

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-THIRD GENERAL ASSEMBLY**

**129TH LEGISLATIVE DAY**

**TUESDAY, MAY 18, 2004**

**11:00 O'CLOCK A.M.**

**HOUSE OF REPRESENTATIVES  
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The House met pursuant to adjournment.

Speaker Madigan in the chair.

Prayer by Pastor Jim Campbell with the Christ Life Church in Woodstock, IL.

Representative Grunloh 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:

118 present. (ROLL CALL 1)

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

Motion to concur with Senate Amendment No. 2 to HOUSE BILL 378.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 393.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4005.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4099.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4232.

Motion to concur with Senate Amendments numbered 1 and 2 to HOUSE BILL 4475.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4566.

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 Black,William(R)

Y Hannig,Gary(D)

A Hassert,Brent(R), Republican Spokesperson

Y Turner,Arthur(D)

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

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4481.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4558.

Motion to concur with Senate Amendment No. 1 to HOUSE BILL 4788.

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

5, Yeas; 0, Nays; 0, Answering Present.

Y Currie,Barbara(D), Chairperson

Y Black,William(R)

Y Hannig,Gary(D)

Y Hassert,Brent(R), Republican Spokesperson

Y Turner,Arthur(D)

### COMMITTEE ON RULES REFERRALS

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

Elementary & Secondary Education: Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 758.

Human Services: Motion to concur with SENATE AMENDMENT No. 2 to HOUSE BILL 1082.

Judiciary I - Civil Law: Motion to concur with SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 4318.

Judiciary II - Criminal Law: Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 4027; Motion to concur with SENATE AMENDMENT No. 2 to HOUSE BILL 4135; Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 4949.

Local Government: Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 833.

Personnel & Pensions: Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 587.

State Government Administration: Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 4489.

Transportation & Motor Vehicles: Motion to concur with SENATE AMENDMENT No. 2 to HOUSE BILL 4403.

Veterans Affairs: Motion to concur with SENATE AMENDMENT No. 3 to HOUSE BILL 4371.

Elementary & Secondary Education: Motion to concur with SENATE AMENDMENTS Numbered 1, 2 and 3 to HOUSE BILL 752; Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 6906.

Human Services: Motion to concur with SENATE AMENDMENT No. 2 to HOUSE BILL 686.

Local Government: Motion to concur with SENATE AMENDMENT No. 1 to HOUSE BILL 4108.

State Government Administration: Motion to concur with SENATE AMENDMENTS Numbered 1 and 2 to HOUSE BILL 956.

### **MOTIONS SUBMITTED**

Representative Pankau 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 4489.

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

#### **MOTION**

I move to concur with Senate Amendment No. 2 to HOUSE BILL 4612.

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

#### **MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 587.

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

#### **MOTION**

I move to concur with Senate Amendments numbered 2 and 3 to HOUSE BILL 4098.

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

#### **MOTION**

I move to concur with Senate Amendment No. 2 to HOUSE BILL 378.

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

#### **MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 4099.

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

#### **MOTION**

I move to concur with Senate Amendment No. 2 to HOUSE BILL 4403.

Representative Jerry Mitchell 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 833.

Representative Chapa LaVia 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 4371.

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

**MOTION**

I move to concur with Senate Amendment No. 2 to HOUSE BILL 1082.

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

**MOTION**

I move to concur with Senate Amendment No. 2 to HOUSE BILL 4135.

Representative Myers 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 758.

Representative Burke 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 4232.

Representative Aguilar 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 4108.

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 4558.

Representative Meyer 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 5094.

Representative Turner 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 4481.

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

**MOTION**

I move to concur with Senate Amendment No. 2 to HOUSE BILL 686.

Representative Rita 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 6567.

Representative Jerry Mitchell 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 6906.

Representative Aguilar 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 4788.

Representative Graham 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 1086.

Representative Turner 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 JOINT RESOLUTION 34.

Representative Slone 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 1959.

Representative Kelly 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 4450.

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, 2 and 3 to HOUSE BILL 752.



Representative Verschoore 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 6740.

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 956.

Representative Sacia 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 5023.

Representative Feigenholtz 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 5057.

Representative Bailey 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 6811.

Representative Verschoore 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 7015.

Representative Richard Bradley 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 7057.

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

**MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 7029.

Representative May 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 6983.

Representative Jakobsson 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 6574.

Representative Osmond 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 5928.

Representative Black 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 6683.

Representative Saviano 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 2028.

Representative Brauer 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 4960.

Representative Boland 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 4851.

Representative Black submitted the following written motion, which was placed on the order of Motions:

**MOTION**

Pursuant to Rule 18(g), I move to discharge the Committee on Rules from further consideration of HOUSE BILL 45 and advance to the order of Second Reading - Standard Debate..

**FISCAL NOTES SUPPLIED**

Fiscal Notes have been supplied for HOUSE BILL 5789, as amended, and SENATE BILLS 943, as amended, and 2270, as amended.

**CORRECTIONAL NOTE SUPPLIED**

A Correctional Note has been supplied for HOUSE BILL 5000, as amended.

**MESSAGES FROM THE SENATE**

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

Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has adopted the following Senate Joint Resolution, in the adoption of which I am instructed to ask the concurrence of the House of Representatives, to-wit:

SENATE JOINT RESOLUTION NO. 53

WHEREAS, The adoption of balanced and restorative justice in the Juvenile Court Act of 1987 also imposes on the juvenile court system an obligation to provide competency-building services to youths while under the jurisdiction of the court; and

WHEREAS, The adoption of Redeploy Illinois has the potential to provide funding for competency-building services in counties throughout the State, thereby reducing the State's costly practice of relying on incarceration; and

WHEREAS, Recent national studies question whether juveniles are developmentally competent to make the legal decisions necessary in adult criminal court proceedings; and

WHEREAS, One recent study of nearly 1,000 juveniles concluded that approximately one-third of 11 through 13 year olds and approximately one-fifth of 14 through 15 year olds were as impaired in capacities that affect their competence to stand trial as are seriously mentally ill adults who would likely be considered incompetent; and

WHEREAS, In addition, studies indicate that immaturity may affect the performance of youths as defendants in ways that extend beyond the elements of understanding and reasoning that are explicitly relevant under the law, since, compared to young adults, adolescents are more likely to comply with authority figures, less likely to recognize the risks inherent in the various choices they face, and less likely to consider the long-term consequences of their legal decisions; and

WHEREAS, Numerous national, legal, and medical organizations (including the American Bar Association, the National Council of Juvenile and Family Court Judges, the American Academy of Pediatricians, and the Association of Adolescent Psychiatrists) oppose the trial of youths in adult criminal court unless the decision has been made on an individual basis following a court hearing with adequate consideration of all relevant issues and with full due process protections; and

WHEREAS, Courts have consistently warned that fundamental due process protections are necessary to ensure that the critical decision to try a minor as an adult is made on an individual basis, taking into account all relevant factors including the circumstances of the offense, the age of the minor, the competency of the minor, the educational and emotional capacity of the minor, the background of the minor including physical, developmental, and mental capacity, and the resources of the juvenile court; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that there is created a Task Force on Trial of Juveniles in Adult Court, comprised of Members of the General Assembly, representatives of the Governor, the Director of Corrections or his or her designee, and concerned members of the public, to study and make recommendations for improvements in transfer laws stating when juveniles shall be tried as adults; and be it further

RESOLVED, That two members who are elected Members of the House of Representatives and two members who are elected Members of the Senate be appointed, one each by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, and the Minority Leader of the Senate; and be it further

RESOLVED, That the Speaker of the House of Representatives and the President of the Senate or their designees shall serve as co-chairs; and be it further

RESOLVED, That at least one member be appointed by the Governor; and be it further

RESOLVED, That the Task Force shall meet at least 4 times while the General Assembly is in recess and report any findings and recommendations to the General Assembly by December 31, 2004.

Adopted by the Senate, May 18, 2004.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 53 was placed in the Committee on Rules.

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

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

HOUSE BILL NO. 4962

A bill for AN ACT concerning surrogacy.

HOUSE BILL NO. 4989

A bill for AN ACT concerning pest control.

HOUSE BILL NO. 5011

A bill for AN ACT in relation to alcoholic liquor.

HOUSE BILL NO. 5070

A bill for AN ACT concerning financial regulation.

HOUSE BILL NO. 5129

A bill for AN ACT concerning environmental safety.

HOUSE BILL NO. 5131

A bill for AN ACT concerning vehicles.

HOUSE BILL NO. 5340

A bill for AN ACT in relation to transportation.

HOUSE BILL NO. 5734

A bill for AN ACT in relation to tax increment financing.

HOUSE BILL NO. 5891

A bill for AN ACT concerning professional regulation.

HOUSE BILL NO. 6616

A bill for AN ACT in relation to public employee benefits.

Passed by the Senate, May 17, 2004.

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 7057

A bill for AN ACT concerning criminal law.

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

Senate Amendment No. 1 to HOUSE BILL NO. 7057

Senate Amendment No. 3 to HOUSE BILL NO. 7057

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 7057 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Sections 5-6-3 and 5-6-3.1 as follows:

(730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

(Text of Section from P.A. 93-475)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

(1) not violate any criminal statute of any jurisdiction;

(2) report to or appear in person before such person or agency as directed by the court;

(3) refrain from possessing a firearm or other dangerous weapon;

(4) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

(5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court; ~~and~~

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

- (5) attend or reside in a facility established for the instruction or residence of defendants on probation;
- (6) support his dependents;
- (7) and in addition, if a minor:
  - (i) reside with his parents or in a foster home;
  - (ii) attend school;
  - (iii) attend a non-residential program for youth;
  - (iv) contribute to his own support at home or in a foster home;
  - (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
- (8) make restitution as provided in Section 5-5-6 of this Code;
- (9) perform some reasonable public or community service;
- (10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:
  - (i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;
  - (ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and
  - (iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;
    - (iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and
    - (v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.
- (11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;
- (12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;
- (13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;
- (14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of

day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of \$50 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1

of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of \$25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to not to exceed \$5 of that fee collected per month may be used to provide services to crime victims and their families.

This amendatory Act of the 93rd General Assembly deletes the \$10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase.

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

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

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

(Text of Section from P.A. 93-616)

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge.

(a) The conditions of probation and of conditional discharge shall be that the person:

- (1) not violate any criminal statute of any jurisdiction;
- (2) report to or appear in person before such person or agency as directed by the court;
- (3) refrain from possessing a firearm or other dangerous weapon;
- (4) not leave the State without the consent of the court or, in circumstances in which

the reason for the absence is of such an emergency nature that prior consent by the court is not possible, without the prior notification and approval of the person's probation officer. Transfer of a person's probation or conditional discharge supervision to another state is subject to acceptance by the other state pursuant to the Interstate Compact for Adult Offender Supervision;

- (5) permit the probation officer to visit him at his home or elsewhere to the extent necessary to discharge his duties;

(6) perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, where the offense was related to or in furtherance of the criminal activities of an organized gang and was motivated by the offender's membership in or allegiance to an organized gang. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by a violation of Section 21-1.3 of the Criminal Code of 1961 and similar damage to property located within the municipality or county in which the violation occurred. When possible and reasonable, the community service should be performed in the offender's neighborhood. For purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act;

(7) if he or she is at least 17 years of age and has been sentenced to probation or conditional discharge for a misdemeanor or felony in a county of 3,000,000 or more inhabitants and has not been previously convicted of a misdemeanor or felony, may be required by the sentencing court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General



Educational Development (GED) or to work toward completing a vocational training program approved by the court. The person on probation or conditional discharge must attend a public institution of education to obtain the educational or vocational training required by this clause (7). The court shall revoke the probation or conditional discharge of a person who wilfully fails to comply with this clause (7). The person on probation or conditional discharge shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall resentence the offender whose probation or conditional discharge has been revoked as provided in Section 5-6-4. This clause (7) does not apply to a person who has a high school diploma or has successfully passed the GED test. This clause (7) does not apply to a person who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program;

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court;

(8.5) if convicted of a felony sex offense as defined in the Sex Offender Management Board Act, the person shall undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act; and

(9) if convicted of a felony, physically surrender at a time and place designated by the court, his or her Firearm Owner's Identification Card and any and all firearms in his or her possession.

(b) The Court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the Court require that the person:

(1) serve a term of periodic imprisonment under Article 7 for a period not to exceed that specified in paragraph (d) of Section 5-7-1;

(2) pay a fine and costs;

(3) work or pursue a course of study or vocational training;

(4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;

(5) attend or reside in a facility established for the instruction or residence of defendants on probation;

(6) support his dependents;

(7) and in addition, if a minor:

(i) reside with his parents or in a foster home;

(ii) attend school;

(iii) attend a non-residential program for youth;

(iv) contribute to his own support at home or in a foster home;

(v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is convicted of a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;

(8) make restitution as provided in Section 5-5-6 of this Code;

(9) perform some reasonable public or community service;

(10) serve a term of home confinement. In addition to any other applicable condition of probation or conditional discharge, the conditions of home confinement shall be that the offender:

(i) remain within the interior premises of the place designated for his confinement during the hours designated by the court;

(ii) admit any person or agent designated by the court into the offender's place of confinement at any time for purposes of verifying the offender's compliance with the conditions of his confinement; and

(iii) if further deemed necessary by the court or the Probation or Court Services Department, be placed on an approved electronic monitoring device, subject to Article 8A of Chapter V;

(iv) for persons convicted of any alcohol, cannabis or controlled substance violation who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the offender to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the substance abuse services fund under Section 5-1086.1 of the Counties Code; and

(v) for persons convicted of offenses other than those referenced in clause (iv) above and who are placed on an approved monitoring device as a condition of probation or conditional discharge, the court shall impose a reasonable fee for each day of the use of the device, as established by the county board in subsection (g) of this Section, unless after determining the inability of the defendant to pay the fee, the court assesses a lesser fee or no fee as the case may be. This fee shall be imposed in addition to the fees imposed under subsections (g) and (i) of this Section. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986, as now or hereafter amended, or an order of protection issued by the court of another state, tribe, or United States territory. A copy of the order of protection shall be transmitted to the probation officer or agency having responsibility for the case;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer, if the defendant has been placed on probation or advance approval by the court, if the defendant was placed on conditional discharge;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of persons, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug.

(c) The court may as a condition of probation or of conditional discharge require that a person under 18 years of age found guilty of any alcohol, cannabis or controlled substance violation, refrain from acquiring a driver's license during the period of probation or conditional discharge. If such person is in possession of a permit or license, the court may require that the minor refrain from driving or operating any motor vehicle during the period of probation or conditional discharge, except as may be necessary in the course of the minor's lawful employment.

(d) An offender sentenced to probation or to conditional discharge shall be given a certificate setting forth the conditions thereof.

(e) Except where the offender has committed a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code, the court shall not require as a condition of the sentence of probation or conditional discharge that the offender be committed to a period of imprisonment in excess of 6 months. This 6 month limit shall not include periods of confinement given pursuant to a sentence of county impact incarceration under Section 5-8-1.2. This 6 month limit does not apply to a person sentenced to probation as a result of a conviction of a fourth or subsequent violation of subsection (c-4) of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance.

Persons committed to imprisonment as a condition of probation or conditional discharge shall not be committed to the Department of Corrections.

(f) The court may combine a sentence of periodic imprisonment under Article 7 or a sentence to a county impact incarceration program under Article 8 with a sentence of probation or conditional discharge.

(g) An offender sentenced to probation or to conditional discharge and who during the term of either undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay all costs incidental to such mandatory drug or alcohol testing, or both, and all costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, involved in a successful probation program for the county. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

(h) Jurisdiction over an offender may be transferred from the sentencing court to the court of another circuit with the concurrence of both courts. Further transfers or retransfers of jurisdiction are also authorized in the same manner. The court to which jurisdiction has been transferred shall have the same powers as the sentencing court.

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of such probation or conditional discharge or supervised community service, a fee of ~~\$50~~ \$35 for each month of probation or conditional discharge supervision or supervised community service ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies ~~deposit the first \$25~~ collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee under this subsection (i) in excess of \$25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, up to \$5 of that fee collected per month may be used to provide services to crime victims and their families.

~~This amendatory Act of the 93rd General Assembly deletes the \$10 increase in the fee under this subsection that was imposed by Public Act 93-616. This deletion is intended to control over any other Act of the 93rd General Assembly that retains or incorporates that fee increase. The clerk of the court shall deposit \$10 collected from this fee into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and be used to fund practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed by the agency providing supervision, the Department of Corrections or the Department of Human Services. This Fund shall also be used for administrative costs, including staff, incurred by the Board.~~

(i-5) In addition to the fees imposed under subsection (i) of this Section, in the case of an offender convicted of a felony sex offense (as defined in the Sex Offender Management Board Act) or an offense that the court or probation department has determined to be sexually motivated (as defined in the Sex Offender Management Board Act), the court or the probation department shall assess additional fees to pay for all costs of treatment, assessment, evaluation for risk and treatment, and monitoring the offender, based on that offender's ability to pay those costs either as they occur or under a payment plan.

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

(k) Any offender who is sentenced to probation or conditional discharge for a felony sex offense as defined in the Sex Offender Management Board Act or any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02; 93-616, eff. 1-1-04.)

(730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

Sec. 5-6-3.1. Incidents and Conditions of Supervision.

(a) When a defendant is placed on supervision, the court shall enter an order for supervision specifying the period of such supervision, and shall defer further proceedings in the case until the conclusion of the period.

(b) The period of supervision shall be reasonable under all of the circumstances of the case, but may not be longer than 2 years, unless the defendant has failed to pay the assessment required by Section 10.3 of the Cannabis Control Act or Section 411.2 of the Illinois Controlled Substances Act, in which case the court may extend supervision beyond 2 years. Additionally, the court shall order the defendant to perform no less than 30 hours of community service and not more than 120 hours of community service, if community service is available in the jurisdiction and is funded and approved by the county board where the offense was committed, when the offense (1) was related to or in furtherance of the criminal activities of an organized gang or was motivated by the defendant's membership in or allegiance to an organized gang; or (2) is a violation of any Section of Article 24 of the Criminal Code of 1961 where a disposition of supervision is not prohibited by Section 5-6-1 of this Code. The community service shall include, but not be limited to, the cleanup and repair of any damage caused by violation of Section 21-1.3 of the Criminal Code of 1961 and similar damages to property located within the municipality or county in which the violation occurred. Where possible and reasonable, the community service should be performed in the offender's neighborhood.

For the purposes of this Section, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(c) The court may in addition to other reasonable conditions relating to the nature of the offense or the rehabilitation of the defendant as determined for each defendant in the proper discretion of the court require that the person:

- (1) make a report to and appear in person before or participate with the court or such courts, person, or social service agency as directed by the court in the order of supervision;
- (2) pay a fine and costs;
- (3) work or pursue a course of study or vocational training;
- (4) undergo medical, psychological or psychiatric treatment; or treatment for drug addiction or alcoholism;
- (5) attend or reside in a facility established for the instruction or residence of defendants on probation;
- (6) support his dependents;
- (7) refrain from possessing a firearm or other dangerous weapon;
- (8) and in addition, if a minor:
  - (i) reside with his parents or in a foster home;
  - (ii) attend school;
  - (iii) attend a non-residential program for youth;
  - (iv) contribute to his own support at home or in a foster home; or
  - (v) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she is placed on supervision for a crime of violence as defined in Section 2 of the Crime Victims Compensation Act committed in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
- (9) make restitution or reparation in an amount not to exceed actual loss or damage to property and pecuniary loss or make restitution under Section 5-5-6 to a domestic violence shelter. The

court shall determine the amount and conditions of payment;

(10) perform some reasonable public or community service;

(11) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by the court of another state, tribe, or United States territory. If the court has ordered the defendant to make a report and appear in person under paragraph (1) of this subsection, a copy of the order of protection shall be transmitted to the person or agency so designated by the court;

(12) reimburse any "local anti-crime program" as defined in Section 7 of the Anti-Crime Advisory Council Act for any reasonable expenses incurred by the program on the offender's case, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced;

(13) contribute a reasonable sum of money, not to exceed the maximum amount of the fine authorized for the offense for which the defendant was sentenced, to a "local anti-crime program", as defined in Section 7 of the Anti-Crime Advisory Council Act;

(14) refrain from entering into a designated geographic area except upon such terms as the court finds appropriate. Such terms may include consideration of the purpose of the entry, the time of day, other persons accompanying the defendant, and advance approval by a probation officer;

(15) refrain from having any contact, directly or indirectly, with certain specified persons or particular types of person, including but not limited to members of street gangs and drug users or dealers;

(16) refrain from having in his or her body the presence of any illicit drug prohibited by the Cannabis Control Act or the Illinois Controlled Substances Act, unless prescribed by a physician, and submit samples of his or her blood or urine or both for tests to determine the presence of any illicit drug;

(17) refrain from operating any motor vehicle not equipped with an ignition interlock device as defined in Section 1-129.1 of the Illinois Vehicle Code. Under this condition the court may allow a defendant who is not self-employed to operate a vehicle owned by the defendant's employer that is not equipped with an ignition interlock device in the course and scope of the defendant's employment.

(d) The court shall defer entering any judgment on the charges until the conclusion of the supervision.

(e) At the conclusion of the period of supervision, if the court determines that the defendant has successfully complied with all of the conditions of supervision, the court shall discharge the defendant and enter a judgment dismissing the charges.

(f) Discharge and dismissal upon a successful conclusion of a disposition of supervision shall be deemed without adjudication of guilt and shall not be termed a conviction for purposes of disqualification or disabilities imposed by law upon conviction of a crime. Two years after the discharge and dismissal under this Section, unless the disposition of supervision was for a violation of Sections 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 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which case it shall be 5 years after discharge and dismissal, a person may have his record of arrest sealed or expunged as may be provided by law. However, any defendant placed on supervision before January 1, 1980, may move for sealing or expungement of his arrest record, as provided by law, at any time after discharge and dismissal under this Section. A person placed on supervision for a sexual offense committed against a minor as defined in subsection (g) of Section 5 of the Criminal Identification Act or for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance shall not have his or her record of arrest sealed or expunged.

(g) A defendant placed on supervision and who during the period of supervision undergoes mandatory drug or alcohol testing, or both, or is assigned to be placed on an approved electronic monitoring device, shall be ordered to pay the costs incidental to such mandatory drug or alcohol testing, or both, and costs incidental to such approved electronic monitoring in accordance with the defendant's ability to pay those costs. The county board with the concurrence of the Chief Judge of the judicial circuit in which the county is located shall establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing, or both, and all costs incidental to approved electronic monitoring, of all defendants placed on supervision. The concurrence of the Chief Judge shall be in the form of an administrative order. The fees shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all moneys collected from these fees to the county treasurer who shall use the moneys collected to defray the costs of drug testing, alcohol testing, and electronic monitoring. The county treasurer shall deposit the fees collected in the county working cash fund under Section 6-27001 or Section

6-29002 of the Counties Code, as the case may be.

