department may adopt rules to implement the provisions of this Section.

Section 5-905. The Gas Revenue Tax Act is amended by changing Sections 1 and 2 as follows:

(35 ILCS 615/1) (from Ch. 120, par. 467.16)

Sec. 1. For the purposes of this Act: "Gross receipts" means the consideration received for gas distributed, supplied, furnished or sold to persons for use or consumption and not for resale, and for all services (including the transportation or storage of gas for an end-user) rendered in connection therewith, and shall include cash, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of the service, product or commodity supplied, the cost of materials used, labor or service costs, or any other expense whatsoever. However, "gross receipts" shall not include receipts from:

(i) any minimum or other charge for gas or gas service where the customer has taken no therms of gas;

(ii) any charge for a dishonored check;

(iii) any finance or credit charge, penalty or charge for delayed payment, or discount for prompt payment;

(iv) any charge for reconnection of service or for replacement or relocation of facilities;

(v) any advance or contribution in aid of construction;

(vi) repair, inspection or servicing of equipment located on customer premises;

(vii) leasing or rental of equipment, the leasing or rental of which is not necessary to distributing, furnishing, supplying, selling, transporting or storing gas;

(viii) any sale to a customer if the taxpayer is prohibited by federal or State constitution, treaty, convention, statute or court decision from recovering the related tax liability from such customer;

(ix) any charges added to customers' bills pursuant to the provisions of Section 9-221 or Section 9-222 of the Public Utilities Act, as amended, or any charges added to customers' bills by taxpayers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; and

(x) prior to October 1, 2003, any charge for gas or gas services to a customer who acquired contractual rights for the direct purchase of gas or gas services originating from an out-of-state supplier or source on or before March 1, 1995, except for those charges solely related to the local distribution of gas by a public utility. This exemption includes any charge for gas or gas service, except for those charges solely related to the local distribution of gas by a public utility, to a customer who maintained an account with a public utility (as defined in Section 3-105 of the Public Utilities Act) for the transportation of customer-owned gas on or before March 1, 1995. The provisions of this amendatory Act of 1997 are intended to clarify, rather than change, existing law as to the meaning and scope of this exemption. This exemption (x) expires on September 30, 2003.

In case credit is extended, the amount thereof shall be included only as and when payments are received.

"Gross receipts" shall not include consideration received from business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

"Department" means the Department of Revenue of the State of Illinois.

"Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

"Taxpayer" means a person engaged in the business of distributing, supplying, furnishing or selling gas for use or consumption and not for resale.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint adventure, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, or any city, town, county or other political subdivision of this State.

"Invested capital" means that amount equal to (i) the average of the balances at the beginning and end of each taxable period of the taxpayer's total stockholder's equity and total long-term debt, less investments in and advances to all corporations, as set forth on the balance sheets included in the taxpayer's annual report to the Illinois Commerce Commission for the taxable period; (ii) multiplied by a fraction determined under Sections 301 and 304(a) of the "Illinois Income Tax Act" and reported on the Illinois income tax return for the taxable period ending in or with the taxable period in question. However, notwithstanding the income tax return reporting requirement stated above, beginning July 1, 1979, no taxpayer's denominators used to compute the sales, property or payroll factors under subsection (a) of Section 304 of the Illinois Income Tax Act shall include payroll, property or sales of any corporate entity other than the taxpayer for the purposes of determining an allocation for the invested capital tax. This amendatory Act of 1982, Public Act 82-1024, is not intended to and does not make any change in the meaning of any provision of this Act, it having been the intent of the General Assembly in initially enacting the definition of "invested capital" to provide for apportionment of the invested capital of each company, based solely upon the sales, property and payroll of that company.

"Taxable period" means each period which ends after the effective date of this Act and which is covered by an annual report filed by the taxpayer with the Illinois Commerce Commission. (Source: P.A. 89-417, eff. 1-1-96; 90-16, eff. 6-16-97.)

(35 ILCS 615/2) (from Ch. 120, par. 467.17)

Sec. 2. A tax is imposed upon persons engaged in the business of distributing, supplying, furnishing or selling gas to persons for use or consumption and not for resale at the rate of 2.4 cents per therm of all gas which is so distributed, supplied, furnished, sold or transported to or for each customer in the course of such business, or 5% of the gross receipts received from each customer from such business, whichever is the lower rate as applied to each customer for that customer's billing period, provided that any change in rate imposed by this amendatory Act of 1985 shall become effective only with bills having a meter reading date on or after January 1, 1986. However, such taxes are not imposed with respect to any business in interstate commerce, or otherwise to the extent to which such business may not, under the Constitution and statutes of the United States, be made the subject of taxation by this State.

Nothing in this amendatory Act of 1985 shall impose a tax with respect to any transaction with respect

to which no tax was imposed immediately preceding the effective date of this amendatory Act of 1985.

Beginning with bills issued to customers on and after October 1, 2003, no tax shall be imposed under this Act on transactions with customers who incur a tax liability under the Gas Use Tax Law. (Source: P.A. 84-307; 84-1093.)

Section 5-999. Effective date. This Act takes effect on October 1, 2003.".

And on that motion, a vote was taken resulting as follows:

62, Yeas; 53, Nays; 1, Answering Present.

(ROLL CALL 51)

The motion prevailed and the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was adopted and the bill, as amended, was advanced to the order of Third Reading.

SENATE BILL 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 1733 was taken up and read by title a third time.

And the question being, "Shall this bill pass?".

Pending the vote on said bill, on motion of Speaker Madigan, further consideration of SENATE BILL 1733 was postponed.

SUSPEND POSTING REQUIREMENTS

Pursuant to the motion submitted previously, Representative Morrow moved to suspend the posting requirements in Rule 25 in relation to Senate Joint Resolution 36.

The motion prevailed.

At the hour of 11:50 o'clock p.m., Representative Currie moved that the House do now adjourn until Saturday, May 31, 2003, at 10:00 o'clock a.m.

The motion prevailed.

And the House stood adjourned.

NO. 1

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
QUORUM ROLL CALL FOR ATTENDANCE

May 30, 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	E 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, Richard	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	P 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, William	P Kurtz	P Pankau	
P Delgado	P Lang	P Parke	

E - Denotes Excused Absence

NO. 2

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 703
GOVERNMENTAL ETHICS-TECH
THIRD READING
PASSED

May 30, 2003

106 YEAS 0 NAYS 10 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
P Bailey	E Eddy	Y Lyons, Eileen	Y Poe
Y Bassi	Y Feigenholtz	E 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	P Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	P 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	Y Stephens
P 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
P Collins	P Howard	P Morrow	Y Verschoore
P Colvin	Y Hultgren	Y Mulligan	Y Wait
Y Coulson	Y Jakobsson	Y Munson	P 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
P Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 3

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1606
GAMING-TECH
THIRD READING
PASSED

May 30, 2003

62 YEAS 53 NAYS 2 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
Y Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	Y May	Y Ryg
N Biggins	N Franks	N McAuliffe	N Sacia
N Black	N Fritchey	Y McCarthy	Y Saviano
N Boland	N Froehlich	N McGuire	N Schmitz
Y Bost	N Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	Y Meyer	N Smith
N Brauer	N Grunloh	N Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
N Burke	Y Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	N Hassert	N Mitchell, Jerry	N Sullivan
N Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
N Churchill	Y Holbrook	N Molaro	Y Turner
Y Collins	Y Howard	P Morrow	N Verschoore
Y Colvin	N Hultgren	Y Mulligan	N Wait
Y Coulson	N Jakobsson	N Munson	Y Washington
N Cross	Y Jefferson	Y Myers	N Watson
Y Cultra	Y Jones	Y Nekritz	Y Winters
Y Currie	P Joyce	Y Novak	Y Wirsing
N Daniels	Y Kelly	N O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	Y Osmond	Y Younge
Y Davis, Steve	N Krause	Y Osterman	Y Mr. Speaker
N Davis, William	Y Kurtz	Y Pankau	
Y Delgado	N Lang	N Parke	