(h) A disposition of supervision is a final order for the purposes of appeal.

(i) The court shall impose upon a defendant placed on supervision after January 1, 1992 or to community service under the supervision of a probation or court services department after January 1, 2004, as a condition of supervision or supervised community service, a fee of \$50 for each month of supervision or supervised community service ordered by the court, unless after determining the inability of the person placed on supervision or supervised community service to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon a defendant who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall pay all monies collected from this fee to the county treasurer for deposit in the probation and court services fund pursuant to Section 15.1 of the Probation and Probation Officers Act.

A circuit court may not impose a probation fee in excess of \$25 per month unless: (1) the circuit court has adopted, by administrative order issued by the chief judge, a standard probation fee guide determining an offender's ability to pay, under guidelines developed by the Administrative Office of the Illinois Courts; and (2) the circuit court has authorized, by administrative order issued by the chief judge, the creation of a Crime Victim's Services Fund, to be administered by the Chief Judge or his or her designee, for services to crime victims and their families. Of the amount collected as a probation fee, not to exceed \$5 of that fee collected per month may be used to provide services to crime victims and their families.

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

(k) A defendant at least 17 years of age who is placed on supervision for a misdemeanor in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or felony may as a condition of his or her supervision be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant placed on supervision must attend a public institution of education to obtain the educational or vocational training required by this subsection (k). The defendant placed on supervision shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the supervision of a person who wilfully fails to comply with this subsection (k). The court shall resentence the defendant upon revocation of supervision as provided in Section 5-6-4. This subsection (k) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (k) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(l) The court shall require a defendant placed on supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and after a finding by the court that the person is addicted, to undergo treatment at a substance abuse program approved by the court.

(m) The Secretary of State shall require anyone placed on court supervision for a violation of Section 3-707 of the Illinois Vehicle Code or a similar provision of a local ordinance to give proof of his or her financial responsibility as defined in Section 7-315 of the Illinois Vehicle Code. The proof shall be maintained by the individual in a manner satisfactory to the Secretary of State for a minimum period of one year after the date the proof is first filed. The proof shall be limited to a single action per arrest and may not be affected by any post-sentence disposition. The Secretary of State shall suspend the driver's license of any person determined by the Secretary to be in violation of this subsection.

(n) Any offender placed on supervision for any offense that the court or probation department has determined to be sexually motivated as defined in the Sex Offender Management Board Act shall be required to refrain from any contact, directly or indirectly, with any persons specified by the court and shall be available for all evaluations and treatment programs required by the court or the probation department.

(Source: P.A. 92-282, eff. 8-7-01; 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-475, eff. 8-8-03.)

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

AMENDMENT NO.   3  . Amend House Bill 7057, AS AMENDED, by replacing the introductory clause of Section 5 with the following:

"Section 5. The Sexually Violent Persons Commitment Act is amended by changing Sections 25 and 30 as follows:

(725 ILCS 207/25)

Sec. 25. Rights of persons subject to petition.

(a) Any person who is the subject of a petition filed under Section 15 of this Act shall be served with a copy of the petition in accordance with the Civil Practice Law.

(b) The circuit court in which a petition under Section 15 of this Act is filed shall conduct all hearings under this Act. The court shall give the person who is the subject of the petition reasonable notice of the time and place of each such hearing. The court may designate additional persons to receive these notices.

(c) Except as provided in paragraph (b)(1) of Section 65 and Section 70 of this Act, at any hearing conducted under this Act, the person who is the subject of the petition has the right to:

(1) To be present and to be represented by counsel. If the person is indigent, the court shall appoint counsel.

(2) To remain silent.

(3) To present and cross-examine witnesses.

(4) To have the hearing recorded by a court reporter.

(d) The person who is the subject of the petition, the person's attorney, the Attorney General or the State's Attorney may request that a trial under Section 35 of this Act be to a jury. A verdict of a jury under this Act is not valid unless it is unanimous.

(e) Whenever the person who is the subject of the petition is required to submit to an examination under this Act, he or she may retain experts or professional persons to perform an examination. ~~The respondent's chosen evaluator must be approved by the Sex Offender Management Board and the evaluation must be conducted in conformance with the standards developed under the Sex Offender Management Board Act.~~ If the person retains a qualified expert or professional person of his or her own choice to conduct an examination, the examiner shall have reasonable access to the person for the purpose of the examination, as well as to the person's past and present treatment records and patient health care records. If the person is indigent, the court shall, upon the person's request, appoint a qualified and available expert or professional person to perform an examination. Upon the order of the circuit court, the county shall pay, as part of the costs of the action, the costs of a court-appointed expert or professional person to perform an examination and participate in the trial on behalf of an indigent person.

(Source: P.A. 93-616, eff. 1-1-04; revised 1-10-04.)

(725 ILCS 207/30)

Sec. 30. Detention; probable cause hearing; transfer for examination.

(a) Upon the filing of a petition under Section 15 of this Act, the court shall review the petition to determine whether to issue an order for detention of the person who is the subject of the petition. The person shall be detained only if there is cause to believe that the person is eligible for commitment under subsection (f) of Section 35 of this Act. A person detained under this Section shall be held in a facility approved by the Department. If the person is serving a sentence of imprisonment, is in a Department of Corrections correctional facility or juvenile correctional facility or is committed to institutional care, and the court orders detention under this Section, the court shall order that the person be transferred to a detention facility approved by the Department. A detention order under this Section remains in effect until the person is discharged after a trial under Section 35 of this Act or until the effective date of a commitment order under Section 40 of this Act, whichever is applicable.

(b) Whenever a petition is filed under Section 15 of this Act, the court shall hold a hearing to determine whether there is probable cause to believe that the person named in the petition is a sexually violent person. If the person named in the petition is in custody, the court shall hold the probable cause hearing within 72 hours after the petition is filed, excluding Saturdays, Sundays and legal holidays. The court may grant a continuance of the probable cause hearing for no more than 7 additional days upon the motion of the respondent, for good cause. If the person named in the petition has been released, is on parole, is on mandatory supervised release, or otherwise is not in custody, the court shall hold the probable cause hearing within a reasonable time after the filing of the petition. At the probable cause hearing, the court shall admit and consider all relevant hearsay evidence.

(c) If the court determines after a hearing that there is probable cause to believe that the person named in the petition is a sexually violent person, the court shall order that the person be taken into custody if he or

she is not in custody and shall order the person to be transferred within a reasonable time to an appropriate facility for an evaluation as to whether the person is a sexually violent person. If the person who is named in the petition refuses to speak to, communicate with, or otherwise fails to cooperate with the examining evaluator from the Department of Human Services or the Department of Corrections, that person may only introduce evidence and testimony from any expert or professional person who is retained or court-appointed to conduct an examination of the person that results from a review of the records and may not introduce evidence resulting from an examination of the person. ~~Any evaluation conducted under this Section shall be by an evaluator approved by the Sex Offender Management Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act.~~ Notwithstanding the provisions of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, all evaluations conducted pursuant to this Act and all Illinois Department of Corrections treatment records shall be admissible at all proceedings held pursuant to this Act, including the probable cause hearing and the trial.

If the court determines that probable cause does not exist to believe that the person is a sexually violent person, the court shall dismiss the petition.

(d) The Department shall promulgate rules that provide the qualifications for persons conducting evaluations under subsection (c) of this Section.

(e) If the person named in the petition claims or appears to be indigent, the court shall, prior to the probable cause hearing under subsection (b) of this Section, appoint counsel.

(Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04.)

Section 10. The Unified Code of Corrections is amended by changing Sections 5-3-1, 5-3-2, 5-3-4, 5-4-3.1, 5-6-3, and 5-6-3.1 as follows:

(730 ILCS 5/5-3-1) (from Ch. 38, par. 1005-3-1)

Sec. 5-3-1. Presentence Investigation. A defendant shall not be sentenced for a felony before a written presentence report of investigation is presented to and considered by the court.

However, other than for felony sex offenders being considered for probation in cases other than felony sex offenses as defined in the Sex Offender Management Board Act, the court need not order a presentence report of investigation where both parties agree to the imposition of a specific sentence, provided there is a finding made for the record as to the defendant's history of delinquency or criminality, including any previous sentence to a term of probation, periodic imprisonment, conditional discharge, or imprisonment.

The court may order a presentence investigation of any defendant.

(Source: P.A. 93-616, eff. 1-1-04.)

(730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

Sec. 5-3-2. Presentence Report.

(a) In felony cases, the presentence report shall set forth:

(1) the defendant's history of delinquency or criminality, physical and mental history and condition, family situation and background, economic status, education, occupation and personal habits;

(2) information about special resources within the community which might be available to assist the defendant's rehabilitation, including treatment centers, residential facilities, vocational training services, correctional manpower programs, employment opportunities, special educational programs, alcohol and drug abuse programming, psychiatric and marriage counseling, and other programs and facilities which could aid the defendant's successful reintegration into society;

(3) the effect the offense committed has had upon the victim or victims thereof, and any compensatory benefit that various sentencing alternatives would confer on such victim or victims;

(4) information concerning the defendant's status since arrest, including his record if released on his own recognizance, or the defendant's achievement record if released on a conditional pre-trial supervision program;

(5) when appropriate, a plan, based upon the personal, economic and social adjustment needs of the defendant, utilizing public and private community resources as an alternative to institutional sentencing;

(6) any other matters that the investigatory officer deems relevant or the court directs to be included; and

(7) information concerning defendant's eligibility for a sentence to a county impact incarceration program under Section 5-8-1.2 of this Code.

(b) The investigation shall include a physical and mental examination of the defendant when so ordered by the court. If the court determines that such an examination should be made, it shall issue an order that



the defendant submit to examination at such time and place as designated by the court and that such examination be conducted by a physician, psychologist or psychiatrist designated by the court. Such an examination may be conducted in a court clinic if so ordered by the court. The cost of such examination shall be paid by the county in which the trial is held.

(b-5) In cases involving felony sex offenses in which the offender is being considered for probation or any felony offense that is sexually motivated as defined in the Sex Offender Management Board Act in which the offender is being considered for probation, the investigation shall include a sex offender evaluation by an evaluator approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act.

(c) In misdemeanor, business offense or petty offense cases, except as specified in subsection (d) of this Section, when a presentence report has been ordered by the court, such presentence report shall contain information on the defendant's history of delinquency or criminality and shall further contain only those matters listed in any of paragraphs (1) through (6) of subsection (a) or in subsection (b) of this Section as are specified by the court in its order for the report.

(d) In cases under Section 12-15 and Section 12-30 of the Criminal Code of 1961, as amended, the presentence report shall set forth information about alcohol, drug abuse, psychiatric, and marriage counseling or other treatment programs and facilities, information on the defendant's history of delinquency or criminality, and shall contain those additional matters listed in any of paragraphs (1) through (6) of subsection (a) or in subsection (b) of this Section as are specified by the court.

(e) Nothing in this Section shall cause the defendant to be held without bail or to have his bail revoked for the purpose of preparing the presentence report or making an examination.

(Source: P.A. 93-616, eff. 1-1-04.)

(730 ILCS 5/5-3-4) (from Ch. 38, par. 1005-3-4)

Sec. 5-3-4. Disclosure of Reports.

(a) Any report made pursuant to this Article or Section 5-705 of the Juvenile Court Act of 1987 shall be filed of record with the court in a sealed envelope.

(b) Presentence reports shall be open for inspection only as follows:

(1) to the sentencing court;

(2) to the state's attorney and the defendant's attorney at least 3 days prior to the imposition of sentence, unless such 3 day requirement is waived;

(3) to an appellate court in which the conviction or sentence is subject to review;

(4) to any department, agency or institution to which the defendant is committed;

(5) to any probation department of whom courtesy probation is requested;

(6) to any probation department assigned by a court of lawful jurisdiction to conduct a presentence report;

(7) to any other person only as ordered by the court; and

(8) to any mental health professional on behalf of the Illinois Department of

Corrections or the Department of Human Services or to a prosecutor who is evaluating or investigating a potential or actual petition brought under the Sexually Violent Persons Commitment Act relating to a person who is the subject of a presentence report or the respondent to a petition brought under the Sexually Violent Persons Commitment Act who is the subject of the presentence report sought. Any records and any information obtained from those records under this paragraph (8) may be used only in sexually violent persons commitment proceedings.

(c) Presentence reports shall be filed of record with the court within ~~60~~ 30 days of a verdict or finding of guilty for any offense involving an illegal sexual act perpetrated upon a victim, including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961 or any offense determined by the court or the probation department to be sexually motivated, as defined in the Sex Offender Management Board Act.

(d) A complaint, information or indictment shall not be quashed or dismissed nor shall any person in custody for an offense be discharged from custody because of noncompliance with subsection (c) of this Section.

(Source: P.A. 92-415, eff. 8-17-01.)

(730 ILCS 5/5-4-3.1) (from Ch. 38, par. 1005-4-3.1)

Sec. 5-4-3.1. Sentencing Hearing for Sex Offenses.

(a) Except for good cause shown by written motion, any person adjudged guilty of any offense involving an illegal sexual act perpetrated upon a victim, including but not limited to offenses for violations of Article 12 of the Criminal Code of 1961, or any offense determined by the court or the probation department to be

sexually motivated, as defined in the Sex Offender Management Board Act, shall be sentenced within 65 45 days of a verdict or finding of guilt for the offense.

(b) The court shall set the sentencing date at the time the verdict or finding of guilt is entered by the court.

(c) Any motion for continuance shall be in writing and supported by affidavit and in compliance with Section 114-4 of the Code of Criminal Procedure of 1963, and the victim shall be notified of the date and time of hearing and shall be provided an opportunity to address the court on the impact the continuance may have on the victim's well-being.

(d) A complaint, information or indictment shall not be quashed or dismissed, nor shall any person in custody for an offense be discharged from custody because of non-compliance with this Section. (Source: P.A. 87-900.)".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 7057 were 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 7029

A bill for AN ACT concerning nursing.

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. 7029

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 7029 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h as follows:  
(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund. Notwithstanding any other State law to the contrary, the Director of the Governor's Office of Management and Budget may from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, ~~or~~ to any funds in the Motor Fuel Tax Fund or the Hospital Provider Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.

In determining the available balance in a fund, the Director of the Governor's Office of Management and Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Governor's Office of Management and Budget.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

Section 10. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-40 as

follows:

(225 ILCS 65/20-40)

(Section scheduled to be repealed on January 1, 2008)

Sec. 20-40. Fund. There is hereby created within the State Treasury the Nursing Dedicated and Professional Fund. The monies in the Fund may be used by and at the direction of the Department for the administration and enforcement of this Act, including but not limited to:

(a) Distribution and publication of the Nursing and Advanced Practice Nursing Act and the rules at the time of renewal to all persons licensed by the Department under this Act.

(b) Employment of secretarial, nursing, administrative, enforcement, and other staff for the administration of this Act.

(c) Conducting a survey, as prescribed by rule of the Department, once every 4 years during the license renewal period.

(d) Conducting of training seminars for licensees under this Act relating to the obligations, responsibilities, enforcement and other provisions of the Act and its rules.

(e) Disposition of Fees:

(i) (Blank).

(ii) All of the fees and fines collected pursuant to this Act shall be deposited in the Nursing Dedicated and Professional Fund.

(iii) For the fiscal year beginning July 1, 1988, the moneys deposited in the Nursing Dedicated and Professional Fund shall be appropriated to the Department for expenses of the Department and the Board in the administration of this Act. All earnings received from investment of moneys in the Nursing Dedicated and Professional Fund shall be deposited in the Nursing Dedicated and Professional Fund and shall be used for the same purposes as fees deposited in the Fund.

(iv) For the fiscal year beginning July 1, ~~2004~~ ~~2001~~ and for each fiscal year thereafter, ~~\$1,200,000~~ ~~\$750,000~~

of the moneys deposited in the Nursing Dedicated and Professional Fund each year shall be set aside and appropriated to the Illinois Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law. Representatives of the Department and the Nursing Education Scholarship Program Advisory Council shall review this requirement and the scholarship awards every 2 years.

(v) Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized under Section 2105-300 of the Department of Professional Regulation Law (20 ILCS 2105/2105-300).

(f) Moneys set aside for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law as provided in item (iv) of subsection (e) of this Section may not be transferred under Section 8h of the State Finance Act.

(Source: P.A. 91-239, 1-1-00; 92-46, eff. 7-1-01.)

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 7029 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 7015

A bill for AN ACT concerning transportation.

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. 7015

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 7015 on page 1, lines 5 and 6, by replacing "Sections 11-605.1 and 11-605.2" with "Section 11-605.1"; and on page 6, by replacing lines 17 through 19 with the following:

"40. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days."; and

on page 14, lines 2 and 4, by replacing "\$375" each time it appears with "\$250"; and

on page 14, by replacing lines 20 through 35 with the following:

"(g) For a second or subsequent violation of this Section within 2 years of the date of the previous violation, the Secretary of State shall suspend the driver's license of the violator for a period of 90 days."; and

by deleting pages 15 and 16; and

on page 17, by deleting lines 1 through 28.

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 7015 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 6983

A bill for AN ACT concerning procurement.

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. 6983

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 6983 on page 2, by inserting after line 10 the following:

"(5) The purchase of the manufactured articles, materials, or supplies is made in conjunction with contracts or offerings of telecommunications services or Internet or information services.

(6) The purchase is of pharmaceutical products, drugs, biologics, vaccines, medical devices used to treat disease or used in medical or research diagnostic tests, and medical nutritionals regulated by the Food and Drug Administration under the federal Food, Drug and Cosmetic Act."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6983 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 6811

A bill for AN ACT concerning sex offenders.

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. 6811  
Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 6811 on page 5, line 29, by inserting after the period the following:

"This subsection (C-5) applies to a person who committed the offense before June 1, 1996 only if the person is incarcerated in an Illinois Department of Corrections facility on the effective date of this amendatory Act of the 93rd General Assembly."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6811 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 6760

A bill for AN ACT concerning taxes.

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

Senate Amendment No. 1 to HOUSE BILL NO. 6760

Senate Amendment No. 2 to HOUSE BILL NO. 6760

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 6760 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 15-35 as follows:

(35 ILCS 200/15-35)

Sec. 15-35. Schools. All property donated by the United States for school purposes, and all property of schools, not sold or leased or otherwise used with a view to profit, is exempt, whether owned by a resident or non-resident of this State or by a corporation incorporated in any state of the United States. Also exempt is:

(a) property of schools which is leased to a municipality to be used for municipal purposes on a not-for-profit basis;

(b) property of schools on which the schools are located and any other property of schools used by the schools exclusively for school purposes, including, but not limited to, student residence halls, dormitories and other housing facilities for students and their spouses and children, staff housing facilities, and school-owned and operated dormitory or residence halls occupied in whole or in part by students who belong to fraternities, sororities, or other campus organizations;

(c) property donated, granted, received or used for public school, college, theological seminary, university, or other educational purposes, whether held in trust or absolutely;

(d) in counties with more than 200,000 inhabitants which classify property, property (including interests in land and other facilities) on or adjacent to (even if separated by a public street, alley, sidewalk, parkway or other public way) the grounds of a school, if that property is used by an academic, research or professional society, institute, association or organization which serves the advancement of learning in a field or fields of study taught by the school and which property is not used with a view to profit;

(e) property owned by a school district. The exemption under this subsection is not

affected by any transaction in which, for the purpose of obtaining financing, the school district, directly or indirectly, leases or otherwise transfers the property to another for which or whom property is not exempt and immediately after the lease or transfer enters into a leaseback or other agreement that directly or indirectly gives the school district a right to use, control, and possess the property. In the case of a conveyance of the property, the school district 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 school district.

(1) If the property has been conveyed as described in this subsection, the property is no longer exempt under this Section as of the date when:

- (A) the right of the school district to use, control, and possess the property is terminated;
- (B) the school district no longer has an option to purchase or otherwise acquire the property; and
- (C) there is no provision for a reverter of the property to the school district within the limitations period for reverters.

(2) Pursuant to Sections 15-15 and 15-20 of this Code, the school district shall notify the chief county assessment officer of any transaction under this subsection. The chief county assessment officer shall determine initial and continuing compliance with the requirements of this subsection for tax exemption. Failure to notify the chief county assessment officer of a transaction under this subsection 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.

(3) No provision of this subsection shall be construed to affect the obligation of the school district to which an exemption certificate has been issued under this Section from its obligation under Section 15-10 of this Code to file an annual certificate of status or to notify the chief county assessment officer of transfers of interest or other changes in the status of the property as required by this Code.

(4) The changes made by this amendatory Act of the 91st General Assembly are declarative of existing law and shall not be construed as a new enactment; ~~and~~

(f) in counties with more than 200,000 inhabitants which classify property, property of a corporation, which is an exempt entity under paragraph (3) of Section 501(c) of the Internal Revenue Code or its successor law, used by the corporation for the following purposes: (1) conducting continuing education for professional development of personnel in energy-related industries; (2) maintaining a library of energy technology information available to students and the public free of charge; and (3) conducting research in energy and environment, which research results could be ultimately accessible to persons involved in education; ~~and -~~

(g) property for which a school district enters into a contract to purchase for its administrative offices and, for the purpose of obtaining financing, the school district, prior to the transfer of title to the school district, transfers or otherwise assigns its interest in the contract to another entity for which the property is not otherwise exempt and, thereafter, the school district enters into a lease or other agreement that, directly or indirectly, gives the school district the right to use, control, and possess the property. The lease or other agreement shall satisfy the ownership requirement for property tax exemption purposes under this Act if the school district retains an option to purchase the property at a future date. The property shall be exempt even if the title holder, through a trust agreement or otherwise, issues certificates of participation, the proceeds of which will be used to finance the acquisition of the property. The changes made by this amendatory Act of the 93rd General Assembly are declarative of existing law and shall not be construed as a new enactment.

(Source: P.A. 91-513, eff. 8-13-99; 91-578, eff. 8-14-99; 92-16, eff. 6-28-01.)".

AMENDMENT NO. 2. Amend House Bill 6760, AS AMENDED, in Section 5, in the introductory clause, by replacing "Section 15-35" with "Sections 15-35 and 15-125"; and in Section 5, immediately below the end of Sec. 15-35, by inserting the following:

"(35 ILCS 200/15-125)

Sec. 15-125. Parking areas.

(a) Parking areas, not leased or used for profit other than those lease or rental agreements subject to subsection (b) of this Section, when used as a part of a use for which an exemption is provided by this Code and owned by any school district, non-profit hospital, school, or religious or charitable institution which meets the qualifications for exemption, are exempt.

(b) Parking areas owned by any religious institution that meets the qualifications for exemption, when leased or rented to a mass transportation entity for the limited free parking of the commuters of the mass transportation entity, are exempt.