E - Denotes Excused Absence

NO. 4

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 83
PROP TAX-EXTENSION LIMIT-BONDS
THIRD READING
PASSED

May 30, 2003

64 YEAS 50 NAYS 3 PRESENT

Y Acevedo	P Dunkin	Y Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	Y Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	Y Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	Y May	N Ryg
Y Biggins	N Franks	N McAuliffe	N Sacia
Y Black	N Fritchey	N McCarthy	Y Saviano
N Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
N Brady	Y Granberg	N Meyer	Y Smith
Y Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	N Sullivan
N Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
Y Churchill	N Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	Y Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
N Cross	N Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	N Winters
Y Currie	P Joyce	Y Novak	Y Wirsing
Y Daniels	Y Kelly	N O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	N Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	N Kurtz	N Pankau	
P Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 5

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1784
DEPOSIT OF PUBLIC MONEYS
THIRD READING
PASSED

May 30, 2003

94 YEAS 0 NAYS 23 PRESENT

Y Acevedo	P Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
P Bailey	E Eddy	Y Lyons, Eileen	Y Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	Y Flider	Y Mathias	P Rita
Y Bellock	Y Flowers	Y Mautino	Y Rose
Y Berrios	Y Forby	Y May	Y Ryg
Y Biggins	P Franks	Y McAuliffe	Y Sacia
Y Black	Y Fritchey	Y McCarthy	Y Saviano
Y Boland	P Froehlich	P McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	P Scully
P Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	Y Meyer	Y Smith
Y Brauer	Y Grunloh	P Miller	Y Sommer
Y Brosnahan	Y Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	Y Mitchell, Bill	P Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
P Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	P Molaro	Y Turner
Y Collins	P Howard	Y Morrow	P Verschoore
Y Colvin	Y Hultgren	Y Mulligan	Y Wait
Y Coulson	Y Jakobsson	P Munson	P Washington
Y Cross	Y Jefferson	Y Myers	Y Watson
Y Cultra	Y Jones	Y Nekritz	Y Winters
Y Currie	Y Joyce	P Novak	Y Wirsing
P Daniels	P Kelly	P O'Brien	Y Yarbrough
Y Davis, Monique	Y Kosel	Y Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	P Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
P Delgado	Y Lang	P Parke	

E - Denotes Excused Absence

NO. 6

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1848
TOLL HWY-ELECTRONIC COLLECTION
THIRD READING
PASSED

May 30, 2003

85 YEAS 29 NAYS 3 PRESENT

Y Acevedo	N Dunkin	Y Leitch	Y Phelps
Y Aguilar	N Dunn	P Lindner	Y Pihos
Y Bailey	E Eddy	P Lyons, Eileen	N Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
N Beaubien	Y Flider	Y Mathias	Y Rita
Y Bellock	Y Flowers	N Mautino	N Rose
Y Berrios	Y Forby	Y May	Y Ryg
Y Biggins	Y Franks	Y McAuliffe	N 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, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	Y Meyer	Y Smith
N Brauer	Y Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	Y Millner	Y Soto
Y Burke	N Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	N Hassert	N Mitchell, Jerry	N Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	N Tenhouse
Y Churchill	N 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
N Cross	N Jefferson	N Myers	N Watson
N Cultra	P Jones	Y Nekritz	N Winters
Y Currie	Y Joyce	Y Novak	N Wirsing
Y Daniels	Y Kelly	Y O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	N Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 7

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 685
LOCAL MASS TRANSIT DIST ACT
THIRD READING
PASSED

May 30, 2003

72 YEAS 44 NAYS 1 PRESENT

Y Acevedo	P Dunkin	Y Leitch	N Phelps
N Aguilar	N Dunn	N Lindner	Y Pihos
Y Bailey	E Eddy	N Lyons, Eileen	Y Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
Y Biggins	N Franks	Y McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	Y Saviano
Y Boland	N Froehlich	Y McGuire	N Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	N Meyer	Y Smith
Y Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	Y 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	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	Y Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	N Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y Winters
Y Currie	N Joyce	Y Novak	Y Wirsing
Y Daniels	Y Kelly	Y O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	N Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 8

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1915
VIOLENCE PREVENTION-TECH
THIRD READING
PASSED

May 30, 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	E 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, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 9

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1235
SCH CD-CHI-PROF PERSONNEL COMM
MOTION TO CONCUR IN SENATE AMENDMENT NO. 1
CONCURRED

May 30, 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	E 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, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1074
INSURANCE-TECH
MOTION TO CONCUR IN SENATE AMENDMENT NO. 1
CONCURRED

May 30, 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	E 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, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 10

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 1074
INSURANCE-TECH
MOTION TO CONCUR IN SENATE AMENDMENT NO. 2
CONCURRED

May 30, 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	E 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, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 11

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1332
HOSP LIC-FACILITY PLAN REVIEW
THIRD READING
PASSED

May 30, 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	E 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, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 12

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 428
ELEC CD-TOUCH SCREEN VOTING
THIRD READING
PASSED

May 30, 2003

110 YEAS 5 NAYS 2 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	Y Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
N 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	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	N Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
P 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
P 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	N Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 13

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1000
EPA-TECHNICAL
THIRD READING
PASSED

May 30, 2003

63 YEAS 54 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	Y Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
N Biggins	N Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	N Saviano
Y Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
N Brady	Y Granberg	N Meyer	Y Smith
Y Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N 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	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	N Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 14

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1101
MUNI TELECOM TAX-RETURNS
THIRD READING
PASSED

May 30, 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	E 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, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 15

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 75
JUDGES-ADD SUBCIRCUITS
THIRD READING
PASSED
VERIFIED

May 30, 2003

64 YEAS 51 NAYS 1 PRESENT

Y Acevedo	N Dunkin	N Leitch	Y Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E 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	Y Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
N Brady	Y Granberg	N Meyer	Y Smith
N Brauer	Y Grunloh	Y Miller	N Sommer
Y Brosnahan	P Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	N 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
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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 16

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 719
CONVEYANCE ACT OF 2003
THIRD READING
PASSED

May 30, 2003

72 YEAS 44 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	Y Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	Y Forby	Y May	Y Ryg
N Biggins	Y Franks	Y McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	N Stephens
Y Capparelli	N 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
N Cross	Y Jefferson	N Myers	N 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	N Kosel	N Osmond	Y Younge
Y Davis, Steve	N Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 17

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 3813
MOTION TO DISCHARGE COMMITTEE
MOTION TO OVERRULE THE CHAIR
SHALL THE CHAIR BE SUSTAINED---PREVAILED

May 30, 2003

66 YEAS 49 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	Y Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E 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	Y Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	N Stephens
Y Capparelli	A 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
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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 18

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1548
PUBLIC AID-ELIGIBLE NONCITIZEN
THIRD READING
PASSED

May 30, 2003

114 YEAS 2 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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
N 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	N Kosel	Y Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 19

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 741
COMP HLTH INS-TECHNICAL
THIRD READING
PASSED

May 30, 2003

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 20

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1064
COMMUNITY BENEFITS ACT
THIRD READING
PASSED

May 30, 2003

96 YEAS 19 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	Y Phelps
Y Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	Y Poe
N 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	Y Franks	Y McAuliffe	Y Sacia
Y Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	Y Meyer	Y Smith
Y Brauer	Y Grunloh	Y Miller	A Sommer
Y Brosnahan	Y Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	Y Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	N 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	N Hultgren	N Mulligan	N Wait
Y 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
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, William	Y Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 21

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 774
BOB-TECH
SECOND READING
FLOOR AMENDMENT NO.2
ADOPTED

May 30, 2003

62 YEAS 53 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	Y Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
N Biggins	N Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
N Boland	N Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	N Slone
Y Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	N Mitchell, Jerry	N Sullivan
P Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
N Churchill	N Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
N Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y Winters
Y Currie	Y Joyce	Y Novak	Y 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 22

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 774
BOB-TECH
THIRD READING
PASSED

May 30, 2003

61 YEAS 54 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
N Biggins	N Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
N Boland	N Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	N Mitchell, Jerry	N Sullivan
P Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
N Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
N Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N 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	N Osmond	Y Younge
Y Davis, Steve	N Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 23

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 945
CRIMINAL PROCEDURE-TECHNICAL
SECOND READING
FLOOR AMENDMENT NO.2
ADOPTED

May 30, 2003

110 YEAS 6 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	Y Rose
Y Berrios	Y Forby	Y May	Y Ryg
Y Biggins	Y Franks	Y McAuliffe	Y Sacia
Y Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	N Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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	N 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
N 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 24