(Source: Laws 1959, p. 1549, 1554, 2219, and 2224; P.A. 88-455.); and immediately below the end of Section 5, by inserting the following:

"Section 90. The State Mandates Act is amended by adding Section 8.28 as follows:

(30 ILCS 805/8.28 new)

Sec. 8.28. 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."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 6760 were 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 6683

A bill for AN ACT concerning alcoholic liquor.

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. 6683

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 6683 on page 1, line 13, by replacing "7" with "3"; and

on page 1, line 13, by replacing "30" with "3"; and

on page 1, line 16, after the period, by inserting "This Section is repealed 3 years after the effective date of this amendatory Act of the 93rd General Assembly.".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6683 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 6583

A bill for AN ACT concerning counties.

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

Senate Amendment No. 2 to HOUSE BILL NO. 6583

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   2  . Amend House Bill 6583 by replacing everything after the enacting clause with the following:

"Section 5. The County Economic Development Project Area Property Tax Allocation Act is amended by changing Sections 4 and 5 as follows:

(55 ILCS 85/4) (from Ch. 34, par. 7004)

Sec. 4. Establishment of economic development project area; ordinance; joint review board; notice; hearing; changes in economic development plan; annual reporting requirements. Economic development project areas shall be established as follows:

(a) The corporate authorities of Whiteside County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(a-5) After the effective date of this amendatory Act of the 93rd General Assembly, the corporate authorities of Stephenson County may by ordinance propose the establishment of an economic development project area and fix a time and place for a public hearing, and shall submit a certified copy of the ordinance as adopted to the Department.

(b) Any county which adopts an ordinance which fixes a date, time and place for a public hearing shall convene a joint review board as hereinafter provided. Not less than 45 days prior to the date fixed for the public hearing, the county shall give notice by mailing to the chief executive officer of each affected taxing district having taxable property included in the proposed economic development project area and, if the ordinance is adopted by Stephenson County, the chief executive officer of any municipality within Stephenson County having a population of more than 20,000 that such chief executive officer or his designee is invited to participate in a joint review board. The designee shall serve at the discretion of the chief executive officer of the taxing district for a term not to exceed 2 years. Such notice shall advise each chief executive officer of the date, time and place of the first meeting of such joint review board, which shall occur not less than 30 days prior to the date of the public hearing. Such notice by mail shall be given by depositing such notice in the United States Postal Service by certified mail.

At or prior to the first meeting of such joint review board the county shall furnish to any member of such joint review board copies of the proposed economic development plan and any related documents which such member shall reasonably request. A majority of the members of such joint review board present at any meeting shall constitute a quorum. Additional meetings may be called by any member of a joint review board upon the giving of notice not less than 72 hours prior to the date of any additional meeting to all members of the joint review board. The joint review board shall review such information and material as its members reasonably deem relevant to the county's proposals to approve economic development plans and economic development projects and to designate economic development project areas. The county shall provide such information and material promptly upon the request of the joint review board and may also provide administrative support and facilities as the joint review board may reasonably require.

Within 30 days of its first meeting, a joint review board shall provide the county with a written report of its review of any proposal to approve an economic development plan and economic development project and to designate an economic development project area. Such written report shall include such information and advisory, nonbinding recommendations as a majority of the members of the joint review board shall deem relevant. Written reports of joint review boards may include information and advisory, nonbinding recommendations provided by a minority of the members thereof. Any joint review board which does not provide such written report within such 30-day period shall be deemed to have recommended that the county proceed with a proposal to approve an economic development plan and economic development project and to designate an economic development project area.

(c) Notice of the public hearing shall be given by publication and mailing.

(1) Notice by publication shall be given by publication at least twice, the first publication to be not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the taxing districts having property in the proposed economic development project area. Notice by mailing shall be given by depositing such notice together with a copy of the proposed economic development plan in the United States Postal Service by certified mail addressed to the person or persons in whose name the general taxes for the last preceding year were paid on each lot, block, tract, or parcel of land lying within the proposed economic development project area. The notice shall be mailed not less than 10 days prior to the dates set for the public hearing. In the event taxes for the last preceding year were not paid, the notice shall also be sent to the persons last listed on the tax rolls within the preceding 3 years as the owners of the property.

(2) The notices issued pursuant to this Section shall include the following:

(A) The time and place of public hearing;

(B) The boundaries of the proposed economic development project area by legal



description and by street location where possible;

(C) A notification that all interested persons will be given an opportunity to be heard at the public hearing;

(D) An invitation for any person to submit alternative proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land within the proposed economic development project area;

(E) A description of the economic development plan or economic development project if a plan or project is a subject matter of the hearing; and

(F) Such other matters as the county may deem appropriate.

(3) Not less than 45 days prior to the date set for hearing, the county shall give notice by mail as provided in this subsection (c) to all taxing districts of which taxable property is included in the economic development project area, and to the Department. In addition to the other requirements under this subsection (c), the notice shall include an invitation to the Department and each taxing district to submit comments to the county concerning the subject matter of the hearing prior to the date of the hearing.

(d) At the public hearing any interested person, the Department or any affected taxing district may file written objections with the county clerk and may be heard orally with respect to any issues embodied in the notice. The county shall hear and determine all alternate proposals or bids for any proposed conveyance, lease, mortgage or other disposition of land and all protests and objections at the hearing, and the hearing may be adjourned to another date without further notice other than a motion to be entered upon the minutes fixing the time and place of the adjourned hearing. Public hearings with regard to an economic development plan, economic development project area, or economic development project may be held simultaneously.

(e) At the public hearing, or at any time prior to the adoption by the county of an ordinance approving an economic development plan, the county may make changes in the economic development plan. Changes which (1) alter the exterior boundaries of the proposed economic development project area, (2) substantially affect the general land uses established in the proposed economic development plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area shall be made only after review by joint review board, notice and hearing pursuant to the procedures set forth in this Section. Changes which do not (1) alter the exterior boundaries of a proposed economic development project area, (2) substantially affect the general land uses established in the proposed plan, (3) substantially change the nature of the proposed economic development plan, (4) change the general description of any proposed developer, user or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further notice or hearing, provided that the county shall give notice of its changes by mail to the Department and to each affected taxing district and by publication in a newspaper or newspapers of general circulation with the affected taxing districts. Such notice by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such changes.

(f) At any time within 90 days of the final adjournment of the public hearing, a county may, by ordinance, approve the economic development plan, establish the economic development project area, and authorize property tax allocation financing for such economic development project area.

Any ordinance adopted by Whiteside County which approves the economic development plan shall contain findings that the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs, that private investment in an amount not less than \$25,000,000 is reasonably expected to occur in the economic development project area, that the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income, and that the economic development project will increase or maintain the property, sales and income tax bases of the county and of the State.

Any ordinance adopted by Stephenson County that approves an economic development plan shall contain findings that (i) the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs; (ii) private investment in an amount not less than \$10,000,000 is

reasonably expected to occur in the economic development area; (iii) the economic development project will encourage the increase of commerce and industry within the State, thereby reducing the evils attendant upon unemployment and increasing opportunities for personal income; and (iv) the economic development project will increase or maintain the property, sales, and income tax bases of the county and of the State. Before the economic development project area is established by Stephenson County, the following additional conditions must be included in an intergovernmental agreement approved by both the Stephenson County Board and the corporate authorities of the City of Freeport: (i) the corporate authorities of the City of Freeport must concur by resolution with the findings of Stephenson County; (ii) both the corporate authorities of the City of Freeport and the Stephenson County Board shall approve any and all economic or redevelopment agreements and incentives for any economic development project within the economic development area; (iii) any economic development project that receives funds under this Act, except for any economic development project specifically excluded from annexation in the provisions of the intergovernmental agreement, shall agree to and must enter into an annexation agreement with the City of Freeport to annex property included in the economic development project area to the City of Freeport at the first point in time that the property becomes contiguous to the City of Freeport; (iv) the local share of all State occupation and use taxes allocable to the City of Freeport and Stephenson County and derived from commercial projects within the economic development project area shall be equally shared by and between the City of Freeport and Stephenson County for the duration of the economic development project; and (v) any development in the economic development project area shall be built in accordance with the building and related codes of both the City of Freeport and Stephenson County and the City of Freeport shall approve all provisions for water and sewer service.

The ordinance shall also state that the economic development project area shall not include parcels to be used for purposes of residential development. Any ordinance adopted which establishes an economic development project area shall contain the boundaries of such area by legal description and, where possible, by street location. Any ordinance adopted which authorizes property tax allocation financing shall provide that the ad valorem taxes, if any, arising from the levies upon taxable real property in such economic development project area by taxing districts and tax rates determined in the manner provided in subsection (b) of Section 6 of this Act each year after the effective date of the ordinance until economic development project costs and all county obligations financing economic development project costs incurred under this Act have been paid shall be divided as follows:

(1) That portion of taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or the initial equalized assessed value of each such taxable lot, block, tract or parcel of real property in the economic development project area shall be allocated to, and when collected, shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of property tax allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized assessed value of each property in the economic development project area shall be allocated to and when collected shall be paid to the county treasurer who shall deposit those taxes into a special fund called the special tax allocation fund of the county for the purpose of paying economic development project costs and obligations incurred in the payment thereof.

(g) After a county has by ordinance approved an economic development plan and established an economic development project area, the plan may be amended and the boundaries of the area may be altered only as herein provided. Amendments which (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established pursuant to the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the general description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of employees to be employed in the operation of the facilities to be developed or improved shall be made only after review by a joint review board, notice and hearing pursuant to the procedures set forth in this Section. Amendments which do not (1) alter the exterior boundaries of an economic development project area, (2) substantially affect the general land uses established in the economic development plan, (3) substantially change the nature of the economic development plan, (4) change the description of any proposed developer, user, or tenant of any property to be located or improved within the economic development project area, or (5) change the description of the type, class and number of

employees to be employed in the operation of the facilities to be developed or improved within the economic development project area may be made without further hearing or notice, provided that the county shall give notice of any amendment by mail to the Department and to each taxing district and by publication in a newspaper or newspapers of general circulation within the affected taxing districts. Such notices by mail and by publication shall each occur not later than 10 days following the adoption by ordinance of such amendments.

(h) After the adoption of an ordinance adopting property tax allocation financing for an economic development project area, the county shall annually report to each taxing district having taxable property within such economic development project area (i) any increase or decrease in the equalized assessed value of the real property located within such economic development project area above or below the initial equalized assessed value of such real property, (ii) that portion, if any, of the ad valorem taxes arising from the levies upon taxable real property in such economic development project area by the taxing districts which is attributable to the increase in the current equalized assessed valuation of each lot, block, tract or parcel of real property in the economic development project area over and above the initial equalized value of each property and which has been allocated to the county in the current year, and (iii) such other information as the county may deem relevant.

(i) The county shall give notice by mail as provided in this Section and shall reconvene the joint review board not less than annually for each of the 2 years following its adoption of an ordinance adopting property tax allocation financing for an economic development project area and not less than once in each 3-year period thereafter. The county shall provide such information, and may provide administrative support and facilities as the joint review board may reasonably require for each of such meetings.

(Source: P.A. 92-791, eff. 8-6-02.)

(55 ILCS 85/5) (from Ch. 34, par. 7005)

Sec. 5. Submission to Department; certification by Department.

(a) The county shall submit certified copies of any ordinances adopted approving a proposed economic development plan, establishing an economic development project area, and authorizing tax increment allocation financing to the Department, together with (1) a map of the economic development project area, (2) a copy of the economic development plan as approved, (3) an analysis, and any supporting documents and statistics, demonstrating (i) that the economic development project is reasonably expected to create or retain not less than 500 full-time equivalent jobs and (ii) that private investment in the amount of not less than \$25,000,000 for all ordinances adopted by Whiteside County and in the amount of not less than \$10,000,000 for any ordinance adopted by Stephenson County is reasonably expected to occur in the economic development project area, (4) an estimate of the economic impact of the economic development plan and the use of property tax allocation financing upon the revenues of the county and the affected taxing districts, (5) a record of all public hearings held in connection with the establishment of the economic development project area, and (6) such other information as the Department by regulation may require.

(b) Upon receipt of an application from a county the Department shall review the application to determine whether the economic development project area qualifies as an economic development project area under this Act. At its discretion, the Department may accept or reject the application or may request such additional information as it deems necessary or advisable to aid its review. If any such area is found to be qualified to be an economic development project area, the Department shall approve and certify such economic development project area and shall provide written notice of its approval and certification to the county and to the county clerk. In determining whether an economic development project area shall be approved and certified, the Department shall consider (1) whether, without public intervention, the State would suffer substantial economic dislocation, such as relocation of a commercial business or industrial or manufacturing facility to another state, territory or country, or would not otherwise benefit from private investment offering substantial employment opportunities and economic growth, and (2) the impact on the revenues of the county and the affected taxing districts of the use of tax increment allocation financing in connection with the economic development project.

(c) On or before July 1, 2007 ~~2006~~, the Department shall submit to the General Assembly a report detailing the number of economic development project areas it has approved and certified, the number and type of jobs created or retained therein, the aggregate amount of private investment therein, the impact in the revenues of counties and affected taxing districts of the use of property tax allocation financing therein, and such additional information as the Department may determine to be relevant. On July 1, 2008 the authority granted hereunder to counties to establish economic development project areas and to adopt property tax allocation financing in connection therewith and to the Department to approve and certify

economic development project areas shall expire unless the General Assembly shall have authorized counties and the Department to continue to exercise the powers granted to them under this Act.

(Source: P.A. 92-791, eff. 8-6-02.)

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

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 6583 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 6567

A bill for AN ACT concerning transportation.

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. 6567

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 6567 on page 1, by replacing lines 10 and 11 with the following:

"or destroyed roadway property. As used in this Section, "roadway property"".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6567 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 6574

A bill for AN ACT concerning freedom of information.

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. 6574

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 6574 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by adding Section 1g as follows:

"(110 ILCS 305/1g new)

Sec. 1g. Disclosure of electronic mail addresses.

(a) Except as otherwise provided by law, the University may not disclose the electronic mail addresses of any University employee or student if the disclosure is likely to result in the employee or student receiving an unsolicited mass communication.

(b) Single or consecutive requests for the electronic mail addresses of more than 25 employees or students are presumed to be made for the purpose of unsolicited mass communications. Requests for

electronic mail addresses by the news media, however, are not considered to be made for the purpose of unsolicited mass communications regardless of the amount of the addresses requested if the requests are made to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 6574 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 5928

A bill for AN ACT concerning insurance.

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

Senate Amendment No. 1 to HOUSE BILL NO. 5928

Senate Amendment No. 2 to HOUSE BILL NO. 5928

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 5928 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 205.1 as follows:

(215 ILCS 5/205.1 new)

Sec. 205.1. Policyholder collateral, deductible reimbursements, and other policyholder obligations.

(a) Any collateral held by, for the benefit of, or assigned to the insurer or the Director as rehabilitator, liquidator, or conservator to secure the obligations of a policyholder under a deductible agreement shall not be considered an asset of the estate and shall be maintained and administered by the Director as rehabilitator, liquidator, or conservator as provided in this Section and notwithstanding any other provision of law or contract to the contrary.

(b) If the collateral is being held by, for the benefit of, or assigned to the insurer or subsequently the Director as rehabilitator, liquidator, or conservator to secure obligations under a deductible agreement with a policyholder, subject to the provisions of this Section, the collateral shall be used to secure the policyholder's obligation to fund or reimburse claims payment within the agreed deductible amount.

(c) If a claim that is subject to a deductible agreement and secured by collateral is not covered by any guaranty association or the Illinois Insurance Guaranty Fund and the policyholder is unwilling or unable to take over the handling and payment of the non-covered claims, the Director as rehabilitator, liquidator, or conservator shall adjust and pay the non-covered claims utilizing the collateral but only to the extent the available collateral after allocation under subsection (d), is sufficient to pay all outstanding and anticipated claims. If the collateral is exhausted and the insured is not able to provide funds to pay the remaining claims within the deductible after all reasonable means of collection against the insured have been exhausted, the Director's obligation to pay such claims from the collateral as the rehabilitator, liquidator, or conservator terminates, and the remaining claims shall be claims against the insurer's estate subject to complying with other provisions in this Article for the filing and allowance of such claims. When the liquidator determines that the collateral is insufficient to pay all additional and anticipated claims, the liquidator may file a plan for equitably allocating the collateral among claimants, subject to court approval.

(d) To the extent that the Director as rehabilitator, liquidator, or conservator is holding collateral provided by a policyholder that was obtained to secure a deductible agreement and to secure other obligations of the policyholder to pay the insurer, directly or indirectly, amounts that become assets of the estate, such as reinsurance obligations under a captive reinsurance program or adjustable premium obligations under a retrospectively rated insurance policy where the premium due is subject to adjustment based upon actual loss experience, the Director as rehabilitator, liquidator, or conservator shall equitably

allocate the collateral among such obligations and administer the collateral allocated to the deductible agreement pursuant to this Section. With respect to the collateral allocated to obligations under the deductible agreement, if the collateral secured reimbursement obligations under more than one line of insurance, then the collateral shall be equitably allocated among the various lines based upon the estimated ultimate exposure within the deductible amount for each line. The Director as rehabilitator, liquidator, or conservator shall inform the guaranty association or the Illinois Insurance Guaranty Fund that is or may be obligated for claims against the insurer of the method and details of all the foregoing allocations.

(e) Regardless of whether there is collateral, if the insurer has contractually agreed to allow the policyholder to fund its own claims within the deductible amount pursuant to a deductible agreement, either through the policyholder's own administration of its claims or through the policyholder providing funds directly to a third party administrator who administers the claims, the Director as rehabilitator, liquidator, or conservator shall allow such funding arrangement to continue and, where applicable, will enforce such arrangements to the fullest extent possible. The funding of such claims by the policyholder within the deductible amount will act as a bar to any claim for such amount in the liquidation proceeding, including but not limited to any such claim by the policyholder or the third party claimant. The funding will extinguish both the obligation, if any, of any guaranty association or the Illinois Insurance Guaranty Fund to pay such claims within the deductible amount, as well as the obligations, if any, of the policyholder or third party administrator to reimburse the guaranty association or the Illinois Insurance Guaranty Fund. No charge of any kind shall be made by the Director as rehabilitator, liquidator, or conservator against any guaranty association or the Illinois Insurance Guaranty Fund on the basis of the policyholder funding of claims payment made pursuant to the mechanism set forth in this subsection.

(f) If the insurer has not contractually agreed to allow the policyholder to fund its own claims within the deductible amount, to the extent a guaranty association or the Illinois Insurance Guaranty Fund is required by applicable state law to pay any claims for which the insurer would be or would have been entitled to reimbursement from the policyholder under the terms of the deductible agreement and to the extent the claims have not been paid by a policyholder or third party, the Director as rehabilitator, liquidator, or conservator shall promptly bill the policyholder for such reimbursement and the policyholder will be obligated to pay such amount to the Director as rehabilitator, liquidator, or conservator for the benefit of the guaranty association or the Illinois Insurance Guaranty Fund that paid such claims. Neither the insolvency of the insurer, nor its inability to perform any of its obligations under the deductible agreement, shall be a defense to the policyholder's reimbursement obligation under the deductible agreement. When the policyholder reimbursements are collected, the Director as rehabilitator, liquidator, or conservator shall promptly reimburse the guaranty association or the Illinois Insurance Guaranty Fund for claims paid that were subject to the deductible. If the policyholder fails to pay the amounts due within 60 days after such bill for such reimbursements is due, the Director as rehabilitator, liquidator, or conservator shall use the collateral to the extent necessary to reimburse the guaranty association or the Illinois Insurance Guaranty Fund, and, at the same time, may pursue other collections efforts against the policyholder. If more than one guaranty association or the Illinois Insurance Guaranty Fund has a claim against the same collateral and the available collateral (after allocation under subsection (d)), along with billing and collection efforts, are together insufficient to pay each guaranty association or the Illinois Insurance Guaranty Fund in full, then the Director as rehabilitator, liquidator, or conservator will pro-rate payments to each guaranty association or the Illinois Insurance Guaranty Fund based upon the relationship the amount of claims each guaranty association or the Illinois Insurance Guaranty Fund has paid bears to the total of all claims paid by such guaranty association or the Illinois Insurance Guaranty Fund.

(g) Director's duties and powers as rehabilitator, liquidator, or conservator.

(1) The Director as rehabilitator, liquidator, or conservator is entitled to deduct from reimbursements owed to guaranty associations or the Illinois Insurance Guaranty Fund or collateral to be returned to a policyholder reasonable actual expenses incurred in fulfilling the responsibilities under this provision, not to exceed 3% of the collateral or the total deductible reimbursements actually collected by the Director as rehabilitator, liquidator, or conservator.

(2) With respect to claim payments made by any guaranty association or the Illinois Insurance Guaranty Fund, the Director as rehabilitator, liquidator, or conservator shall promptly provide the court, with a copy of the guaranty associations or the Illinois Insurance Guaranty Fund, with a complete report of the Director's deductible billing and collection activities as rehabilitator, liquidator, or conservator including copies of the policyholder billings when rendered, the reimbursements collected, the available amounts and use of collateral for each policyholder, and any pro-ration of payments when it occurs. If the Director as rehabilitator, liquidator, or conservator fails to make a good faith effort within 120 days of

receipt of claims payment reports to collect reimbursements due from a policyholder under a deductible agreement based on claim payments made by one or more guaranty associations or the Illinois Insurance Guaranty Fund, then after such 120 day period such guaranty associations or the Illinois Insurance Guaranty Fund may pursue collection from the policyholders directly on the same basis as the Director as rehabilitator, liquidator, or conservator, and with the same rights and remedies, and will report any amounts so collected from each policyholder to the Director as rehabilitator, liquidator, or conservator. To the extent that guaranty associations or the Illinois Insurance Guaranty Fund pay claims within the deductible amount, but are not reimbursed by either the Director as rehabilitator, liquidator, or conservator under this Section or by policyholder payments from the guaranty associations' or the Illinois Insurance Guaranty Fund's own collection efforts, the guaranty association or the Illinois Insurance Guaranty Fund shall have a claim in the insolvent insurer's estate for such un-reimbursed claims payments.

(3) The Director as rehabilitator, liquidator, or conservator shall periodically adjust the collateral being held as the claims subject to the deductible agreement are run-off, provided that adequate collateral is maintained to secure the entire estimated ultimate obligation of the policyholder plus a reasonable safety factor, and the Director as rehabilitator, liquidator, or conservator shall not be required to adjust the collateral more than once a year. The guaranty associations or the Illinois Insurance Guaranty Fund shall be informed of all such collateral reviews, including but not limited to the basis for the adjustment. Once all claims covered by the collateral have been paid and the Director as rehabilitator, liquidator, or conservator is satisfied that no new claims can be presented, the Director as rehabilitator, liquidator, or conservator will release any remaining collateral to the policyholder.