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 945
CRIMINAL PROCEDURE-TECHNICAL
THIRD READING
PASSED

May 30, 2003

112 YEAS 4 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	Y Rose
Y Berrios	Y Forby	Y May	Y Ryg
Y Biggins	Y Franks	Y McAuliffe	Y Sacia
Y Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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	N Turner
N 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
N Davis, Monique	Y Kosel	Y Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 25

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1634
UTILITY TAXES-TECH
SECOND READING
FLOOR AMENDMENT NO.2
ADOPTED

May 30, 2003

62 YEAS 54 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
N Biggins	N Franks	Y McAuliffe	Y Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
N Boland	N Froehlich	Y McGuire	Y Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	N Slone
Y Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N 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	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 26

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1634
UTILITY TAXES-TECH
THIRD READING
PASSED

May 30, 2003

60 YEAS 56 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
N Biggins	N Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
N Boland	N Froehlich	Y McGuire	Y Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	N Slone
Y Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N 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	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 27

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1021
HIGHER EDUCATION-TECH
THIRD READING
PASSED

May 30, 2003

74 YEAS 41 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	Y Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	N Reitz
N Beaubien	N Flider	Y Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	Y Forby	N May	N Ryg
N Biggins	A Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	N Slone
Y Brady	Y Granberg	N Meyer	Y Smith
Y Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	Y Mitchell, Bill	Y Stephens
Y Capparelli	N Hassert	Y Mitchell, Jerry	N Sullivan
Y Chapa LaVia	Y Hoffman	N Moffitt	Y Tenhouse
Y Churchill	N Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	Y Wait
Y Coulson	Y Jakobsson	N Munson	Y Washington
N Cross	Y Jefferson	N Myers	Y Watson
N Cultra	Y Jones	Y Nekritz	N Winters
Y Currie	Y Joyce	Y Novak	Y Wirsing
Y Daniels	Y Kelly	N O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	N Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 28

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1701
PENSIONS-TECH
THIRD READING
PASSED

May 30, 2003

95 YEAS 21 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	Y Poe
N 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	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	N 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	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
Y Daniels	Y Kelly	Y O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	N Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 29

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 989
PUBLIC AID-TECH
THIRD READING
PASSED

May 30, 2003

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 30

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 640
REAL PROPERTY-TECH
THIRD READING
PASSED

May 30, 2003

68 YEAS 47 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	N Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	Y Mathias	Y Rita
Y Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	Y Ryg
Y Biggins	N Franks	Y McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	N Froehlich	Y McGuire	Y Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	N Slone
Y Brady	Y Granberg	Y Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	N Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	N Sullivan
N Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	Y Jakobsson	N Munson	Y Washington
Y Cross	N Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	N Winters
Y Currie	N Joyce	Y Novak	N Wirsing
N Daniels	Y Kelly	Y O'Brien	N Yarbrough
N Davis, Monique	N Kosel	N Osmond	Y Younge
Y Davis, Steve	N Krause	Y Osterman	P Mr. Speaker
Y Davis, William	N Kurtz	Y Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 31

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1912
DEPT HUMAN SERVICES-TECH
THIRD READING
PASSED

May 30, 2003

98 YEAS 9 NAYS 9 PRESENT

Y Acevedo	P Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	Y Rose
Y Berrios	Y Forby	Y May	Y Ryg
Y Biggins	Y Franks	Y McAuliffe	Y Sacia
Y Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	N Giles	P McKeon	Y Scully
Y Bradley, Richard	P Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	Y Meyer	Y Smith
Y Brauer	Y Grunloh	P Miller	Y Sommer
Y Brosnahan	N Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	Y Mitchell, Bill	Y 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	N Turner
N Collins	P Howard	P Morrow	Y Verschoore
P Colvin	Y Hultgren	Y Mulligan	Y Wait
Y Coulson	Y Jakobsson	Y Munson	Y Washington
Y Cross	N Jefferson	Y Myers	Y Watson
Y Cultra	N Jones	Y Nekritz	Y Winters
P Currie	Y Joyce	Y Novak	Y Wirsing
Y Daniels	Y Kelly	Y O'Brien	N Yarbrough
N Davis, Monique	Y Kosel	Y Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
P Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 32

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1949
STATE BOARD OF EDUCATION-TECH
THIRD READING
PASSED

May 30, 2003

114 YEAS 1 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	A Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	N 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 33

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 843
MUNICIPAL GOVERNMENT-TECH
THIRD READING
PASSED

May 30, 2003

95 YEAS 21 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	Y Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	Y Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
Y Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	Y May	Y Ryg
Y Biggins	Y Franks	Y McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
N Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	Y Meyer	Y Smith
Y Brauer	N Grunloh	Y Miller	Y Sommer
Y Brosnahan	Y Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	Y Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	N Sullivan
Y Chapa LaVia	Y Hoffman	Y Moffitt	N Tenhouse
N Churchill	Y Holbrook	N 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
N Cultra	Y Jones	Y Nekritz	Y Winters
Y Currie	Y Joyce	Y Novak	N Wirsing
N Daniels	Y Kelly	Y O'Brien	Y Yarbrough
Y Davis, Monique	Y Kosel	Y Osmond	Y Younge
N Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	N Lang	Y Parke	

E - Denotes Excused Absence

NO. 34

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 150
VEH CD-COASTING-TECH
THIRD READING
PASSED

May 30, 2003

97 YEAS 19 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	N Phelps
N Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	Y Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	Y Mathias	Y Rita
Y Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
Y Biggins	N Franks	Y McAuliffe	Y Sacia
Y Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	Y Slone
Y Brady	Y Granberg	Y Meyer	Y Smith
Y Brauer	N Grunloh	Y Miller	Y Sommer
Y Brosnahan	Y Hamos	Y Millner	Y Soto
Y Burke	Y Hannig	Y Mitchell, Bill	Y Stephens
Y Capparelli	Y Hassert	Y Mitchell, Jerry	Y Sullivan
N Chapa LaVia	Y Hoffman	Y Moffitt	Y Tenhouse
Y Churchill	Y Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	Y Hultgren	Y Mulligan	Y Wait
Y Coulson	N Jakobsson	N Munson	N Washington
Y Cross	N Jefferson	Y Myers	N Watson
Y Cultra	Y Jones	N Nekritz	Y Winters
Y Currie	N Joyce	Y Novak	Y Wirsing
Y Daniels	Y Kelly	Y O'Brien	Y Yarbrough
Y Davis, Monique	Y Kosel	N Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 35

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE RESOLUTION 354
MOTION TO DISCHARGE COMMITTEE
MOTION TO OVERRULE THE CHAIR
SHALL THE CHAIR BE SUSTAINED--PREVAILED

May 30, 2003

66 YEAS 50 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	Y Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E 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	Y Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	N Stephens
Y Capparelli	N 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
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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 36

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1650
JUV CT-TECH
THIRD READING
PASSED

May 30, 2003

114 YEAS 2 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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	N 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
N Davis, Monique	Y Kosel	Y Osmond	Y Younge
Y Davis, Steve	Y Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 37

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 878
ST BD ED-NO CHILD LEFT BEHIND
THIRD READING
PASSED

May 30, 2003

116 YEAS 0 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 38

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1951
EDUCATION-TECH
THIRD READING
PASSED

May 30, 2003

115 YEAS 1 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	Y Rose
Y Berrios	Y Forby	Y May	Y Ryg
Y Biggins	Y Franks	Y McAuliffe	Y Sacia
Y Black	Y Fritchey	Y McCarthy	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 39

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 994
DEPT HUMAN SERVICES-TECH
THIRD READING
PASSED

May 30, 2003

115 YEAS 0 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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	P 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 40

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1649
VITAL RECORDS-STILLBIRTH
THIRD READING
PASSED

May 30, 2003

115 YEAS 0 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	P Pihos
Y Bailey	E 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	A Saviano
Y Boland	Y Froehlich	Y McGuire	Y Schmitz
Y Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	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	Y 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, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 41

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 788
COURTS-TECH
THIRD READING
PASSED

May 30, 2003

91 YEAS 25 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	N Leitch	Y Phelps
N Aguilar	N Dunn	Y Lindner	Y Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	Y Poe
P 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	N 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, Richard	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	N Mitchell, Bill	N 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	Y Turner
Y Collins	Y Howard	Y Morrow	Y Verschoore
Y Colvin	N Hultgren	Y Mulligan	Y 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, William	Y Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 42