(h) The Illinois Circuit Court having jurisdiction over the liquidation proceedings shall have jurisdiction to resolve disputes arising under this provision.

(i) Nothing in this Section is intended to limit or adversely affect any right the guaranty associations or the Illinois Insurance Guaranty Fund may have under applicable state law to obtain reimbursement from certain classes of policyholders for claims payments made by such guaranty associations or the Illinois Insurance Guaranty Fund under policies of the insolvent insurer, or for related expenses the guaranty associations or the Illinois Insurance Guaranty Fund incur.

(j) This Section applies to all receivership proceedings under Article XIII that either (1) commence on or after the effective date of this amendatory Act of the 93rd General Assembly or (2) are on file or open on the effective date of this amendatory Act of the 93rd General Assembly and in which an Order of Liquidation is entered on or after May 1, 2004.

(k) For purposes of this Section, a "deductible agreement" is any combination of one or more policies, endorsements, contracts, or security agreements, which provide for the policyholder to bear the risk of loss within a specified amount per claim or occurrence covered under a policy of insurance, and may be subject to the aggregate limit of policyholder reimbursement obligations. This Section shall not apply to first party claims, or to claims funded by a guaranty association or the Illinois Insurance Guaranty Fund in excess of the deductible unless subsection (e) above applies. The term "non-covered claim" shall mean a claim that is subject to a deductible agreement and is not covered by a guaranty association or the Illinois Insurance Guaranty Fund.

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

AMENDMENT NO. 2. Amend House Bill 5928, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, lines 10 and 11, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and on page 1, line 14, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and on page 1, line 19, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and on page 2, line 5, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and on page 2, line 14, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and on page 2, lines 22 and 23, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and on page 2, line 31, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and on page 3, lines 6 and 7, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or

liquidator"; and  
 on page 3, lines 17 and 18, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 3, lines 31 and 32, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 4, line 10, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 4, line 13, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 4, lines 20 and 21, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 4, lines 25 and 26, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 5, line 2, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 5, lines 8 and 9, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 5, lines 10 and 11, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 5, line 18, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 5, line 21, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 5, lines 25 and 26, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 5, lines 30 and 31, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 6, lines 5 and 6, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 6, lines 19 and 20, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator"; and  
 on page 6, line 25, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 6, line 32, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 6, line 34, by replacing "rehabilitator, liquidator, or conservator" with "rehabilitator or liquidator";  
 and  
 on page 7, line 19, after the period, by inserting "However, this Section applies to rehabilitation proceedings only to the extent that guaranty associations are required to pay claims and does not apply to receivership proceedings in which an order of conservation has been entered.".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 5928 were 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 5215

A bill for AN ACT concerning schools.

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

Senate Amendment No. 1 to HOUSE BILL NO. 5215

Passed the Senate, as amended, May 17, 2004.



Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5215 on page 1, line 16, by replacing "3" with "2".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5215 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 5157

A bill for AN ACT concerning taxes.

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. 5157

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5157 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Veterans Affairs Act is amended by adding Section 2g as follows:

(20 ILCS 2805/2g new)

Sec. 2g. The Illinois Veterans' Homes Fund. The Illinois Veterans' Homes Fund is hereby created as a special fund in the State treasury. From appropriations to the Department from the Fund the Department shall purchase needed equipment and supplies to enhance the lives of the residents at and to enhance the operations of veterans' homes in Illinois.

Section 10. The State Finance Act is amended by adding Section 5.625 as follows:

(30 ILCS 105/5.625 new)

Sec. 5.625. The Illinois Veterans' Homes Fund.

Section 15. The Illinois Income Tax Act is amended by changing Sections 509 and 510 and by adding Section 507DD as follows:

(35 ILCS 5/507DD new)

Sec. 507DD. The Illinois Veterans' Homes Fund checkoff. For taxable years ending on or after December 31, 2004, the Department shall print on its standard individual income tax form a provision indicating that if the taxpayer wishes to contribute to the Illinois Veterans' Homes Fund, as authorized by this amendatory Act of the 93rd General Assembly, he or she may do so by stating the amount of the contribution (not less than \$1) on the return and that the contribution will reduce the taxpayer's refund or increase the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly. This Section shall not apply to any amended return.

(35 ILCS 5/509) (from Ch. 120, par. 5-509)

Sec. 509. Tax checkoff explanations. All individual income tax return forms shall contain appropriate explanations and spaces to enable the taxpayers to designate contributions to the following funds: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund (as required by the Illinois Non-Game Wildlife Protection Act), the Alzheimer's Disease Research Fund (as required by the Alzheimer's Disease Research Act), the Assistance to the Homeless Fund (as required by this Act), the Penny Sevens Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, ~~to~~ the Illinois Military Family Relief Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund.

Each form shall contain a statement that the contributions will reduce the taxpayer's refund or increase

the amount of payment to accompany the return. Failure to remit any amount of increased payment shall reduce the contribution accordingly.

If, on October 1 of any year, the total contributions to any one of the funds made under this Section do not equal \$100,000 or more, the explanations and spaces for designating contributions to the fund shall be removed from the individual income tax return forms for the following and all subsequent years and all subsequent contributions to the fund shall be refunded to the taxpayer.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; revised 9-8-03.)

(35 ILCS 5/510) (from Ch. 120, par. 5-510)

Sec. 510. Determination of amounts contributed. The Department shall determine the total amount contributed to each of the following: the Child Abuse Prevention Fund, the Illinois Wildlife Preservation Fund, the Assistance to the Homeless Fund, the Alzheimer's Disease Research Fund, the Penny Sevens Breast and Cervical Cancer Research Fund, the National World War II Memorial Fund, the Prostate Cancer Research Fund, ~~to~~ the Illinois Military Family Relief Fund, the Lou Gehrig's Disease (ALS) Research Fund, the Multiple Sclerosis Assistance Fund, the Leukemia Treatment and Education Fund, the World War II Illinois Veterans Memorial Fund, the Korean War Veterans National Museum and Library Fund, the Illinois Veterans' Homes Fund, and the Asthma and Lung Research Fund; and shall notify the State Comptroller and the State Treasurer of the amounts to be transferred from the General Revenue Fund to each fund, and upon receipt of such notification the State Treasurer and Comptroller shall transfer the amounts.

(Source: P.A. 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; 92-651, eff. 7-11-02; 92-772, eff. 8-6-02; 92-886, eff. 2-7-03; 93-36, eff. 6-24-03; 93-131, eff. 7-10-03; 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; revised 9-8-03.)

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 5157 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 5094

A bill for AN ACT concerning environmental protection.

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. 5094

Senate Amendment No. 3 to HOUSE BILL NO. 5094

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 5094 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Sections 3.135 and 39 and by adding Section 9.14 as follows:

(415 ILCS 5/3.135) (was 415 ILCS 5/3.94)

Sec. 3.135. Coal combustion by-product; CCB.

(a) "Coal combustion by-product" (CCB) means coal combustion waste when used beneficially for any of the following purposes:

(1) The extraction or recovery of material compounds contained within CCB.

(2) The use of CCB as a raw ingredient or mineral filler in the manufacture of the following commercial products: cement; concrete and concrete mortars; cementitious ~~concrete~~ products including block, pipe and

precast/prestressed components; asphalt or cementitious cement-based roofing products shingles; plastic products including pipes and fittings; paints and metal alloys ; kiln fired products including bricks, blocks, and tiles; abrasive media; gypsum wallboard; asphaltic concrete, or asphalt based paving material.

(3) CCB used (A) in accordance with the Illinois Department of Transportation ("IDOT") Standard specifications and subsection 10 of this Section or (B) and under the approval of the Department of Transportation for IDOT projects.

(4) Bottom ash used as antiskid material, athletic tracks, or foot paths.

(5) ~~Use as a substitute for lime (CaO and MgO) in the lime stabilization or modification of soils providing the CCB meets the IDOT Illinois Department of Transportation ("IDOT") specifications for soil modifiers byproduct limes.~~

(6) CCB used as a functionally equivalent substitute for agricultural lime as a soil conditioner.

(7) Bottom ash used in non-IDOT pavement sub-base or base, pipe bedding, or foundation backfill.

(8) Structural fill, when used in an engineered application or combined with cement, sand, or water to produce a controlled strength fill material and covered with 12 inches of soil unless infiltration is prevented by the material itself or other cover material.

(9) Mine subsidence, mine fire control, mine sealing, and mine reclamation.

(10) Except to the extent that the uses are in strict accordance with the appropriate ASTM standard below or are otherwise authorized by law without such restrictions, uses (a)(3)(A) and (a)(7) through (9) shall be subject to the following conditions:

(A) CCB shall not have been mixed with hazardous waste prior to use;

(B) CCB shall not exceed Class I Groundwater Standards for the following parameters metals when tested utilizing test

method ASTM D3987-85: arsenic, barium, boron, cadmium, antimony, beryllium, chloride, chromium, cobalt, copper, iron, lead, manganese, mercury, nickel, selenium, silver, sulfate, thallium, phenol, and zinc. The sample or samples tested shall be representative of the CCB being considered for use;

(C) Unless otherwise exempted, users of CCB shall provide notification to the Agency for each project utilizing CCB documenting the quantity of CCB utilized and certification of compliance with conditions (a)(10)(A) and (B) of this Section. Notification shall not be required for pavement base, parking lot base, or building base projects utilizing less than 10,000 tons, flowable fill/grout projects utilizing less than 1,000 cubic yards or other applications utilizing less than 100 tons;

(D) Fly ash shall be managed applied in a manner that minimizes the generation of airborne particles and dust using techniques such as moisture conditioning, granulating, inground application, or other demonstrated method; ~~and~~

(E) CCB is not to be accumulated speculatively. CCB is not accumulated speculatively if during the calendar year, the CCB used is equal to 75% of the CCB by weight or volume accumulated at the beginning of the period; ~~and -~~

(F) CCB shall include any prescribed mixture of fly ash, bottom ash, boiler slag, flue gas desulfurization scrubber sludge, fluidized bed combustion ash, and stoker boiler ash and will be tested as intended for use.

(b) To encourage and promote the utilization of CCB in productive and beneficial applications, upon request by the applicant, the Agency shall may make a written beneficial use determinations determination that coal-combustion waste is CCB when used in a manner other than those uses specified in subsection (a) of that specified in this Section if the applicant demonstrates that use of the coal-combustion waste satisfies all of the following criteria: the use will not cause, threaten, or allow the discharge of any contaminants into the environment; the use will otherwise protect human health and safety and the environment; and the use constitutes a legitimate use of the coal-combustion waste as an ingredient or raw material that is an effective substitute for an analogous ingredient or raw material if the use has been shown to have no adverse environmental impact greater than the beneficial uses specified, in consultation with the Department of Mines and Minerals, the Illinois Clean Coal Institute, the Department of Transportation, and such other agencies as may be appropriate.

The Agency's beneficial use determinations may allow the uses set forth in subsections (a)(3)(A) and (a)(7) through (9) of this Section without the CCB being subject to the restrictions set forth in subsection (a)(10)(B) and (E) of this Section.

Within 90 days after the receipt of an application for a beneficial use determination under this subsection (b), the Agency shall, in writing, approve, disapprove, or approve with conditions the beneficial use. Any disapproval or approval with conditions shall include the Agency's reasons for the disapproval or conditions. Failure of the Agency to issue a decision within 90 days shall constitute disapproval of the

beneficial use request. These beneficial use determinations are subject to review under Section 40 of this Act.

Any approval of a beneficial use under this subsection (b) shall become effective upon the date of the Agency's written decision and remain in effect for a period of 5 years. If an applicant desires to continue a beneficial use after the expiration of the 5-year period, the applicant must submit a new application and fee in accordance with this subsection (b).

Coal-combustion waste for which a beneficial use is approved pursuant to this subsection (b) shall be considered CCB during the effective period of the approval as long as it is used in accordance with the approval and any conditions.

The Board shall adopt rules establishing standards and procedures for the Agency's issuance of beneficial use determinations under this subsection (b). The Board rules may also, but are not required to, include standards and procedures for the revocation of the beneficial use determinations. Prior to the effective date of Board rules adopted under this subsection (b), the Agency is authorized to make beneficial use determinations in accordance with this subsection (b).

The Agency is authorized to prepare and distribute guidance documents relative to its administration of this Section. Guidance documents prepared under this subsection are not rules for the purposes of the Illinois Administrative Procedure Act.

(Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/9.14 new)

Sec. 9.14. Streamlining permitting requirements.

(a) The General Assembly finds that existing air pollution permitting requirements should be streamlined or reduced, where:

(1) There is no threat to the public health or welfare from the streamlining; and

(2) The streamlining is not inconsistent with federal law, regulation, or policy.

(b) Streamlining under this Section includes, but is not limited to:

(1) The adoption of additional permit exemptions for categories and classes of emission units;

(2) The adoption of provisions for permits by rule for certain categories of minor sources for which such an approach could be effectively utilized;

(3) The adoption of provisions to facilitate the utilization of General Permits for categories of sources in which a significant number of similar sources exist and the permits could be effectively utilized, which permits may provide for the addition and replacement of certain emission units; and

(4) For certain types of new or modified emission units in appropriate circumstances, and at the applicant's own risk, the adoption of provisions allowing an applicant to commence construction of a emission unit before a permit is issued but after a complete permit application has been submitted.

(c) Consistent with these findings, the Board shall examine the current scope of State air pollution control permit requirements with the objective of creating additional permit exemptions and eliminating permit requirements for insignificant activities and emission units. The Agency shall propose before January 1, 2005, and the Board shall adopt, pursuant to Sections 27 and 28 of this Act, revisions to its regulations reflecting the results of the permit streamlining efforts, consistent with subsections (a) and (b) of this Section. Specifically, the Board's revisions shall include, but not be limited to, the following:

(1) The simplification or elimination of the requirements for construction permits to replace or add air pollution control equipment for existing emission units in circumstances where:

(A) The existing emission unit is permitted and has operated in compliance for the past year;

(B) The new control equipment will provide equal or better control of the target pollutants;

(C) The new control device will not be accompanied by a net increase in emissions of any collateral pollutant;

(D) New or different regulatory requirements will not apply or potentially apply to the unit; and

(E) The new air pollution control equipment will be equipped with the instrumentation and monitoring devices that are typically installed on the new equipment of such type.

(2) For permitted sources that have federally enforceable state operating permits limiting their potential to emit, the simplification or elimination of the requirement for permitting of a proposed new or modified emission unit in circumstances where:

(A) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the emission unit is less than 0.1 pound per hour or whatever higher rate the Board deems appropriate;

(B) The raw materials and fuels used or present in the emission unit that cause or contribute to emissions, based on the information contained in Material Safety Data Sheets for those materials, do not

contain any hazardous air pollutants as defined under Section 112(b) of the federal Clean Air Act;

(C) The emission unit is not subject to an emission standard or other regulatory requirement pursuant to Section 111 of the federal Clean Air Act;

(D) Potential emissions of regulated air pollutants from the emission unit will not, in combination with emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5, permitting requirements under Sections 165 or 173 of the federal Clean Air Act, or the requirement to obtain a revised federally enforceable state operating permit limiting the source's potential to emit; and

(E) The source is not currently the subject of a written compliance inquiry or formal enforcement action by the State of Illinois or USEPA related to the emissions of the source.

(3) For permitted sources that that are not major sources subject to Section 39.5 and that do not have a federally enforceable state operating permit limiting their potential to emit, the simplification or elimination of the requirement for permitting of proposed new or modified emission units before their construction and operation in circumstances where:

(A) The potential to emit any regulated air pollutant in the absence of air pollution control equipment from the emission unit is either:

(i) Less than 0.1 pound per hour or whatever higher rate the Board deems appropriate; or

(ii) Less than 0.5 pound per hour, or whatever higher rate the Board deems appropriate, and the permittee provides prior notification to the Agency of the intent to construct or install the unit;

(B) The emission unit is not subject to an emission standard or other regulatory requirement under Section 111 or 112 of the federal Clean Air Act;

(C) Potential emissions of regulated air pollutants from the emission unit will not, in combination with the emissions from existing units or other proposed units, trigger permitting requirements under Section 39.5 or the requirement to obtain a federally enforceable permit limiting the source's potential to emit; and

(D) The source is not currently the subject of a written compliance inquiry or formal enforcement action by the State of Illinois or USEPA related to the emissions of the source.

(415 ILCS 5/39) (from Ch. 111 1/2, par. 1039)

Sec. 39. Issuance of permits; procedures.

(a) When the Board has by regulation required a permit for the construction, installation, or operation of any type of facility, equipment, vehicle, vessel, or aircraft, the applicant shall apply to the Agency for such permit and it shall be the duty of the Agency to issue such a permit upon proof by the applicant that the facility, equipment, vehicle, vessel, or aircraft will not cause a violation of this Act or of regulations hereunder. The Agency shall adopt such procedures as are necessary to carry out its duties under this Section. In making its determinations on permit applications under this Section the Agency may consider prior adjudications of noncompliance with this Act by the applicant that involved a release of a contaminant into the environment. In granting permits, the Agency may impose reasonable conditions specifically related to the applicant's past compliance history with this Act as necessary to correct, detect, or prevent noncompliance. The Agency may impose such other conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with the regulations promulgated by the Board hereunder. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit under this Section, the Agency shall transmit to the applicant within the time limitations of this Section specific, detailed statements as to the reasons the permit application was denied. Such statements shall include, but not be limited to the following:

(i) the Sections of this Act which may be violated if the permit were granted;

(ii) the provision of the regulations, promulgated under this Act, which may be violated if the permit were granted;

(iii) the specific type of information, if any, which the Agency deems the applicant did not provide the Agency; and

(iv) a statement of specific reasons why the Act and the regulations might not be met if the permit were granted.

If there is no final action by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued; except that this time period shall be extended to 180 days when (1) notice and opportunity for public hearing are required by State or federal law or regulation, (2) the application which was filed is for any permit to develop a landfill subject to issuance pursuant to this subsection, or (3) the application that was filed is for a MSWLF unit required to issue public notice under subsection (p) of Section 39. The 90-day and 180-day time periods for the Agency to take final action do

not apply to NPDES permit applications under subsection (b) of this Section, to RCRA permit applications under subsection (d) of this Section, or to UIC permit applications under subsection (e) of this Section.

The Agency shall publish notice of all final permit determinations for development permits for MSWLF units and for significant permit modifications for lateral expansions for existing MSWLF units one time in a newspaper of general circulation in the county in which the unit is or is proposed to be located.

After January 1, 1994 and until July 1, 1998, operating permits issued under this Section by the Agency for sources of air pollution permitted to emit less than 25 tons per year of any combination of regulated air pollutants, as defined in Section 39.5 of this Act, shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and regulations promulgated hereunder. Such operating permits shall expire 180 days after the date of such a request. The Board shall revise its regulations for the existing State air pollution operating permit program consistent with this provision by January 1, 1994.

After June 30, 1998, operating permits issued under this Section by the Agency for sources of air pollution that are not subject to Section 39.5 of this Act and are not required to have a federally enforceable State operating permit shall be required to be renewed only upon written request by the Agency consistent with applicable provisions of this Act and its rules. Such operating permits shall expire 180 days after the date of such a request. Before July 1, 1998, the Board shall revise its rules for the existing State air pollution operating permit program consistent with this paragraph and shall adopt rules that require a source to demonstrate that it qualifies for a permit under this paragraph.

(b) The Agency may issue NPDES permits exclusively under this subsection for the discharge of contaminants from point sources into navigable waters, all as defined in the Federal Water Pollution Control Act, as now or hereafter amended, within the jurisdiction of the State, or into any well.

All NPDES permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act.

The Agency may issue general NPDES permits for discharges from categories of point sources which are subject to the same permit limitations and conditions. Such general permits may be issued without individual applications and shall conform to regulations promulgated under Section 402 of the Federal Water Pollution Control Act, as now or hereafter amended.

The Agency may include, among such conditions, effluent limitations and other requirements established under this Act, Board regulations, the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto, and schedules for achieving compliance therewith at the earliest reasonable date.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of NPDES permits, and which are consistent with the Act or regulations adopted by the Board, and with the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

The Agency, subject to any conditions which may be prescribed by Board regulations, may issue NPDES permits to allow discharges beyond deadlines established by this Act or by regulations of the Board without the requirement of a variance, subject to the Federal Water Pollution Control Act, as now or hereafter amended, and regulations pursuant thereto.

(c) Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, no permit for the development or construction of a new pollution control facility may be granted by the Agency unless the applicant submits proof to the Agency that the location of the facility has been approved by the County Board of the county if in an unincorporated area, or the governing body of the municipality when in an incorporated area, in which the facility is to be located in accordance with Section 39.2 of this Act.

In the event that siting approval granted pursuant to Section 39.2 has been transferred to a subsequent owner or operator, that subsequent owner or operator may apply to the Agency for, and the Agency may grant, a development or construction permit for the facility for which local siting approval was granted. Upon application to the Agency for a development or construction permit by that subsequent owner or operator, the permit applicant shall cause written notice of the permit application to be served upon the appropriate county board or governing body of the municipality that granted siting approval for that facility and upon any party to the siting proceeding pursuant to which siting approval was granted. In that event, the Agency shall conduct an evaluation of the subsequent owner or operator's prior experience in waste management operations in the manner conducted under subsection (i) of Section 39 of this Act.

Beginning August 20, 1993, if the pollution control facility consists of a hazardous or solid waste disposal facility for which the proposed site is located in an unincorporated area of a county with a

population of less than 100,000 and includes all or a portion of a parcel of land that was, on April 1, 1993, adjacent to a municipality having a population of less than 5,000, then the local siting review required under this subsection (c) in conjunction with any permit applied for after that date shall be performed by the governing body of that adjacent municipality rather than the county board of the county in which the proposed site is located; and for the purposes of that local siting review, any references in this Act to the county board shall be deemed to mean the governing body of that adjacent municipality; provided, however, that the provisions of this paragraph shall not apply to any proposed site which was, on April 1, 1993, owned in whole or in part by another municipality.

In the case of a pollution control facility for which a development permit was issued before November 12, 1981, if an operating permit has not been issued by the Agency prior to August 31, 1989 for any portion of the facility, then the Agency may not issue or renew any development permit nor issue an original operating permit for any portion of such facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved by the appropriate county board or municipal governing body pursuant to Section 39.2 of this Act.

After January 1, 1994, if a solid waste disposal facility, any portion for which an operating permit has been issued by the Agency, has not accepted waste disposal for 5 or more consecutive calendar years, before that facility may accept any new or additional waste for disposal, the owner and operator must obtain a new operating permit under this Act for that facility unless the owner and operator have applied to the Agency for a permit authorizing the temporary suspension of waste acceptance. The Agency may not issue a new operation permit under this Act for the facility unless the applicant has submitted proof to the Agency that the location of the facility has been approved or re-approved by the appropriate county board or municipal governing body under Section 39.2 of this Act after the facility ceased accepting waste.

Except for those facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act, and except for new pollution control facilities governed by Section 39.2, and except for fossil fuel mining facilities, the granting of a permit under this Act shall not relieve the applicant from meeting and securing all necessary zoning approvals from the unit of government having zoning jurisdiction over the proposed facility.

Before beginning construction on any new sewage treatment plant or sludge drying site to be owned or operated by a sanitary district organized under the Metropolitan Water Reclamation District Act for which a new permit (rather than the renewal or amendment of an existing permit) is required, such sanitary district shall hold a public hearing within the municipality within which the proposed facility is to be located, or within the nearest community if the proposed facility is to be located within an unincorporated area, at which information concerning the proposed facility shall be made available to the public, and members of the public shall be given the opportunity to express their views concerning the proposed facility.

The Agency may issue a permit for a municipal waste transfer station without requiring approval pursuant to Section 39.2 provided that the following demonstration is made:

(1) the municipal waste transfer station was in existence on or before January 1, 1979 and was in continuous operation from January 1, 1979 to January 1, 1993;

(2) the operator submitted a permit application to the Agency to develop and operate the municipal waste transfer station during April of 1994;

(3) the operator can demonstrate that the county board of the county, if the municipal waste transfer station is in an unincorporated area, or the governing body of the municipality, if the station is in an incorporated area, does not object to resumption of the operation of the station; and

(4) the site has local zoning approval.

(d) The Agency may issue RCRA permits exclusively under this subsection to persons owning or operating a facility for the treatment, storage, or disposal of hazardous waste as defined under this Act.

All RCRA permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith as soon as possible. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a RCRA permit.

In the case of a permit to operate a hazardous waste or PCB incinerator as defined in subsection (k) of Section 44, the Agency shall require, as a condition of the permit, that the operator of the facility perform such analyses of the waste to be incinerated as may be necessary and appropriate to ensure the safe operation of the incinerator.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of RCRA permits, and which are consistent with the Act or regulations adopted by the Board, and with the Resource Conservation and Recovery Act of 1976 (P.L. 94-580), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(e) The Agency may issue UIC permits exclusively under this subsection to persons owning or operating a facility for the underground injection of contaminants as defined under this Act.

All UIC permits shall contain those terms and conditions, including but not limited to schedules of compliance, which may be required to accomplish the purposes and provisions of this Act. The Agency may include among such conditions standards and other requirements established under this Act, Board regulations, the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto, and may include schedules for achieving compliance therewith. The Agency shall require that a performance bond or other security be provided as a condition for the issuance of a UIC permit.

The Agency shall adopt filing requirements and procedures which are necessary and appropriate for the issuance of UIC permits, and which are consistent with the Act or regulations adopted by the Board, and with the Safe Drinking Water Act (P.L. 93-523), as amended, and regulations pursuant thereto.

The applicant shall make available to the public for inspection, all documents submitted by the applicant to the Agency in furtherance of an application, with the exception of trade secrets, at the office of the county board or governing body of the municipality. Such documents may be copied upon payment of the actual cost of reproduction during regular business hours of the local office. The Agency shall issue a written statement concurrent with its grant or denial of the permit explaining the basis for its decision.

(f) In making any determination pursuant to Section 9.1 of this Act:

(1) The Agency shall have authority to make the determination of any question required to be determined by the Clean Air Act, as now or hereafter amended, this Act, or the regulations of the Board, including the determination of the Lowest Achievable Emission Rate, Maximum Achievable Control Technology, or Best Available Control Technology, consistent with the Board's regulations, if any.

(2) The Agency shall, after conferring with the applicant, give written notice to the applicant of its proposed decision on the application including the terms and conditions of the permit to be issued and the facts, conduct or other basis upon which the Agency will rely to support its proposed action.

(3) Following such notice, the Agency shall give the applicant an opportunity for a hearing in accordance with the provisions of Sections 10-25 through 10-60 of the Illinois Administrative Procedure Act.

(g) The Agency shall include as conditions upon all permits issued for hazardous waste disposal sites such restrictions upon the future use of such sites as are reasonably necessary to protect public health and the environment, including permanent prohibition of the use of such sites for purposes which may create an unreasonable risk of injury to human health or to the environment. After administrative and judicial challenges to such restrictions have been exhausted, the Agency shall file such restrictions of record in the Office of the Recorder of the county in which the hazardous waste disposal site is located.

(h) A hazardous waste stream may not be deposited in a permitted hazardous waste site unless specific authorization is obtained from the Agency by the generator and disposal site owner and operator for the deposit of that specific hazardous waste stream. The Agency may grant specific authorization for disposal of hazardous waste streams only after the generator has reasonably demonstrated that, considering technological feasibility and economic reasonableness, the hazardous waste cannot be reasonably recycled for reuse, nor incinerated or chemically, physically or biologically treated so as to neutralize the hazardous waste and render it nonhazardous. In granting authorization under this Section, the Agency may impose such conditions as may be necessary to accomplish the purposes of the Act and are consistent with this Act and regulations promulgated by the Board hereunder. If the Agency refuses to grant authorization under this Section, the applicant may appeal as if the Agency refused to grant a permit, pursuant to the provisions of subsection (a) of Section 40 of this Act. For purposes of this subsection (h), the term "generator" has the meaning given in Section 3.205 of this Act, unless: (1) the hazardous waste is treated, incinerated, or partially recycled for reuse prior to disposal, in which case the last person who treats, incinerates, or



partially recycles the hazardous waste prior to disposal is the generator; or (2) the hazardous waste is from a response action, in which case the person performing the response action is the generator. This subsection (h) does not apply to any hazardous waste that is restricted from land disposal under 35 Ill. Adm. Code 728.

(i) Before issuing any RCRA permit or any permit for a waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, waste incinerator, or any waste-transportation operation, the Agency shall conduct an evaluation of the prospective owner's or operator's prior experience in waste management operations. The Agency may deny such a permit if the prospective owner or operator or any employee or officer of the prospective owner or operator has a history of:

- (1) repeated violations of federal, State, or local laws, regulations, standards, or ordinances in the operation of waste management facilities or sites; or
- (2) conviction in this or another State of any crime which is a felony under the laws of this State, or conviction of a felony in a federal court; or
- (3) proof of gross carelessness or incompetence in handling, storing, processing, transporting or disposing of waste.

(j) The issuance under this Act of a permit to engage in the surface mining of any resources other than fossil fuels shall not relieve the permittee from its duty to comply with any applicable local law regulating the commencement, location or operation of surface mining facilities.

(k) A development permit issued under subsection (a) of Section 39 for any facility or site which is required to have a permit under subsection (d) of Section 21 shall expire at the end of 2 calendar years from the date upon which it was issued, unless within that period the applicant has taken action to develop the facility or the site. In the event that review of the conditions of the development permit is sought pursuant to Section 40 or 41, or permittee is prevented from commencing development of the facility or site by any other litigation beyond the permittee's control, such two-year period shall be deemed to begin on the date upon which such review process or litigation is concluded.

(l) No permit shall be issued by the Agency under this Act for construction or operation of any facility or site located within the boundaries of any setback zone established pursuant to this Act, where such construction or operation is prohibited.

(m) The Agency may issue permits to persons owning or operating a facility for composting landscape waste. In granting such permits, the Agency may impose such conditions as may be necessary to accomplish the purposes of this Act, and as are not inconsistent with applicable regulations promulgated by the Board. Except as otherwise provided in this Act, a bond or other security shall not be required as a condition for the issuance of a permit. If the Agency denies any permit pursuant to this subsection, the Agency shall transmit to the applicant within the time limitations of this subsection specific, detailed statements as to the reasons the permit application was denied. Such statements shall include but not be limited to the following:

- (1) the Sections of this Act that may be violated if the permit were granted;
- (2) the specific regulations promulgated pursuant to this Act that may be violated if the permit were granted;
- (3) the specific information, if any, the Agency deems the applicant did not provide in its application to the Agency; and
- (4) a statement of specific reasons why the Act and the regulations might be violated if the permit were granted.

If no final action is taken by the Agency within 90 days after the filing of the application for permit, the applicant may deem the permit issued. Any applicant for a permit may waive the 90 day limitation by filing a written statement with the Agency.

The Agency shall issue permits for such facilities upon receipt of an application that includes a legal description of the site, a topographic map of the site drawn to the scale of 200 feet to the inch or larger, a description of the operation, including the area served, an estimate of the volume of materials to be processed, and documentation that:

- (1) the facility includes a setback of at least 200 feet from the nearest potable water supply well;
- (2) the facility is located outside the boundary of the 10-year floodplain or the site will be floodproofed;
- (3) the facility is located so as to minimize incompatibility with the character of the surrounding area, including at least a 200 foot setback from any residence, and in the case of a facility that is developed or the permitted composting area of which is expanded after November 17, 1991, the composting area is located at least 1/8 mile from the nearest residence (other than a residence located on

the same property as the facility);

(4) the design of the facility will prevent any compost material from being placed within 5 feet of the water table, will adequately control runoff from the site, and will collect and manage any leachate that is generated on the site;

(5) the operation of the facility will include appropriate dust and odor control measures, limitations on operating hours, appropriate noise control measures for shredding, chipping and similar equipment, management procedures for composting, containment and disposal of non-compostable wastes, procedures to be used for terminating operations at the site, and recordkeeping sufficient to document the amount of materials received, composted and otherwise disposed of; and

(6) the operation will be conducted in accordance with any applicable rules adopted by the Board.

The Agency shall issue renewable permits of not longer than 10 years in duration for the composting of landscape wastes, as defined in Section 3.155 of this Act, based on the above requirements.

The operator of any facility permitted under this subsection (m) must submit a written annual statement to the Agency on or before April 1 of each year that includes an estimate of the amount of material, in tons, received for composting.

(n) The Agency shall issue permits jointly with the Department of Transportation for the dredging or deposit of material in Lake Michigan in accordance with Section 18 of the Rivers, Lakes, and Streams Act.

(o) (Blank.)

(p) (1) Any person submitting an application for a permit for a new MSWLF unit or for a lateral expansion under subsection (t) of Section 21 of this Act for an existing MSWLF unit that has not received and is not subject to local siting approval under Section 39.2 of this Act shall publish notice of the application in a newspaper of general circulation in the county in which the MSWLF unit is or is proposed to be located. The notice must be published at least 15 days before submission of the permit application to the Agency. The notice shall state the name and address of the applicant, the location of the MSWLF unit or proposed MSWLF unit, the nature and size of the MSWLF unit or proposed MSWLF unit, the nature of the activity proposed, the probable life of the proposed activity, the date the permit application will be submitted, and a statement that persons may file written comments with the Agency concerning the permit application within 30 days after the filing of the permit application unless the time period to submit comments is extended by the Agency.

When a permit applicant submits information to the Agency to supplement a permit application being reviewed by the Agency, the applicant shall not be required to reissue the notice under this subsection.

(2) The Agency shall accept written comments concerning the permit application that are postmarked no later than 30 days after the filing of the permit application, unless the time period to accept comments is extended by the Agency.

(3) Each applicant for a permit described in part (1) of this subsection shall file a copy of the permit application with the county board or governing body of the municipality in which the MSWLF unit is or is proposed to be located at the same time the application is submitted to the Agency. The permit application filed with the county board or governing body of the municipality shall include all documents submitted to or to be submitted to the Agency, except trade secrets as determined under Section 7.1 of this Act. The permit application and other documents on file with the county board or governing body of the municipality shall be made available for public inspection during regular business hours at the office of the county board or the governing body of the municipality and may be copied upon payment of the actual cost of reproduction.

(q) The owner or operator of a CAAPP source is not required to obtain an air pollution control construction permit for the construction or modification of an emission unit or activity that is an insignificant activity as addressed by Title 35 of the Illinois Administrative Code, Subtitle B: Air Pollution Control, Chapter I: Pollution Control Board, Section 201.212, which rule provides that changes in the insignificant activities at a CAAPP source shall be addressed during the renewal of the CAAPP permit. Provided, however, other than excusing the owner or operator of a CAAPP source from the requirement to obtain an air pollution control construction permit for these emission units or activities, nothing in this provision shall alter or affect the liability of the CAAPP source for compliance with emission standards and other requirements that apply to these emission units or activities, either individually or in conjunction with other emission units or activities constructed, modified, or located at the source.

(Source: P.A. 92-574, eff. 6-26-02; 93-575, eff. 1-1-04.)"

AMENDMENT NO.   3  . Amend House Bill 5094, AS AMENDED, with reference to page and

line numbers of House Amendment No. 1, as follows:

on page 1, line 5, by changing "3.135" to "3.135, 3.160,"; and

on page 5, immediately below line 11, by inserting the following:

"(415 ILCS 5/3.160) (was 415 ILCS 5/3.78 and 3.78a)

Sec. 3.160. Construction or demolition debris.

(a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials.

General construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any general construction or demolition debris or other waste.

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars or, except in Cook County, with metal bars that do not protrude more than 2 feet, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

Clean construction or demolition debris does not include uncontaminated soil generated during construction, remodeling, repair, and demolition of utilities, structures, and roads provided the uncontaminated soil is not commingled with any clean construction or demolition debris or other waste.

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) within 30 days of its generation, or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure, provided that the structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality.

(Source: P.A. 92-574, eff. 6-26-02; 93-179, eff. 7-11-03.)"; and

on page 24, immediately below line 4, by inserting the following:

"Section 99. Effective date. This Section and the provisions changing Section 3.160 of the Environmental Protection Act take effect upon becoming law."

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 3 to HOUSE BILL 5094 were 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 5057

A bill for AN ACT concerning seniors.

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. 5057

Senate Amendment No. 2 to HOUSE BILL NO. 5057

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 5057 on page 7, by replacing lines 4 through 35 with the following:

"(20 ILCS 105/4.12 new)

Sec. 4.12. Assistance to nursing home residents.

(a) The Department on Aging shall assist eligible nursing home residents and their families to select long-term care options that meet their needs and reflect their preferences. At any time during the process, the resident or his or her representative may decline further assistance.

(b) To provide assistance, the Department shall develop a community reintegration program in selected areas of the State, to be expanded statewide as funding becomes available. The program shall be developed in consultation with nursing homes, case managers, Area Agencies on Aging, and others interested in the well-being of frail elderly Illinois residents. The Department shall establish administrative rules pursuant to the Illinois Administrative Procedure Act with respect to resident eligibility, assessment of the resident's health, cognitive and social needs, development of comprehensive service transition plans, and the level of services that must be available prior to reintegration of a resident into the community.

Section 10. The Illinois Public Aid Code is amended by adding Section 5-5d as follows:

(305 ILCS 5/5-5d new)

Sec. 5-5d. Community reintegration. The Department of Public Aid shall apply for any necessary waivers pursuant to Section 1915(c) of the Social Security Act to facilitate community reintegration. Nothing in this Section shall be construed as limiting current reintegration programs by the Departments of Human Services or the Department on Aging."; and

on page 8, by deleting lines 1 through 27.

AMENDMENT NO.   2  . Amend House Bill 5057, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 12, by replacing "community reintegration program" with "program of transition services with follow-up"; and on page 1, line 20, by replacing "cognitive and social" with "cognitive, social, and financial"; and on page 1, line 22, by replacing "reintegration" with "transition"; and on page 2, line 3, by replacing "Community reintegration" with "Transition services"; and on page 2, line 6, by replacing "community reintegration" with "transition services"; and on page 2, line 7, by replacing "reintegration" with "similar".

The foregoing message from the Senate reporting Senate Amendments numbered 1 and 2 to HOUSE BILL 5057 were 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 5023

A bill for AN ACT concerning economic development.

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. 5023

Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 5023 on page 1, by replacing lines 10 and 11 with the following:

""downtown" means the traditional center business district of a municipality that (i) has served as the center

for socio-economic interaction in the municipality, (ii) is characterized by a cohesive core of commercial and mixed use buildings that may be interspersed with civic, religious, and residential buildings and public spaces, and (iii) is typically arranged along a main street and intersecting side streets and served by public infrastructure."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 5023 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 4960

A bill for AN ACT concerning professional regulation.  
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. 4960  
Passed the Senate, as amended, May 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 4960 by replacing everything after the enacting clause with the following:

"Section 5. The Real Estate License Act of 2000 is amended by changing Sections 1-10, 5-30, 5-50, 5-70, and 20-20 and by adding Section 15-75 as follows:

(225 ILCS 454/1-10)

(Section scheduled to be repealed on January 1, 2010)

Sec. 1-10. Definitions. In this Act, unless the context otherwise requires:

"Act" means the Real Estate License Act of 2000.

"Advisory Council" means the Real Estate Education Advisory Council created under Section 30-10 of this Act.

"Agency" means a relationship in which a real estate broker or licensee, whether directly or through an affiliated licensee, represents a consumer by the consumer's consent, whether express or implied, in a real property transaction.

"Applicant" means any person, as defined in this Section, who applies to OBRE for a valid license as a real estate broker, real estate salesperson, or leasing agent.

"Blind advertisement" means any real estate advertisement that does not include the sponsoring broker's business name and that is used by any licensee regarding the sale or lease of real estate, including his or her own, licensed activities, or the hiring of any licensee under this Act. The broker's business name in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm.

"Board" means the Real Estate Administration and Disciplinary Board of OBRE.

"Branch office" means a sponsoring broker's office other than the sponsoring broker's principal office.

"Broker" means an individual, partnership, limited liability company, corporation, or registered limited liability partnership other than a real estate salesperson or leasing agent who for another and for compensation, or with the intention or expectation of receiving compensation, either directly or indirectly:

- (1) Sells, exchanges, purchases, rents, or leases real estate.
- (2) Offers to sell, exchange, purchase, rent, or lease real estate.
- (3) Negotiates, offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of real estate.
- (4) Lists, offers, attempts, or agrees to list real estate for sale, lease, or exchange.
- (5) Buys, sells, offers to buy or sell, or otherwise deals in options on real estate or improvements thereon.
- (6) Supervises the collection, offer, attempt, or agreement to collect rent for the use of real estate.

(7) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.

(8) Assists or directs in procuring or referring of prospects, intended to result in the sale, exchange, lease, or rental of real estate.

(9) Assists or directs in the negotiation of any transaction intended to result in the sale, exchange, lease, or rental of real estate.

(10) Opens real estate to the public for marketing purposes.

(11) Sells, leases, or offers for sale or lease real estate at auction.

"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Client" means a person who is being represented by a licensee.

"Commissioner" means the Commissioner of Banks and Real Estate or a person authorized by the Commissioner, the Office of Banks and Real Estate Act, or this Act to act in the Commissioner's stead.

"Compensation" means the valuable consideration given by one person or entity to another person or entity in exchange for the performance of some activity or service. Compensation shall include the transfer of valuable consideration, including without limitation the following:

(1) commissions;

(2) referral fees;

(3) bonuses;

(4) prizes;

(5) merchandise;

(6) finder fees;

(7) performance of services;

(8) coupons or gift certificates;

(9) discounts;

(10) rebates;

(11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;

(12) retainer fee; or

(13) salary.

"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the disclosure of which could materially harm the negotiating position of the client, unless at any time:

(1) the client permits the disclosure of information given by that client by word or conduct;

(2) the disclosure is required by law; or

(3) the information becomes public from a source other than the licensee.

"Confidential information" shall not be considered to include material information about the physical condition of the property.

"Consumer" means a person or entity seeking or receiving licensed activities.

"Continuing education school" means any person licensed by OBRE as a school for continuing education in accordance with Section 30-15 of this Act.

"Credit hour" means 50 minutes of classroom instruction in course work that meets the requirements set forth in rules adopted by OBRE.

"Customer" means a consumer who is not being represented by the licensee but for whom the licensee is performing ministerial acts.

"Designated agency" means a contractual relationship between a sponsoring broker and a client under Section 15-50 of this Act in which one or more licensees associated with or employed by the broker are designated as agent of the client.

"Designated agent" means a sponsored licensee named by a sponsoring broker as the legal agent of a client, as provided for in Section 15-50 of this Act.

"Director" means the Director of the Real Estate Division, OBRE.

"Dual agency" means an agency relationship in which a licensee is representing both buyer and seller or

both landlord and tenant in the same transaction. When the agency relationship is a designated agency, the question of whether there is a dual agency shall be determined by the agency relationships of the designated agent of the parties and not of the sponsoring broker.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a real estate broker and a real estate salesperson, another real estate broker, or a leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship. All responsibilities of a broker shall remain.

"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.

"Exclusive brokerage agreement" means a written brokerage agreement that provides that the sponsoring broker has the sole right, through one or more sponsored licensees, to act as the exclusive designated agent or representative of the client and that meets the requirements of Section 15-75 of this Act.

"Inoperative" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unlicensed or the license of the sponsoring broker with whom the licensee is associated or by whom he or she is employed is currently expired, revoked, suspended, or otherwise rendered invalid under this Act.

"Leasing Agent" means a person who is employed by a real estate broker to engage in licensed activities limited to leasing residential real estate who has obtained a license as provided for in Section 5-5 of this Act.

"License" means the document issued by OBRE certifying that the person named thereon has fulfilled all requirements prerequisite to licensure under this Act.

"Licensed activities" means those activities listed in the definition of "broker" under this Section.

"Licensee" means any person, as defined in this Section, who holds a valid unexpired license as a real estate broker, real estate salesperson, or leasing agent.

"Listing presentation" means a communication between a real estate broker or salesperson and a consumer in which the licensee is attempting to secure a brokerage agreement with the consumer to market the consumer's real estate for sale or lease.

"Managing broker" means a broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker.

"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate.

"Ministerial acts" means those acts that a licensee may perform for a consumer that are informative or clerical in nature and do not rise to the level of active representation on behalf of a consumer. Examples of these acts include without limitation (i) responding to phone inquiries by consumers as to the availability and pricing of brokerage services, (ii) responding to phone inquiries from a consumer concerning the price or location of property, (iii) attending an open house and responding to questions about the property from a consumer, (iv) setting an appointment to view property, (v) responding to questions of consumers walking into a licensee's office concerning brokerage services offered or particular properties, (vi) accompanying an appraiser, inspector, contractor, or similar third party on a visit to a property, (vii) describing a property or the property's condition in response to a consumer's inquiry, (viii) completing business or factual information for a consumer on an offer or contract to purchase on behalf of a client, (ix) showing a client through a property being sold by an owner on his or her own behalf, or (x) referral to another broker or service provider.

"OBRE" means the Office of Banks and Real Estate.