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1865
SECURITIES ENFORCE FORFEIT
THIRD READING
PASSED

May 30, 2003

107 YEAS 8 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	Y Leitch	Y Phelps
Y Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E 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
Y Biggins	Y Franks	Y McAuliffe	N 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, Richard	Y Graham	Y Mendoza	Y Slone
N 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	Y 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	A Mulligan	Y Wait
A 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	N 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	Y Parke	

E - Denotes Excused Absence

NO. 43

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 2003
BOARDS-COMMISSIONS-TECH
THIRD READING
PASSED

May 30, 2003

71 YEAS 46 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	Y Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E 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	Y 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, Richard	Y Graham	Y Mendoza	Y Slone
N Brady	Y Granberg	N Meyer	Y Smith
N Brauer	Y Grunloh	Y Miller	Y Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	Y 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	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, William	Y Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 44

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1733
UTILITIES-TECH
SECOND READING
FLOOR AMENDMENT NO.4
FAILED

May 30, 2003

57 YEAS 57 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	P Flider	N Mathias	Y Rita
N Bellock	Y Flowers	N Mautino	N Rose
Y Berrios	N Forby	N May	N 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
N Bost	Y Giles	N McKeon	Y Scully
N Bradley, Richard	Y Graham	Y Mendoza	N Slone
N Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	A Mitchell, Bill	N 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	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	N Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y Winters
Y Currie	Y Joyce	Y Novak	Y 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, William	N Kurtz	N Pankau	
Y Delgado	A Lang	N Parke	

E - Denotes Excused Absence

NO. 45

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1725
PROPERTY TAX CODE-APPEALS-TECH
SECOND READING
FLOOR AMENDMENT NO.2
ADOPTED

May 30, 2003

61 YEAS 55 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	Y Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	Y May	N 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
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	A Slone
N Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N 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	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	N Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	N Winters
Y Currie	Y Joyce	Y Novak	N 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, William	N Kurtz	N Pankau	
Y Delgado	N Lang	N Parke	

E - Denotes Excused Absence

NO. 47

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 842
EXCISE TAXES-MOTOR FUEL-TECH
SECOND READING
FLOOR AMENDMENT NO.1
ADOPTED

May 30, 2003

61 YEAS 55 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N 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
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	A Slone
Y Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	N Mitchell, Jerry	N Sullivan
N Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
N Churchill	N Holbrook	Y Molaro	Y Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y Winters
Y Currie	Y Joyce	Y Novak	Y 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 48

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 842
EXCISE TAXES-MOTOR FUEL-TECH
THIRD READING
PASSED

May 30, 2003

60 YEAS 56 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	Y Mautino	N Rose
Y Berrios	N Forby	N May	N Ryg
N Biggins	N Franks	Y McAuliffe	N Sacia
N Black	N Fritchey	Y McCarthy	Y Saviano
N Boland	N Froehlich	Y McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
Y Bradley, Richard	Y Graham	Y Mendoza	A Slone
Y Brady	Y Granberg	N Meyer	N Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N 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	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y Winters
Y Currie	N Joyce	Y Novak	Y 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 49

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 841
TAX-MOTOR FUEL-TECH
SECOND READING
FLOOR AMENDMENT NO.1
ADOPTED

May 30, 2003

57 YEAS 54 NAYS 3 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	N Lindner	N Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	N Flider	N Mathias	Y Rita
N Bellock	Y Flowers	N Mautino	N Rose
P Berrios	N Forby	Y May	N 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, Richard	Y Graham	Y Mendoza	A Slone
N Brady	N Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	N Mitchell, Bill	N Stephens
Y Capparelli	Y Hassert	N Mitchell, Jerry	Y Sullivan
N Chapa LaVia	Y Hoffman	N Moffitt	N Tenhouse
N Churchill	Y Holbrook	Y Molaro	P Turner
Y Collins	Y Howard	Y Morrow	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	N Winters
Y Currie	P Joyce	Y Novak	Y Wirsing
N Daniels	A 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, William	N Kurtz	N Pankau	
Y Delgado	A Lang	N Parke	