"Office" means a real estate broker's place of business where the general public is invited to transact business and where records may be maintained and licenses displayed, whether or not it is the broker's principal place of business.

"Person" means and includes individuals, entities, corporations, limited liability companies, registered limited liability partnerships, and partnerships, foreign or domestic, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Personal assistant" means a licensed or unlicensed person who has been hired for the purpose of aiding

or assisting a sponsored licensee in the performance of the sponsored licensee's job.

"Pocket card" means the card issued by OBRE to signify that the person named on the card is currently licensed under this Act.

"Pre-license school" means a school licensed by OBRE offering courses in subjects related to real estate transactions, including the subjects upon which an applicant is examined in determining fitness to receive a license.

"Pre-renewal period" means the period between the date of issue of a currently valid license and the license's expiration date.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or non-freehold, including timeshare interests, and whether the real estate is situated in this State or elsewhere.

"Real Estate Administration and Disciplinary Board" or "Board" means the Real Estate Administration and Disciplinary Board created by Section 25-10 of this Act.

"Salesperson" means any individual, other than a real estate broker or leasing agent, who is employed by a real estate broker or is associated by written agreement with a real estate broker as an independent contractor and participates in any activity described in the definition of "broker" under this Section.

"Sponsoring broker" means the broker who has issued a sponsor card to a licensed salesperson, another licensed broker, or a leasing agent.

"Sponsor card" means the temporary permit issued by the sponsoring real estate broker certifying that the real estate broker, real estate salesperson, or leasing agent named thereon is employed by or associated by written agreement with the sponsoring real estate broker, as provided for in Section 5-40 of this Act.

(Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00; 91-603, eff. 1-1-00; 91-702, eff. 5-12-00; 92-217, eff. 8-2-01.)

(225 ILCS 454/5-30)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-30. Education requirements to obtain an original broker or salesperson license.

(a) All applicants for a broker's license, except applicants who meet the criteria set forth in subsection (c) of this Section shall (i) give satisfactory evidence of having completed at least 120 classroom hours, 45 of which shall be those hours required to obtain a salesperson's license plus 15 hours in brokerage administration courses, in real estate courses approved by the Advisory Council or (ii) for applicants who currently hold a valid real estate salesperson's license, give satisfactory evidence of having completed at least 75 hours in real estate courses, not including the courses that are required to obtain a salesperson's license, approved by the Advisory Council.

(b) All applicants for a salesperson's license, except applicants who meet the criteria set forth in subsection (c) of this Section shall give satisfactory evidence that they have completed at least 45 hours of instruction in real estate courses approved by the Advisory Council.

(c) The requirements specified in subsections (a) and (b) of this Section do not apply to applicants who ~~(1) are currently admitted to practice law by the Supreme Court of Illinois and are currently in active standing; or (2) show evidence of receiving a baccalaureate degree including courses involving real estate or related material from a college or university approved by the Advisory Council.~~

(d) A minimum of 15 of the required hours of pre-license education shall be in the areas of Article 15 of this Act, disclosure and environmental issues, or any other currently topical areas that are determined by the Advisory Council.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/5-50)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-50. Expiration date and renewal period of broker, salesperson, or leasing agent license; sponsoring broker; register of licensees; pocket card.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. Except as otherwise provided in Section 5-55 of this Act, the holder of a license may renew the license within 90 days preceding the expiration date thereof by paying the fees specified by rule. Upon written request from the sponsoring broker, OBRE shall prepare and mail to the sponsoring broker a listing of licensees under this Act who, according to the records of OBRE, are sponsored by that broker. Every licensee associated with or employed by a broker whose license is revoked, suspended, terminated, or expired shall be considered as inoperative until such time as the sponsoring broker's license is reinstated or renewed, or the licensee changes employment as set forth in subsection (c) of Section 5-40 of this Act.

(b) OBRE shall establish and maintain a register of all persons currently licensed by the State and shall



issue and prescribe a form of pocket card. Upon payment by a licensee of the appropriate fee as prescribed by rule for engagement in the activity for which the licensee is qualified and holds a license for the current period, OBRE shall issue a pocket card to the licensee. The pocket card shall be verification that the required fee for the current period has been paid and shall indicate that the person named thereon is licensed for the current renewal period as a broker, salesperson, or leasing agent as the case may be. The pocket card shall further indicate that the person named thereon is authorized by OBRE to engage in the licensed activity appropriate for his or her status (broker, salesperson, or leasing agent). Each licensee shall carry on his or her person his or her pocket card or, if such pocket card has not yet been issued, a properly issued sponsor card when engaging in any licensed activity and shall display the same on demand.

(c) Any person licensed as a broker shall be entitled at any renewal date to change his or her license status from broker to salesperson.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/5-70)

(Section scheduled to be repealed on January 1, 2010)

Sec. 5-70. Continuing education requirement; broker or salesperson.

(a) The requirements of this Section apply to all licensees ~~who have had a license for less than 15 years as of January 1, 1992.~~

(b) Except as otherwise provided in this Section, each person who applies for renewal of his or her license as a real estate broker or real estate salesperson must successfully complete real estate continuing education courses approved by the Advisory Council at the rate of 6 hours per year or its equivalent. In addition, beginning with the pre-renewal period for broker licensees that begins after the effective date of this amendatory Act of the 93rd General Assembly, to renew a real estate broker's license, the licensee must successfully complete a 6-hour broker management continuing education course approved by OBRE. Successful completion of the course shall include achieving a passing score as provided by rule on a test developed and administered in accordance with rules adopted by the OBRE. Beginning on the first day of the pre-renewal period for broker licensees that begins after the effective date of this amendatory Act of the 93rd General Assembly, the 6-hour broker management continuing education course must be completed by all persons receiving their initial broker's license within 180 days after the date of initial licensure as a broker. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the Commissioner with the recommendation of the Advisory Council. The requirements of this Article are applicable to all brokers and salespersons except those brokers and salespersons who, during the pre-renewal period:

- (1) serve in the armed services of the United States;
- (2) serve as an elected State or federal official;
- (3) serve as a full-time employee of OBRE; or
- (4) are admitted to practice law pursuant to Illinois Supreme Court rule.

(c) A person who is issued an initial license as a real estate salesperson less than one year prior to the expiration date of that license shall not be required to complete continuing education as a condition of license renewal. A person who is issued an initial license as a real estate broker less than one year prior to the expiration date of that license and who has not been licensed as a real estate salesperson during the pre-renewal period shall not be required to complete continuing education as a condition of license renewal. A person receiving an initial license as a real estate broker during the 90 days before the broker renewal date shall not be required to complete the broker management continuing education course provided for in subsection (b) of this Section as a condition of initial license renewal.

(d) The continuing education requirement for salespersons and brokers shall consist of a core curriculum and an elective curriculum, to be established by the Advisory Council. In meeting the continuing education requirements of this Act, at least 3 hours per year or their equivalent shall be required to be completed in the core curriculum. In establishing the core curriculum, the Advisory Council shall consider subjects that will educate licensees on recent changes in applicable laws and new laws and refresh the licensee on areas of the license law and OBRE policy that the Advisory Council deems appropriate, and any other areas that the Advisory Council deems timely and applicable in order to prevent violations of this Act and to protect the public. In establishing the elective curriculum, the Advisory Council shall consider subjects that cover the various aspects of the practice of real estate that are covered under the scope of this Act. However, the elective curriculum shall not include any offerings referred to in Section 5-85 of this Act.

(e) The subject areas of continuing education courses approved by the Advisory Council may include without limitation the following:

- (1) license law and escrow;
- (2) antitrust;
- (3) fair housing;
- (4) agency;
- (5) appraisal;
- (6) property management;
- (7) residential brokerage;
- (8) farm property management;
- (9) rights and duties of sellers, buyers, and brokers;
- (10) commercial brokerage and leasing; and
- (11) real estate financing.

(f) In lieu of credit for those courses listed in subsection (e) of this Section, credit may be earned for serving as a licensed instructor in an approved course of continuing education. The amount of credit earned for teaching a course shall be the amount of continuing education credit for which the course is approved for licensees taking the course.

(g) Credit hours may be earned for self-study programs approved by the Advisory Council.

(h) A broker or salesperson may earn credit for a specific continuing education course only once during the prerenewal period.

(i) No more than 6 hours of continuing education credit may be earned in one calendar day.

(j) To promote the offering of a uniform and consistent course content, the OBRE may provide for the development of a single broker management course to be offered by all continuing education providers who choose to offer the broker management continuing education course. The OBRE may contract for the development of the 6-hour broker management continuing education course with an outside vendor and, if the course is developed in this manner, the OBRE shall license the use of that course to all approved continuing education providers who wish to provide the course.

(Source: P.A. 91-245, eff. 12-31-99.)

(225 ILCS 454/15-75 new)

(Section scheduled to be repealed on January 1, 2010)

Sec. 15-75. Exclusive brokerage agreements. All exclusive brokerage agreements must specify that the sponsoring broker, through one or more sponsored licensees, must provide, at a minimum, the following services:

(1) accept delivery of and present to the client offers and counteroffers to buy, sell, or lease the client's property or the property the client seeks to purchase or lease;

(2) assist the client in developing, communicating, negotiating, and presenting offers, counteroffers, and notices that relate to the offers and counteroffers until a lease or purchase agreement is signed and all contingencies are satisfied or waived; and

(3) answer the client's questions relating to the offers, counteroffers, notices, and contingencies.

(225 ILCS 454/20-20)

(Section scheduled to be repealed on January 1, 2010)

Sec. 20-20. Disciplinary actions; causes. OBRE may refuse to issue or renew a license, may place on probation, suspend, or revoke any license, or may censure, reprimand, or otherwise discipline or impose a civil fine not to exceed \$25,000 upon any licensee hereunder for any one or any combination of the following causes:

(a) When the applicant or licensee has, by false or fraudulent representation, obtained or sought to obtain a license.

(b) When the applicant or licensee has been convicted of any crime, an essential element of which is dishonesty or fraud or larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means of a confidence game, has been convicted in this or another state of a crime that is a felony under the laws of this State, or has been convicted of a felony in a federal court.

(c) When the applicant or licensee has been adjudged to be a person under legal disability or subject to involuntary admission or to meet the standard for judicial admission as provided in the Mental Health and Developmental Disabilities Code.

(d) When the licensee performs or attempts to perform any act as a broker or salesperson in a retail sales establishment from an office, desk, or space that is not separated from the main retail business by a separate and distinct area within the establishment.

(e) Discipline of a licensee by another state, the District of Columbia, a territory, a foreign nation, a governmental agency, or any other entity authorized to impose discipline if at least one of the grounds for

that discipline is the same as or the equivalent of one of the grounds for discipline set forth in this Act, in which case the only issue will be whether one of the grounds for that discipline is the same or equivalent to one of the grounds for discipline under this Act.

(f) When the applicant or licensee has engaged in real estate activity without a license or after the licensee's license was expired or while the license was inoperative.

(g) When the applicant or licensee attempts to subvert or cheat on the Real Estate License Exam or continuing education exam or aids and abets an applicant to subvert or cheat on the Real Estate License Exam or continuing education exam administered pursuant to this Act.

(h) When the licensee in performing, attempting to perform, or pretending to perform any act as a broker, salesperson, or leasing agent or when the licensee in handling his or her own property, whether held by deed, option, or otherwise, is found guilty of:

- (1) Making any substantial misrepresentation or untruthful advertising.
- (2) Making any false promises of a character likely to influence, persuade, or induce.
- (3) Pursuing a continued and flagrant course of misrepresentation or the making of false promises through licensees, employees, agents, advertising, or otherwise.
- (4) Any misleading or untruthful advertising, or using any trade name or insignia of membership in any real estate organization of which the licensee is not a member.
- (5) Acting for more than one party in a transaction without providing written notice to all parties for whom the licensee acts.
- (6) Representing or attempting to represent a broker other than the sponsoring broker.
- (7) Failure to account for or to remit any moneys or documents coming into his or her possession that belong to others.
- (8) Failure to maintain and deposit in a special account, separate and apart from personal and other business accounts, all escrow moneys belonging to others entrusted to a licensee while acting as a real estate broker, escrow agent, or temporary custodian of the funds of others or failure to maintain all escrow moneys on deposit in the account until the transactions are consummated or terminated, except to the extent that the moneys, or any part thereof, shall be disbursed prior to the consummation or termination in accordance with (i) the written direction of the principals to the transaction or their duly authorized agents, (ii) directions providing for the release, payment, or distribution of escrow moneys contained in any written contract signed by the principals to the transaction or their duly authorized agents, or (iii) pursuant to an order of a court of competent jurisdiction. The account shall be noninterest bearing, unless the character of the deposit is such that payment of interest thereon is otherwise required by law or unless the principals to the transaction specifically require, in writing, that the deposit be placed in an interest bearing account.
- (9) Failure to make available to the real estate enforcement personnel of OBRE during normal business hours all escrow records and related documents maintained in connection with the practice of real estate within 24 hours of a request for those documents by OBRE personnel.
- (10) Failing to furnish copies upon request of all documents relating to a real estate transaction to all parties executing them.
- (11) Failure of a sponsoring broker to timely provide information, sponsor cards, or termination of licenses to OBRE.
- (12) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.
- (13) Commingling the money or property of others with his or her own.
- (14) Employing any person on a purely temporary or single deal basis as a means of evading the law regarding payment of commission to nonlicensees on some contemplated transactions.
- (15) Permitting the use of his or her license as a broker to enable a salesperson or unlicensed person to operate a real estate business without actual participation therein and control thereof by the broker.
- (16) Any other conduct, whether of the same or a different character from that specified in this Section, that constitutes dishonest dealing.
- (17) Displaying a "for rent" or "for sale" sign on any property without the written consent of an owner or his or her duly authorized agent or advertising by any means that any property is for sale or for rent without the written consent of the owner or his or her authorized agent.
- (18) Failing to provide information requested by OBRE, within 30 days of the request, either as the result of a formal or informal complaint to OBRE or as a result of a random audit conducted by OBRE, which would indicate a violation of this Act.

(19) Advertising by means of a blind advertisement, except as otherwise permitted in Section 10-30 of this Act.

(20) Offering guaranteed sales plans, as defined in clause (A) of this subdivision (20), except to the extent hereinafter set forth:

(A) A "guaranteed sales plan" is any real estate purchase or sales plan whereby a licensee enters into a conditional or unconditional written contract with a seller by the terms of which a licensee agrees to purchase a property of the seller within a specified period of time at a specific price in the event the property is not sold in accordance with the terms of a listing contract between the sponsoring broker and the seller or on other terms acceptable to the seller.

(B) A licensee offering a guaranteed sales plan shall provide the details and conditions of the plan in writing to the party to whom the plan is offered.

(C) A licensee offering a guaranteed sales plan shall provide to the party to whom the plan is offered evidence of sufficient financial resources to satisfy the commitment to purchase undertaken by the broker in the plan.

(D) Any licensee offering a guaranteed sales plan shall undertake to market the property of the seller subject to the plan in the same manner in which the broker would market any other property, unless the agreement with the seller provides otherwise.

(E) Any licensee who fails to perform on a guaranteed sales plan in strict accordance with its terms shall be subject to all the penalties provided in this Act for violations thereof and, in addition, shall be subject to a civil fine payable to the party injured by the default in an amount of up to \$25,000.

(21) Influencing or attempting to influence, by any words or acts, a prospective seller, purchaser, occupant, landlord, or tenant of real estate, in connection with viewing, buying, or leasing real estate, so as to promote or tend to promote the continuance or maintenance of racially and religiously segregated housing or so as to retard, obstruct, or discourage racially integrated housing on or in any street, block, neighborhood, or community.

(22) Engaging in any act that constitutes a violation of any provision of Article 3 of the Illinois Human Rights Act, whether or not a complaint has been filed with or adjudicated by the Human Rights Commission.

(23) Inducing any party to a contract of sale or lease or brokerage agreement to break the contract of sale or lease or brokerage agreement for the purpose of substituting, in lieu thereof, a new contract for sale or lease or brokerage agreement with a third party.

(24) Negotiating a sale, exchange, or lease of real estate directly with any person if the licensee knows that the person has a written exclusive brokerage agreement with another broker, unless specifically authorized by that broker.

(25) When a licensee is also an attorney, acting as the attorney for either the buyer or the seller in the same transaction in which the licensee is acting or has acted as a broker or salesperson.

(26) Advertising or offering merchandise or services as free if any conditions or obligations necessary for receiving the merchandise or services are not disclosed in the same advertisement or offer. These conditions or obligations include without limitation the requirement that the recipient attend a promotional activity or visit a real estate site. As used in this subdivision (26), "free" includes terms such as "award", "prize", "no charge", "free of charge", "without charge", and similar words or phrases that reasonably lead a person to believe that he or she may receive or has been selected to receive something of value, without any conditions or obligations on the part of the recipient.

(27) Disregarding or violating any provision of the Land Sales Registration Act of 1989, the Illinois Real Estate Time-Share Act, or the published rules promulgated by OBRE to enforce those Acts.

(28) Violating the terms of a disciplinary order issued by OBRE.

(29) Paying compensation in violation of Article 10 of this Act.

(30) Requiring a party to a transaction who is not a client of the licensee to allow the licensee to retain a portion of the escrow moneys for payment of the licensee's commission or expenses as a condition for release of the escrow moneys to that party.

(31) Disregarding or violating any provision of this Act or the published rules promulgated by OBRE to enforce this Act or aiding or abetting any individual, partnership, registered limited liability partnership, limited liability company, or corporation in disregarding any provision of this Act or the published rules promulgated by OBRE to enforce this Act.

(32) Failing to provide the minimum services required by Section 15-75 of this Act when acting under an exclusive brokerage agreement.

(Source: P.A. 91-245, eff. 12-31-99.)

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 4960 was placed on the Calendar on the order of Concurrence.

### REPORTS FROM STANDING COMMITTEES

Representative Giles, Chairperson, from the Committee on Elementary & Secondary Education to which the following were referred, action taken on May 17, 2004, and reported the same back with the following recommendations:

That the Floor Amendment be reported "recommends be adopted":

Amendment No. 1 to SENATE BILL 1955.

The committee roll call vote on Senate Bill 1955 is as follows:

18, Yeas; 0, Nays; 0, Answering Present.

Y Giles, Calvin(D), Chairperson	Y Bassi, Suzanne(R)
Y Collins, Annazette(D)	Y Colvin, Marlow(D)
Y Currie, Barbara(D)	Y Davis, Monique(D), Vice-Chairperson
Y Eddy, Roger(R)	Y Joyce, Kevin(D)
Y Kosel, Renee(R), Republican Spokesperson	Y Krause, Carolyn(R)
Y Miller, David(D)	Y Mitchell, Jerry(R)
Y Moffitt, Donald(R)	Y Mulligan, Rosemary(R)
Y Osterman, Harry(D)	Y Smith, Michael(D)
Y Watson, Jim(R)	Y Yarbrough, Karen(D)

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

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 721 and 845.

The committee roll call vote on House Resolution 721 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y McCarthy, Kevin(D), Chairperson	Y Black, William(R)
Y Bost, Mike(R)	A Brady, Dan(R), Republican Spokesperson
Y Brosnahan, James(D)	Y Davis, William(D)
A Giles, Calvin(D)	A Howard, Constance(D)
Y Jakobsson, Naomi(D)	Y Mendoza, Susana(D), Vice-Chairperson
A Myers, Richard(R)	Y Pritchard, Robert(R)
Y Rose, Chapin(R)	

The committee roll call vote on House Resolution 845 is as follows:

11, Yeas; 0, Nays; 0, Answering Present.

Y McCarthy, Kevin(D), Chairperson	Y Black, William(R)
Y Bost, Mike(R)	Y Brady, Dan(R), Republican Spokesperson
Y Brosnahan, James(D)	Y Davis, William(D)
A Giles, Calvin(D)	A Howard, Constance(D)
Y Jakobsson, Naomi(D)	Y Mendoza, Susana(D), Vice-Chairperson
Y Myers, Richard(R)	Y Pritchard, Robert(R)
Y Rose, Chapin(R)	

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

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 3077.

That the Floor Amendment be reported "recommends be adopted": Amendment No. 1 to SENATE BILL 2731.

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 773; HOUSE JOINT RESOLUTION 67.

The committee roll call vote on House Joint Resolution 67, Floor Amendment No. 1 to Senate Bill 2731 and Senate Bill 3077 is as follows:

8, Yeas; 0, Nays; 0, Answering Present.

- |                                       |  |
|---------------------------------------|--|
| Y Brosnahan,James(D), Chairperson     | Y Churchill,Robert(R)                      |
| Y McCarthy,Kevin(D), Vice-Chairperson | Y McGuire,Jack(D)                          |
| A Mendoza,Susana(D)                   | Y Millner,John(R)                          |
| A Parke,Terry(R)                      | Y Pihos,Sandra(R)                          |
| Y Rita,Robert(D)                      | A Tenhouse,Art(R), Republican Spokesperson |
| Y Washington,Eddie(D)                 |  |

The committee roll call vote on House Resolution 773 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

- |                                       |  |
|---------------------------------------|--|
| Y Brosnahan,James(D), Chairperson     | Y Churchill,Robert(R)                      |
| Y McCarthy,Kevin(D), Vice-Chairperson | Y McGuire,Jack(D)                          |
| Y Mendoza,Susana(D)                   | Y Millner,John(R)                          |
| A Parke,Terry(R)                      | Y Pihos,Sandra(R)                          |
| Y Rita,Robert(D)                      | A Tenhouse,Art(R), Republican Spokesperson |
| Y Washington,Eddie(D)                 |  |

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

That the resolution be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTION 760.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE RESOLUTION 854.

The committee roll call vote on House Resolution 760 and 854 is as follows:

7, Yeas; 0, Nays; 0, Answering Present.

- |                                 |  |
|---------------------------------|--|
| Y Molaro,Robert(D), Chairperson | Y Beaubien,Mark(R), Repub Spokesperson(Dunn) |
| Y Biggins,Bob(R)                | Y Currie,Barbara(D), Vice-Chairperson        |
| A Hannig,Gary(D)                | Y Lang,Lou(D)                                |
| Y Pankau,Carole(R)              | Y Sullivan,Ed(R)                             |
| A Turner,Arthur(D)              |  |

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

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 660, 777 and 851; HOUSE JOINT RESOLUTIONS 47 and 78.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE RESOLUTION 690.

The committee roll call vote on House Joint Resolutions 47, 78 and House Resolutions 660, 690, 777 and 851 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Delgado,William(D), Chairperson	Y Bellock,Patricia(R), Republican Spokesperson
Y Feigenholtz,Sara(D), Vice-Chairperson	Y Flowers,Mary(D)
Y Howard,Constance(D)	Y Kurtz,Rosemary(R)
Y Lindner,Patricia(R)	Y Ryg,Kathleen(D)
Y Sullivan,Ed(R) (Kosel)	

Representative Hoffman, Chairperson, from the Committee on Transportation & Motor Vehicles to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE JOINT RESOLUTIONS 68 and 81; SENATE JOINT RESOLUTION 59.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE JOINT RESOLUTION 69.

The committee roll call vote on House Joint Resolution 69 is as follows:

13, Yeas; 0, Nays; 0, Answering Present.

Y Hoffman,Jay(D), Chairperson	Y Bassi,Suzanne(R)
Y Black,William(R)	A Brosnahan,James(D)
Y Fritchey,John(D)	Y Joyce,Kevin(D)
Y Lyons,Joseph(D)	Y Mathias,Sidney(R)
Y McAuliffe,Michael(R)	Y Miller,David(D), Vice-Chairperson
A Millner,John(R)	A Moffitt,Donald(R)
A Molaro,Robert(D)	Y Reitz,Dan(D)
Y Soto,Cynthia(D)	Y Tenhouse,Art(R)
A Wait,Ronald(R), Republican Spokesperson	Y Watson,Jim(R)

The committee roll call vote on House Joint Resolution 68 is as follows:

12, Yeas; 0, Nays; 0, Answering Present.

Y Hoffman,Jay(D), Chairperson	Y Bassi,Suzanne(R)
Y Black,William(R)	A Brosnahan,James(D)
Y Fritchey,John(D)	Y Joyce,Kevin(D)
Y Lyons,Joseph(D)	Y Mathias,Sidney(R)
Y McAuliffe,Michael(R)	Y Miller,David(D), Vice-Chairperson
A Millner,John(R)	A Moffitt,Donald(R)
A Molaro,Robert(D)	A Reitz,Dan(D)
Y Soto,Cynthia(D)	Y Tenhouse,Art(R)
A Wait,Ronald(R), Republican Spokesperson	Y Watson,Jim(R)

The committee roll call vote on Senate Joint Resolution 59 and House Joint Resolution 81 is as follows:

14, Yeas; 0, Nays; 0, Answering Present.

Y Hoffman,Jay(D), Chairperson	Y Bassi,Suzanne(R)
Y Black,William(R)	A Brosnahan,James(D)
Y Fritchey,John(D)	Y Joyce,Kevin(D)
Y Lyons,Joseph(D)	Y Mathias,Sidney(R)
Y McAuliffe,Michael(R)	Y Miller,David(D), Vice-Chairperson
A Millner,John(R)	Y Moffitt,Donald(R)
A Molaro,Robert(D)	Y Reitz,Dan(D)
Y Soto,Cynthia(D)	Y Tenhouse,Art(R)
A Wait,Ronald(R), Republican Spokesperson	Y Watson,Jim(R)

Representative Morrow, Chairperson, from the Committee on Appropriations-Public Safety to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: HOUSE BILL 7234.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Standard Debate: HOUSE BILLS 7216 and 7233.

That the bill be reported "do not pass": HOUSE BILL 7228.

The committee roll call vote on House Bill 7234 is as follows:

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

Y Morrow, Charles(D), Chairperson	A Colvin, Marlow(D)
Y Delgado, William(D)	N Franks, Jack(D)
Y Froehlich, Paul(R)	Y Hultgren, Randall(R)
Y Jones, Lovana(D)	Y Lyons, Joseph(D)
Y Mathias, Sidney(R)	Y Mautino, Frank(D), Vice-Chairperson (Kelley)
A McAuliffe, Michael(R)	Y McGuire, Jack(D)
A Millner, John(R)	Y Mitchell, Bill(R)
A Molaro, Robert(D)	Y Nekritz, Elaine(D)
Y Osmond, JoAnn(R)	Y Phelps, Brandon(D)
Y Rita, Robert(D)	Y Ryg, Kathleen(D)
A Saviano, Angelo(R)	Y Schmitz, Timothy(R), Republican Spokesperson
Y Stephens, Ron(R)	A Wait, Ronald(R)
Y Washington, Eddie(D)	Y Yarbrough, Karen(D)

The committee roll call vote on House Bill 7216 is as follows:

14, Yeas; 6, Nays; 0, Answering Present.

Y Morrow, Charles(D), Chairperson	A Colvin, Marlow(D)
Y Delgado, William(D)	N Franks, Jack(D)
Y Froehlich, Paul(R)	N Hultgren, Randall(R)
Y Jones, Lovana(D)	Y Lyons, Joseph(D)
N Mathias, Sidney(R)	Y Mautino, Frank(D), Vice-Chairperson (Kelley)
A McAuliffe, Michael(R)	Y McGuire, Jack(D)
A Millner, John(R)	N Mitchell, Bill(R)
A Molaro, Robert(D)	Y Nekritz, Elaine(D)
N Osmond, JoAnn(R)	Y Phelps, Brandon(D)
Y Rita, Robert(D)	Y Ryg, Kathleen(D)
A Saviano, Angelo(R)	Y Schmitz, Timothy(R), Republican Spokesperson
N Stephens, Ron(R)	A Wait, Ronald(R)
Y Washington, Eddie(D)	Y Yarbrough, Karen(D)

The committee roll call vote on House Bill 7233 is as follows:

14, Yeas; 5, Nays; 1, Answering Present.

Y Morrow, Charles(D), Chairperson	A Colvin, Marlow(D)
Y Delgado, William(D)	N Franks, Jack(D)
Y Froehlich, Paul(R)	N Hultgren, Randall(R)
P Jones, Lovana(D)	Y Lyons, Joseph(D)
N Mathias, Sidney(R)	Y Mautino, Frank(D), Vice-Chairperson (Kelley)
A McAuliffe, Michael(R)	Y McGuire, Jack(D)
A Millner, John(R)	N Mitchell, Bill(R)
A Molaro, Robert(D)	Y Nekritz, Elaine(D)
N Osmond, JoAnn(R)	Y Phelps, Brandon(D)
Y Rita, Robert(D)	Y Ryg, Kathleen(D)
A Saviano, Angelo(R)	Y Schmitz, Timothy(R), Republican Spokesperson
Y Stephens, Ron(R)	A Wait, Ronald(R)



Y Washington,Eddie(D)

Y Yarbrough,Karen(D)

The committee roll call vote on House Bill 7228 is as follows:  
20, Yeas; 0, Nays; 0, Answering Present.

Y Morrow,Charles(D), Chairperson

A Colvin,Marlow(D)

Y Delgado,William(D)

Y Franks,Jack(D)

Y Froehlich,Paul(R)

Y Hultgren,Randall(R)

Y Jones,Lovana(D)

Y Lyons,Joseph(D)

Y Mathias,Sidney(R)

Y Mautino,Frank(D), Vice-Chairperson (Kelley)

A McAuliffe,Michael(R)

Y McGuire,Jack(D)

A Millner,John(R)

Y Mitchell,Bill(R)

A Molaro,Robert(D)

Y Nekritz,Elaine(D)

Y Osmond,JoAnn(R)

Y Phelps,Brandon(D)

Y Rita,Robert(D)

Y Ryg,Kathleen(D)

A Saviano,Angelo(R)

Y Schmitz,Timothy(R), Republican Spokesperson

Y Stephens,Ron(R)

A Wait,Ronald(R)

Y Washington,Eddie(D)

Y Yarbrough,Karen(D)

Representative Franks, Chairperson, from the Committee on State Government Administration to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported "do pass" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 2961.

That the bill be reported "do pass as amended" and be placed on the order of Second Reading-- Short Debate: SENATE BILL 1648.

That the Floor Amendment be reported "recommends be adopted":  
Amendment No. 1 to HOUSE BILL 5252.

That the Floor Amendment be reported "recommends be adopted":  
Amendments numbered 1 and 2 to SENATE BILL 2248.

That the resolutions be reported "recommends be adopted" and be placed on the House Calendar: HOUSE RESOLUTIONS 561, 667, 676, 719, 725, 761, 853 and 857; HOUSE JOINT RESOLUTIONS 59 and 80.

That the resolution be reported "recommends be adopted as amended" and be placed on the House Calendar: HOUSE RESOLUTION 414.

The committee roll call vote on House Joint Resolution 59 is as follows:  
7, Yeas; 1, Nays; 1, Answering Present.

Y Franks,Jack(D), Chairperson

A Brady,Dan(R)

P Brauer,Rich(R)

Y Chapa LaVia,Linda(D)

Y Jakobsson,Naomi(D)

A Lindner,Patricia(R)

Y Myers,Richard(R),Repu Spokesperson(Munson)

N Rose,Chapin(R)

Y Smith,Michael(D), Vice-Chairperson

Y Verschoore,Patrick(D)

Y Washington,Eddie(D)

The committee roll call vote on Amendment No. 1 to House Bill 5252 is as follows:  
8, Yeas; 1, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson

A Brady,Dan(R)

Y Brauer,Rich(R)

Y Chapa LaVia,Linda(D)

Y Jakobsson,Naomi(D)

A Lindner,Patricia(R)

Y Myers,Richard(R),Repu Spokesperson(Munson)

N Rose,Chapin(R)

Y Smith,Michael(D), Vice-Chairperson

Y Verschoore,Patrick(D)

Y Washington,Eddie(D)

The committee roll call vote on House Resolutions 676, 719, 761, 853, 857 and Senate Bill 2961 is as follows:

10, Yeas; 0, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson	Y Brady,Dan(R)
Y Brauer,Rich(R)	Y Chapa LaVia,Linda(D)
Y Jakobsson,Naomi(D)	A Lindner,Patricia(R)
Y Myers,Richard(R), Repu Spokesperson(Munson)	Y Rose,Chapin(R)
Y Smith,Michael(D), Vice-Chairperson	Y Verschoore,Patrick(D)
Y Washington,Eddie(D)	

The committee roll call vote on House Joint Resolution 80, House Resolutions 414, 561, 667, 725, Senate Bill 1648 and Amendments Numbered 1 and 2 to Senate Bill 2248 is as follows:

9, Yeas; 0, Nays; 0, Answering Present.

Y Franks,Jack(D), Chairperson	A Brady,Dan(R)
Y Brauer,Rich(R)	Y Chapa LaVia,Linda(D)
Y Jakobsson,Naomi(D)	A Lindner,Patricia(R)
Y Myers,Richard(R),Repu Spokesperson(Munson)	Y Rose,Chapin(R)
Y Smith,Michael(D), Vice-Chairperson	Y Verschoore,Patrick(D)
Y Washington,Eddie(D)	

**CHANGE OF SPONSORSHIP**

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 587.

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 742.

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 956.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Flowers asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 1082.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Jakobsson asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 828.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Miller asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 752.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Jerry Mitchell asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 833.

Representative Madigan asked and obtained unanimous consent to be removed as chief sponsor and Representative Myers asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 758.

Representative Cross asked and obtained unanimous consent to be removed as chief sponsor and Representative Saviano asked and obtained unanimous consent to be shown as chief sponsor of HOUSE BILL 2028.

**INTRODUCTION AND FIRST READING OF BILL**

The following bill was introduced, read by title a first time, ordered printed and placed in the Committee on Rules:

HOUSE BILL 7304. Introduced by Representative Flider, AN ACT concerning counties.

### **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 John Bradley, SENATE BILL 2274 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: 118, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 2)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Joseph Lyons, SENATE BILL 2290 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: 118, Yeas; 0, Nays; 0, 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.

### **CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE BILLS**

Senate Amendment No. 1 to HOUSE BILL 599, having been printed, was taken up for consideration.

Representative Madigan moved that the House refuse to concur with the Senate in the adoption of Senate Amendment No. 1.

The motion prevailed.

Ordered that the Clerk inform the Senate.

### **RECALL**

By unanimous consent, on motion of Representative Coulson, SENATE BILL 2367 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### **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 John Bradley, SENATE BILL 2374 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: 81, Yeas; 37, Nays; 0, 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 Eddy, SENATE BILL 2395 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: 118, Yeas; 0, Nays; 0, 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 Aguilar, SENATE BILL 2548 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: 118, Yeas; 0, Nays; 0, 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 Delgado, SENATE BILL 2607 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: 118, Yeas; 0, Nays; 0, 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 Turner, SENATE BILL 2653 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; 1, Nays; 0, Answering Present.

(ROLL CALL 8)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Joyce, SENATE BILL 2768 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: 118, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 9)

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 McGuire, SENATE BILL 2845 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; 1, Nays; 0, Answering Present.

(ROLL CALL 10)

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.

### RECALL

By unanimous consent, on motion of Representative Turner, SENATE BILL 2878 was recalled from the order of Third Reading to the order of Second Reading and held on that order.

### 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 Fritchey, SENATE BILL 2982 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: 118, 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.

On motion of Representative Hamos, SENATE BILL 3083 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: 118, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 12)

This bill, having received the votes of a constitutional majority of the Members elected, was declared passed.

Ordered that the Clerk inform the Senate.

On motion of Representative Joyce, SENATE BILL 3211 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; 2, 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.

### HOUSE BILLS ON SECOND READING

HOUSE BILL 6415. Having been read by title a second time on March 31, 2004, 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 Millner offered the following amendment and moved its adoption.

AMENDMENT NO.   2  . Amend House Bill 6415 by replacing everything after the enacting clause with the following:

"Section 5. The Child Curfew Act is amended by changing Section 1 as follows:  
(720 ILCS 555/1) (from Ch. 23, par. 2371)

Sec. 1. Curfew.

(a) Definitions. In this Section.

(1) "Curfew hours" means:

(A) Between 12:01 a.m. and 6:00 a.m. Saturday;

(B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

(C) Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.

(2) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) "Guardian" means:

(A) a person who, under court order, is the guardian of the person of a minor; or

(B) a public or private agency with whom a minor has been placed by a court.

(4) "Minor" means any person under 17 years of age.

(5) "Parent" means a person who is:

(A) a natural parent, adoptive parent, or step-parent of another person; or

(B) at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(6) "Public Place" means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(7) "Remain" means to:

(A) linger or stay; or

(B) fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(8) "Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(b) Offenses.

(1) A minor commits an offense if he or she remains in any public place or on the premises of any establishment during curfew hours.

(2) A parent or guardian of a minor or other person in custody or control of a minor commits an offense if he or she knowingly permits the minor to remain in any public place or on the premises of any establishment during curfew hours.

(c) Defenses. It is a defense to prosecution under subsection (b) that the minor was:

(A) accompanied by the minor's parent or guardian or other person in custody or control of the minor;

(B) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(C) in a motor vehicle involved in interstate travel;

(D) engaged in an employment activity or going to or returning home from an employment activity, without any detour or stop;

(E) involved in an emergency;

(F) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;

(G) attending an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by a government or governmental agency, a civic organization, or another similar entity that takes responsibility for the minor;

(H) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(I) married or had been married or is an emancipated minor under the Emancipation of Minors Act.

(d) Enforcement. Before taking any enforcement action under this Section, a law enforcement officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in subsection (c) is present. It is unlawful for a person less than 17 years of age to be present at or upon any public assembly, building,

~~place, street or highway at the following times unless accompanied and supervised by a parent, legal guardian, or other responsible companion at least 18 years of age approved by a parent or legal guardian or unless engaged in a business or occupation which the laws of this State authorize a person less than 17 years of age to perform:~~

- ~~1. Between 12:01 a.m. and 6:00 a.m. Saturday;~~
- ~~2. Between 12:01 a.m. and 6:00 a.m. Sunday; and~~
- ~~3. Between 11:00 p.m. on Sunday to Thursday, inclusive, and 6:00 a.m. on the following day.~~

~~(b) It is unlawful for a parent, legal guardian, or other person to knowingly permit a person in his or her custody or control to violate subparagraph (a) of this Section.~~

~~(c) (e) A person convicted of a violation of any provision of this Section shall be guilty of a petty offense and shall be fined not less than \$10 nor more than \$500, except that neither a person who has been made a ward of the court under the Juvenile Court Act of 1987, nor that person's legal guardian, shall be subject to any fine. In addition to or instead of the fine imposed by this Section, the court may order a parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section to perform community service as determined by the court, except that the legal guardian of a person who has been made a ward of the court under the Juvenile Court Act of 1987 may not be ordered to perform community service. The dates and times established for the performance of community service by the parent, legal guardian, or other person convicted of a violation of subsection (b) of this Section shall not conflict with the dates and times that the person is employed in his or her regular occupation.~~

(Source: P.A. 89-682, eff. 1-1-97.)

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

AMENDMENT NO. 3. Amend House Bill 6415, AS AMENDED, with reference to page and line numbers of House Amendment No. 2, on page 1, by inserting below line 19 the following:

"(3) "Establishment" means any privately-owned place of business operated for a profit to which the public is invited including but not limited to any place of amusement or entertainment."; and

on page 1, line 20, by changing "(3)" to "(4)"; and  
 on page 2, line 1, by changing "(4)" to "(5)"; and  
 on page 2, line 2, by changing "(5)" to "(6)"; and  
 on page 2, line 8, by changing "(6)" to "(7)"; and  
 on page 2, line 13, by changing "(7)" to "(8)"; and  
 on page 2, line 18, by changing "(8)" to "(9)".

The motion prevailed and the amendments were adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2 and 3 were ordered engrossed; and the bill, as amended, was advanced to the order of Third Reading.

### SENATE BILLS ON SECOND READING

SENATE BILL 1955. 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. Amend Senate Bill 1955 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 1A-1, 1A-4, 2-3.6, 10-19, 21-1b, 21-1c, 21-12, and 34-18 and by adding Sections 1A-10, 2-3.47a, 2-3.62a, and 3-14.30 as follows:

(105 ILCS 5/1A-1) (from Ch. 122, par. 1A-1)

Sec. 1A-1. Members and terms.

(a) (Blank). ~~The term of each member of the State Board of Education who is in office on the effective date of this amendatory Act of 1996 shall terminate on January 1, 1997 or when all of the new members initially to be appointed under this amendatory Act of 1996 are appointed by the Governor as provided in subsection (b), whichever last occurs.~~

~~(b) The Beginning on January 1, 1997 or when all of the new members initially to be appointed under this subsection are appointed by the Governor, whichever last occurs, and thereafter, the State Board of~~

Education shall consist of 8 9 members and a chairperson, who shall be appointed by the Governor with the advice and consent of the Senate from a pattern of regional representation as follows: 2 appointees shall be selected from among those counties of the State other than Cook County and the 5 counties contiguous to Cook County; 2 appointees shall be selected from Cook County, one of whom shall be a resident of the City of Chicago and one of whom shall be a resident of that part of Cook County which lies outside the city limits of Chicago; 2 appointees shall be selected from among the 5 counties of the State that are contiguous to Cook County; and 3 members shall be selected as members-at-large (one of which shall be the chairperson). The Governor who takes office on the second Monday of January after his or her election shall be the person who nominates members to fill vacancies whose terms begin after that date and before the term of the next Governor begins.

The term of each member of the State Board of Education whose term expires on January 12, 2005 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. Of these 3 seats, (i) the member initially appointed pursuant to this amendatory Act of the 93rd General Assembly whose seat was vacant on April 27, 2004 shall serve until the second Wednesday of January, 2009 and (ii) the other 2 members initially appointed pursuant to this amendatory Act of the 93rd General Assembly shall serve until the second Wednesday of January, 2007.

The term of the member of the State Board of Education whose seat was vacant on April 27, 2004 and whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall be the chairperson and shall serve until the second Wednesday of January, 2007. As determined by the State Board of Education by lot, the term of one of the other 2 members whose term expires on January 10, 2007 shall instead terminate on the effective date of this amendatory Act of the 93rd General Assembly. The member initially appointed pursuant to this amendatory Act of the 93rd General Assembly to fill this seat shall serve until the second Wednesday of January, 2007. At no time may more than 5 members of the Board be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment. The 9 members initially appointed pursuant to this amendatory Act of 1996 shall draw lots to determine 3 of their number who shall serve until the second Wednesday of January, 2003, 3 of their number who shall serve until the second Wednesday of January, 2001, and 3 of their number who shall serve until the second Wednesday of January, 1999. Upon expiration of the terms of the members initially appointed under this amendatory Act of the 93rd General Assembly and members whose terms were not terminated by this amendatory Act of the 93rd General Assembly 1996, their respective successors shall be appointed for terms of 4 6 years, from the second Wednesday in January of each odd numbered year and until their respective successors are appointed and qualified.

(c) Of the 4 members, excluding the chairperson, whose terms expire on the second Wednesday of January, 2007 and every 4 years thereafter, one of those members must be an at-large member and at no time may more than 2 of those members be from one political party. Of the 4 members whose terms expire on the second Wednesday of January, 2009 and every 4 years thereafter, one of those members must be an at-large member and at no time may more than 2 of those members be from one political party. Party membership is defined as having voted in the primary of the party in the last primary before appointment.

(d) Vacancies in terms shall be filled by appointment by the Governor with the advice and consent of the Senate for the extent of the unexpired term. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall appoint a person to fill that membership for the remainder of its term. If the Senate is not in session when appointments for a full term are made, the appointments shall be made as in the case of vacancies.

(Source: P.A. 89-610, eff. 8-6-96.)

(105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

Sec. 1A-4. Powers and duties of the Board.

A. (Blank). Upon the appointment of new Board members as provided in subsection (b) of Section 1A-1 and every 2 years thereafter, the chairperson of the Board shall be selected by the Governor, with the advice and consent of the Senate, from the membership of the Board to serve as chairperson for 2 years.

B. The Board shall determine the qualifications of and appoint a chief education officer to be known as the State Superintendent of Education who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. Appointment of a State Superintendent of Education shall be made by the State Board of Education that includes the members of the Board whose terms begin after the effective date of this



amendatory Act of the 93rd General Assembly and then by the State Board of Education that includes the members of the Board whose terms begin on the second Wednesday of January, 2007 and each 4 years thereafter. A No performance-based contract issued for the employment of a the State Superintendent of Education entered into on or after the effective date of this amendatory Act of the 93rd General Assembly must expire no later than February 1, 2007, and subsequent contracts must expire no later than each 4 years thereafter. No shall be for a term longer than 3 years and no contract shall be extended or renewed beyond February 1, 2007 and each 4 years thereafter, but a State Superintendent of Education shall serve until his or her successor is appointed prior to its scheduled expiration unless the performance and improvement goals contained in the contract have been met. With regard to this amendatory Act of the 93rd General Assembly, it is the intent of the General Assembly that a State Superintendent of Education be appointed at the beginning of each term of a Governor after that Governor has made appointments to the Board. The State Superintendent of Education shall not serve as a member of the State Board of Education. The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The Board shall also establish the duties, powers and responsibilities of the State Superintendent, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority under this Section to the State Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public Instruction on January 12, 1975, except as the law providing for such powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. The Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

D. Two members of the Board shall be appointed by the chairperson to serve on a standing joint Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act.

E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action.