E - Denotes Excused Absence

NO. 50

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
HOUSE BILL 422
WETLAND POLICY ACT-TECH
THIRD READING
PASSED

May 30, 2003

65 YEAS 48 NAYS 4 PRESENT

N Acevedo	Y Dunkin	Y Leitch	N Phelps
N Aguilar	Y Dunn	Y Lindner	Y Pihos
Y Bailey	E Eddy	Y Lyons, Eileen	N Poe
Y Bassi	Y Feigenholtz	Y Lyons, Joseph	N Reitz
Y Beaubien	N Flider	Y Mathias	Y Rita
Y Bellock	Y Flowers	N Mautino	N Rose
Y Berrios	N Forby	Y May	Y Ryg
Y Biggins	Y Franks	N McAuliffe	N Sacia
N Black	Y Fritchey	N McCarthy	Y Saviano
N Boland	Y Froehlich	N McGuire	N Schmitz
N Bost	Y Giles	Y McKeon	Y Scully
N Bradley, Richard	Y Graham	Y Mendoza	Y Slone
N Brady	N Granberg	Y Meyer	N Smith
N Brauer	N Grunloh	Y Miller	N Sommer
N Brosnahan	Y Hamos	Y Millner	Y Soto
N Burke	N Hannig	N Mitchell, Bill	N Stephens
N Capparelli	N Hassert	P Mitchell, Jerry	Y Sullivan
Y Chapa LaVia	N Hoffman	N Moffitt	Y Tenhouse
Y Churchill	N Holbrook	P Molaro	Y Turner
Y Collins	Y Howard	N Morrow	N Verschoore
P Colvin	Y Hultgren	Y Mulligan	N Wait
Y Coulson	Y Jakobsson	Y Munson	Y Washington
N Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	Y Nekritz	Y Winters
Y Currie	N Joyce	N Novak	N Wirsing
Y Daniels	Y Kelly	N O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	Y Osmond	Y Younge
N Davis, Steve	Y Krause	Y Osterman	N Mr. Speaker
Y Davis, William	Y Kurtz	Y Pankau	
Y Delgado	Y Lang	P Parke	

E - Denotes Excused Absence

NO. 51

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1733
UTILITIES-TECH
SECOND READING
FLOOR AMENDMENT NO.4
MOTION TO RECONSIDER VOTE---- PREVAILED

May 30, 2003

75 YEAS 42 NAYS 0 PRESENT

Y Acevedo	Y Dunkin	N Leitch	Y Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E 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, Richard	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	Y Mitchell, Bill	N 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	Y 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, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence

NO. 52

STATE OF ILLINOIS
NINETY-THIRD
GENERAL ASSEMBLY
HOUSE ROLL CALL
SENATE BILL 1733
UTILITIES-TECH
SECOND READING
FLOOR AMENDMENT NO.4
ADOPTED

May 30, 2003

62 YEAS 53 NAYS 1 PRESENT

Y Acevedo	Y Dunkin	N Leitch	N Phelps
N Aguilar	N Dunn	Y Lindner	N Pihos
Y Bailey	E Eddy	N Lyons, Eileen	N Poe
N Bassi	Y Feigenholtz	Y Lyons, Joseph	Y Reitz
Y Beaubien	P Flider	N Mathias	Y Rita
N Bellock	Y Flowers	N Mautino	N Rose
Y Berrios	N Forby	N May	N 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, Richard	Y Graham	Y Mendoza	N Slone
N Brady	Y Granberg	N Meyer	Y Smith
N Brauer	N Grunloh	Y Miller	N Sommer
Y Brosnahan	Y Hamos	N Millner	Y Soto
Y Burke	Y Hannig	Y Mitchell, Bill	Y 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	N Verschoore
Y Colvin	N Hultgren	N Mulligan	N Wait
N Coulson	N Jakobsson	N Munson	Y Washington
Y Cross	Y Jefferson	N Myers	N Watson
N Cultra	Y Jones	N Nekritz	Y Winters
Y Currie	N Joyce	Y Novak	Y Wirsing
N Daniels	Y Kelly	Y O'Brien	Y Yarbrough
Y Davis, Monique	N Kosel	A Osmond	Y Younge
Y Davis, Steve	N Krause	Y Osterman	Y Mr. Speaker
Y Davis, William	N Kurtz	N Pankau	
Y Delgado	Y Lang	N Parke	

E - Denotes Excused Absence