The Board shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the

school district took with respect thereto after being notified thereof by the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.

F. Upon appointment of the 5 new Board members pursuant to this amendatory Act of the 93rd General Assembly, the Board shall review all of its current rules in an effort to streamline procedures, improve efficiency, and eliminate unnecessary forms and paperwork.

(Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96; 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

(105 ILCS 5/1A-10 new)

Sec. 1A-10. Divisions of Board.

(a) Division of Teaching and Learning Services. Within the State Board of Education, there is created a Division of Teaching and Learning Services, which shall provide services to improve the capacity of schools to assure that all students meet or exceed the State learning standards. The Division shall oversee, but not be limited to, the following:

(1) Curriculum and Instruction.

(2) Early Childhood Development, which shall include, but not be limited to, providing support for education programs for children ages 0 through 8.

(3) Programs for At-Risk Students, which shall include, but not be limited to, the following:

(A) Regional Safe Schools under Article 13A of this Code.

(B) The Truant Alternative Optional Education Program.

(4) Federal Grants and Programs.

(5) Instructional Technology.

(b) Division of School Support Services. Within the State Board of Education, there is created a Division of School Support Services, which shall oversee, but not be limited to, the following:

(1) Assessment and Accountability, which shall include, but not be limited to, the following:

(A) Develop the State assessment program as required by State and federal law.

(B) Determine if schools are meeting the requirements of State and federal law.

(2) School Improvement and Awards, which shall include, but not be limited to, the following:

(A) Assist school districts in need of academic improvement services.

(B) Recognize exemplary schools.

(3) Data and Research, which shall include, but not be limited to, legal services.

(4) Web Services.

(5) Transportation Services.

(6) Food Service and Nutrition Services.

(c) Division of Fiscal Support Services. Within the State Board of Education, there is created a Division of Fiscal Support Services, which shall oversee, but not be limited to, the following:

(1) School Business Support, which shall include, but not be limited to, the following:

(A) Determine the financial ranking of school districts.

(B) Assist school districts with business management functions.

(C) Address school funding and disbursement issues.

(2) School Construction, which shall include functions in accordance with the School Construction Law.

(d) Division of Special Education Services. Within the State Board of Education, there is created a Division of Special Education Services, which shall report directly to the State Superintendent of Education on special education issues.

(e) Office of the Internal Auditor. Within the State Board of Education, there is created an Office of the Internal Auditor, which shall report directly to the State Superintendent of Education.

(f) Office of Human Resources. Within the State Board of Education, there is created an Office of Human Resources, which shall report directly to the State Superintendent of Education.

(105 ILCS 5/2-3.6) (from Ch. 122, par. 2-3.6)

Sec. 2-3.6. Rules and policies. To make rules and policies, in accordance with the Illinois Administrative Procedure Act, necessary to carry into efficient and uniform effect all laws for establishing and maintaining free schools in the State. No rule or policy of the State Board of Education may supercede federal or State law, unless otherwise authorized by law.

(Source: Laws 1961, p. 31.)

(105 ILCS 5/2-3.47a new)

Sec. 2-3.47a. Strategic plan.

(a) The State Board of Education shall develop and maintain a continuing 5-year comprehensive strategic plan for elementary and secondary education. The strategic plan shall include without limitation all of the following topic areas:

(1) Service and support to school districts to improve student performance.

(2) Equity, adequacy, and predictability of educational opportunities and resources for all schools.

(3) Program development and improvements, including financial planning and support services.

(4) Efficient means of delivering services to schools on a regional basis.

(5) Assistance to students at risk of academic failure and the use of proven support programs and services to close the achievement gap.

(6) Educational research and development and access and training in the use of a centralized student achievement data system.

(7) Recommendations for streamlining the School Code to eliminate rules that interfere with local control, taking into account those foundational standards that have already been established.

(8) Streamlining certification of teachers and administrators to provide quality personnel and ongoing professional development.

(9) Support services to enhance the capacity of school districts to meet federal and State statutory standards.

(10) Enhanced technology for use in administration, classroom, and nontraditional educational settings.

(11) Recognition of successful, exemplary schools.

(12) The unique needs of rural school districts.

(13) School reorganization issues.

(14) Attraction and retention of qualified teachers.

(15) Additional duties that should be assigned to regional offices of education and regional administrative service centers to support local control of school districts and eliminate any duplication and inefficiency.

The State Board of Education shall consult with the educational community, hold public hearings, and receive input from all interested groups in drafting the strategic plan.

(b) To meet the requirements of this Section, the State Board of Education shall issue to the Governor and General Assembly a preliminary report within 6 months after the effective date of this amendatory Act of the 93rd General Assembly and a final 5-year strategic plan within one year after the effective date of this amendatory Act of the 93rd General Assembly. Thereafter, the strategic plan shall be updated and issued to the Governor and General Assembly on or before July 1 of each year.

(105 ILCS 5/2-3.62a new)

Sec. 2-3.62a. Regional administrative service centers.

(a) The State Board of Education shall provide for the establishment and operation of not more than 15 regional administrative service centers. The regional administrative service centers shall be located throughout the State based on the location of the 15 regional learning technology centers established by the State Board of Education. Within 3 years after the effective date of this amendatory Act of the 93rd General Assembly, the State Board of Education shall report to the Governor and General Assembly concerning the effectiveness of these regional administrative service centers.

(b) The regional administrative service centers shall perform all of the following functions:

(1) Coordinate the delivery of educational resources and support services statewide, including assistance in complying with State and federal laws.

(2) Create greater accountability and quality of services from regional offices of education, including financial oversight and budget review of the regional offices of education.

(3) Issue annual report cards, in cooperation with school districts, for regional offices of education, grading without limitation all of the following:

(A) The efficiency and effectiveness of school districts served resulting from technical assistance

and program support.

(B) The regional delivery of quality services.

(C) School district satisfaction.

(D) Delivery of support services that enhance student performance.

The report cards must be issued in conjunction with school report cards under Section 10-17a of this Code.

(4) Direct services provided to assist schools designated as not meeting Illinois Learning Standards or federal student performance standards.

(5) Support programs and services to achieve uniformity among the academic performance of students statewide.

(6) Provide services to school districts to operate more efficiently and economically, including assistance with financial planning.

(c) A regional administrative service center may not adjudicate or enforce compliance with applicable laws or rules.

(105 ILCS 5/3-14.30 new)

Sec. 3-14.30. Grant applications. To assist and support school districts with the preparation and submission of grant applications.

(105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

Sec. 10-19. Length of school term - experimental programs. Each school board shall annually prepare a calendar for the school term, specifying the opening and closing dates and providing a minimum term of at least 185 days to insure 176 days of actual pupil attendance, computable under Section 18-8.05, except that for the 1980-1981 school year only 175 days of actual pupil attendance shall be required because of the closing of schools pursuant to Section 24-2 on January 29, 1981 upon the appointment by the President of that day as a day of thanksgiving for the freedom of the Americans who had been held hostage in Iran. Any days allowed by law for teachers' institute but not used as such or used as parental institutes as provided in Section 10-22.18d shall increase the minimum term by the school days not so used. Except as provided in Section 10-19.1, the board may not extend the school term beyond such closing date unless that extension of term is necessary to provide the minimum number of computable days. In case of such necessary extension school employees shall be paid for such additional time on the basis of their regular contracts. A school board may specify a closing date earlier than that set on the annual calendar when the schools of the district have provided the minimum number of computable days under this Section. Nothing in this Section prevents the board from employing superintendents of schools, principals and other nonteaching personnel for a period of 12 months, or in the case of superintendents for a period in accordance with Section 10-23.8, or prevents the board from employing other personnel before or after the regular school term with payment of salary proportionate to that received for comparable work during the school term.

A school board may make such changes in its calendar for the school term as may be required by any changes in the legal school holidays prescribed in Section 24-2. A school board may make changes in its calendar for the school term as may be necessary to reflect the utilization of teachers' institute days as parental institute days as provided in Section 10-22.18d.

The calendar for the school term and any changes must be submitted to and approved by the regional superintendent of schools before the calendar or changes may take effect.

With the prior approval of the State Board of Education and subject to review by the State Board of Education every 3 years, any school board may, by resolution of its board and in agreement with affected exclusive collective bargaining agents, establish experimental educational programs, including but not limited to programs for self-directed learning or outside of formal class periods, which programs when so approved shall be considered to comply with the requirements of this Section as respects numbers of days of actual pupil attendance and with the other requirements of this Act as respects courses of instruction.

(Source: P.A. 91-96, eff. 7-9-99.)

(105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

Sec. 21-1b. Subject endorsement on certificates. All certificates initially issued under this Article after June 30, 1986, shall be specifically endorsed by the State Board of Education for each subject the holder of the certificate is legally qualified to teach, such endorsements to be made in accordance with standards promulgated by the State Board of Education in consultation with the State Teacher Certification Board. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board. All certificates which are issued under this Article prior to July 1, 1986 may, by application to the

State Board of Education, be specifically endorsed for each subject the holder is legally qualified to teach. Endorsements issued under this Section shall not apply to substitute teacher's certificates issued under Section 21-9 of this Code.

Commencing July 1, 1999, each application for endorsement of an existing teaching certificate shall be accompanied by a \$30 nonrefundable fee. There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury. The proceeds of each \$30 fee shall be paid into the Teacher Certificate Fee Revolving Fund; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

(Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)

Sec. 21-1c. Exclusive certificate authority. Only the State Board of Education and State Teacher Certification Board, acting in accordance with the applicable provisions of this Act and the rules, regulations and standards promulgated thereunder, shall have the authority to issue or endorse any certificate required for teaching, supervising or holding certificated employment in the public schools; and no other State agency shall have any power or authority (i) to establish or prescribe any qualifications or other requirements applicable to the issuance or endorsement of any such certificate, or (ii) to establish or prescribe any licensure or equivalent requirement which must be satisfied in order to teach, supervise or hold certificated employment in the public schools. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board. This Section does not prohibit the State Board of Education, in consultation with the State Teacher Certification Board, from delegating to regional superintendents of schools the authority to grant temporary employment authorizations to teacher applicants whose qualifications have been confirmed by the State Board of Education, in consultation with the State Teacher Certification Board.

(Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

Sec. 21-12. Printing; Seal; Signature; Credentials. All certificates shall be printed by and bear the signatures of the chairman and of the secretary of the State Teacher Certification Board. Each certificate shall show the integrally printed seal of the State Teacher Certification Board. All college credentials offered as the basis of a certificate shall be presented to the secretary of the State Teacher Certification Board for inspection and approval. The regional superintendent of schools, however, has the duty, after appropriate training, to accept and review all transcripts for new initial certificate applications and ensure that each applicant has met all of the criteria established by the State Board of Education in consultation with the State Teacher Certification Board.

Commencing July 1, 1999, each application for a certificate or evaluation of credentials shall be accompanied by an evaluation fee of \$30 payable to the State Superintendent of Education, which is not refundable, except that no application or evaluation fee shall be required for a Master Certificate issued pursuant to subsection (d) of Section 21-2 of this Code. The proceeds of each \$30 fee shall be paid into the Teacher Certificate Fee Revolving Fund, created under Section 21-1b of this Code; and the moneys in that Fund shall be appropriated and used to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

When evaluation verifies the requirements for a valid certificate, the applicant shall be issued an entitlement card that may be presented to a regional superintendent of schools for issuance of a certificate.

The applicant shall be notified of any deficiencies.

(Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

(105 ILCS 5/34-18) (from Ch. 122, par. 34-18)

Sec. 34-18. Powers of the board. The board shall exercise general supervision and jurisdiction over the public education and the public school system of the city, and, except as otherwise provided by this Article, shall have power:

1. To make suitable provision for the establishment and maintenance throughout the year or for such portion thereof as it may direct, not less than 9 months, of schools of all grades and kinds, including normal schools, high schools, night schools, schools for defectives and delinquents, parental and truant schools, schools for the blind, the deaf and the crippled, schools or classes in manual training, constructional and vocational teaching, domestic arts and physical culture, vocation and extension schools and lecture courses, and all other educational courses and facilities, including establishing, equipping,

maintaining and operating playgrounds and recreational programs, when such programs are conducted in, adjacent to, or connected with any public school under the general supervision and jurisdiction of the board; provided, ~~however,~~ that the calendar for the school term and any changes must be submitted to and approved by the State Board of Education before the calendar or changes may take effect, and provided that in allocating funds from year to year for the operation of all attendance centers within the district, the board shall ensure that supplemental general State aid funds are allocated and applied in accordance with Section 18-8 or 18-8.05. To admit to such schools without charge foreign exchange students who are participants in an organized exchange student program which is authorized by the board. The board shall permit all students to enroll in apprenticeship programs in trade schools operated by the board, whether those programs are union-sponsored or not. No student shall be refused admission into or be excluded from any course of instruction offered in the common schools by reason of that student's sex. No student shall be denied equal access to physical education and interscholastic athletic programs supported from school district funds or denied participation in comparable physical education and athletic programs solely by reason of the student's sex. Equal access to programs supported from school district funds and comparable programs will be defined in rules promulgated by the State Board of Education in consultation with the Illinois High School Association. Notwithstanding any other provision of this Article, neither the board of education nor any local school council or other school official shall recommend that children with disabilities be placed into regular education classrooms unless those children with disabilities are provided with supplementary services to assist them so that they benefit from the regular classroom instruction and are included on the teacher's regular education class register;

2. To furnish lunches to pupils, to make a reasonable charge therefor, and to use school funds for the payment of such expenses as the board may determine are necessary in conducting the school lunch program;

3. To co-operate with the circuit court;

4. To make arrangements with the public or quasi-public libraries and museums for the use of their facilities by teachers and pupils of the public schools;

5. To employ dentists and prescribe their duties for the purpose of treating the pupils in the schools, but accepting such treatment shall be optional with parents or guardians;

6. To grant the use of assembly halls and classrooms when not otherwise needed, including light, heat, and attendants, for free public lectures, concerts, and other educational and social interests, free of charge, under such provisions and control as the principal of the affected attendance center may prescribe;

7. To apportion the pupils to the several schools; provided that no pupil shall be excluded from or segregated in any such school on account of his color, race, sex, or nationality. The board shall take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race, sex, or nationality. Except that children may be committed to or attend parental and social adjustment schools established and maintained either for boys or girls only. All records pertaining to the creation, alteration or revision of attendance areas shall be open to the public. Nothing herein shall limit the board's authority to establish multi-area attendance centers or other student assignment systems for desegregation purposes or otherwise, and to apportion the pupils to the several schools. Furthermore, beginning in school year 1994-95, pursuant to a board plan adopted by October 1, 1993, the board shall offer, commencing on a phased-in basis, the opportunity for families within the school district to apply for enrollment of their children in any attendance center within the school district which does not have selective admission requirements approved by the board. The appropriate geographical area in which such open enrollment may be exercised shall be determined by the board of education. Such children may be admitted to any such attendance center on a space available basis after all children residing within such attendance center's area have been accommodated. If the number of applicants from outside the attendance area exceed the space available, then successful applicants shall be selected by lottery. The board of education's open enrollment plan must include provisions that allow low income students to have access to transportation needed to exercise school choice. Open enrollment shall be in compliance with the provisions of the Consent Decree and Desegregation Plan cited in Section 34-1.01;

8. To approve programs and policies for providing transportation services to students. Nothing herein shall be construed to permit or empower the State Board of Education to order, mandate, or require busing or other transportation of pupils for the purpose of achieving racial balance in any school;

9. Subject to the limitations in this Article, to establish and approve system-wide curriculum objectives and standards, including graduation standards, which reflect the multi-cultural diversity in the city and are consistent with State law, provided that for all purposes of this Article courses or proficiency in American Sign Language shall be deemed to constitute courses or proficiency in a foreign language; and to employ principals and teachers, appointed as provided in this Article, and fix their compensation. The board shall prepare such reports related to minimal competency testing as may be requested by the State Board of Education, and in addition shall monitor and approve special education and bilingual education programs and policies within the district to assure that appropriate services are provided in accordance with applicable State and federal laws to children requiring services and education in those areas;

10. To employ non-teaching personnel or utilize volunteer personnel for: (i) non-teaching duties not requiring instructional judgment or evaluation of pupils, including library duties; and (ii) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, detention and discipline areas, and school-sponsored extracurricular activities. The board may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher holding a valid certificate, directly engaged in teaching subject matter or conducting activities; provided that the teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The general superintendent shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel;

10.5. To utilize volunteer personnel from a regional School Crisis Assistance Team (S.C.A.T.), created as part of the Safe to Learn Program established pursuant to Section 25 of the Illinois Violence Prevention Act of 1995, to provide assistance to schools in times of violence or other traumatic incidents within a school community by providing crisis intervention services to lessen the effects of emotional trauma on individuals and the community; the School Crisis Assistance Team Steering Committee shall determine the qualifications for volunteers;

11. To provide television studio facilities in not to exceed one school building and to provide programs for educational purposes, provided, however, that the board shall not construct, acquire, operate, or maintain a television transmitter; to grant the use of its studio facilities to a licensed television station located in the school district; and to maintain and operate not to exceed one school radio transmitting station and provide programs for educational purposes;

12. To offer, if deemed appropriate, outdoor education courses, including field trips within the State of Illinois, or adjacent states, and to use school educational funds for the expense of the said outdoor educational programs, whether within the school district or not;

13. During that period of the calendar year not embraced within the regular school term, to provide and conduct courses in subject matters normally embraced in the program of the schools during the regular school term and to give regular school credit for satisfactory completion by the student of such courses as may be approved for credit by the State Board of Education;

14. To insure against any loss or liability of the board, the former School Board Nominating Commission, Local School Councils, the Chicago Schools Academic Accountability Council, or the former Subdistrict Councils or of any member, officer, agent or employee thereof, resulting from alleged violations of civil rights arising from incidents occurring on or after September 5, 1967 or from the wrongful or negligent act or omission of any such person whether occurring within or without the school premises, provided the officer, agent or employee was, at the time of the alleged violation of civil rights or wrongful act or omission, acting within the scope of his employment or under direction of the board, the former School Board Nominating Commission, the Chicago Schools Academic Accountability Council, Local School Councils, or the former Subdistrict Councils; and to provide for or participate in insurance plans for its officers and employees, including but not limited to retirement annuities, medical, surgical and hospitalization benefits in such types and amounts as may be determined by the board; provided, however, that the board shall contract for such insurance only with an insurance company authorized to do business in this State. Such insurance may include provision for employees who rely on treatment by prayer or spiritual means alone for healing, in accordance with the tenets and practice of a recognized religious denomination;

15. To contract with the corporate authorities of any municipality or the county board of any county, as the case may be, to provide for the regulation of traffic in parking areas of property used for school purposes, in such manner as is provided by Section 11-209 of The Illinois Vehicle Code,

approved September 29, 1969, as amended;

16. (a) To provide, on an equal basis, access to a high school campus and student directory information to the official recruiting representatives of the armed forces of Illinois and the United States for the purposes of informing students of the educational and career opportunities available in the military if the board has provided such access to persons or groups whose purpose is to acquaint students with educational or occupational opportunities available to them. The board is not required to give greater notice regarding the right of access to recruiting representatives than is given to other persons and groups. In this paragraph 16, "directory information" means a high school student's name, address, and telephone number.

(b) If a student or his or her parent or guardian submits a signed, written request to the high school before the end of the student's sophomore year (or if the student is a transfer student, by another time set by the high school) that indicates that the student or his or her parent or guardian does not want the student's directory information to be provided to official recruiting representatives under subsection (a) of this Section, the high school may not provide access to the student's directory information to these recruiting representatives. The high school shall notify its students and their parents or guardians of the provisions of this subsection (b).

(c) A high school may require official recruiting representatives of the armed forces of Illinois and the United States to pay a fee for copying and mailing a student's directory information in an amount that is not more than the actual costs incurred by the high school.

(d) Information received by an official recruiting representative under this Section may be used only to provide information to students concerning educational and career opportunities available in the military and may not be released to a person who is not involved in recruiting students for the armed forces of Illinois or the United States;

17. (a) To sell or market any computer program developed by an employee of the school district, provided that such employee developed the computer program as a direct result of his or her duties with the school district or through the utilization of the school district resources or facilities. The employee who developed the computer program shall be entitled to share in the proceeds of such sale or marketing of the computer program. The distribution of such proceeds between the employee and the school district shall be as agreed upon by the employee and the school district, except that neither the employee nor the school district may receive more than 90% of such proceeds. The negotiation for an employee who is represented by an exclusive bargaining representative may be conducted by such bargaining representative at the employee's request.

(b) For the purpose of this paragraph 17:

(1) "Computer" means an internally programmed, general purpose digital device capable of automatically accepting data, processing data and supplying the results of the operation.

(2) "Computer program" means a series of coded instructions or statements in a form acceptable to a computer, which causes the computer to process data in order to achieve a certain result.

(3) "Proceeds" means profits derived from marketing or sale of a product after deducting the expenses of developing and marketing such product;

18. To delegate to the general superintendent of schools, by resolution, the authority to approve contracts and expenditures in amounts of \$10,000 or less;

19. Upon the written request of an employee, to withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the board shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding;

19a. Upon receipt of notice from the comptroller of a municipality with a population of 500,000 or more, a county with a population of 3,000,000 or more, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or a housing authority of a municipality with a population of 500,000 or more that a debt is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority by an employee of the Chicago Board of Education, to withhold, from the compensation of that employee, the amount of the debt that is due and owing and pay the amount withheld to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water



Reclamation District, the Chicago Transit Authority, or the housing authority; provided, however, that the amount deducted from any one salary or wage payment shall not exceed 25% of the net amount of the payment. Before the Board deducts any amount from any salary or wage of an employee under this paragraph, the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority shall certify that (i) the employee has been afforded an opportunity for a hearing to dispute the debt that is due and owing the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority and (ii) the employee has received notice of a wage deduction order and has been afforded an opportunity for a hearing to object to the order. For purposes of this paragraph, "net amount" means that part of the salary or wage payment remaining after the deduction of any amounts required by law to be deducted and "debt due and owing" means (i) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority for services, work, or goods, after the period granted for payment has expired, or (ii) a specified sum of money owed to the municipality, the county, the Cook County Forest Preserve District, the Chicago Park District, the Metropolitan Water Reclamation District, the Chicago Transit Authority, or the housing authority pursuant to a court order or order of an administrative hearing officer after the exhaustion of, or the failure to exhaust, judicial review;

20. The board is encouraged to employ a sufficient number of certified school counselors to maintain a student/counselor ratio of 250 to 1 by July 1, 1990. Each counselor shall spend at least 75% of his work time in direct contact with students and shall maintain a record of such time;

21. To make available to students vocational and career counseling and to establish 5 special career counseling days for students and parents. On these days representatives of local businesses and industries shall be invited to the school campus and shall inform students of career opportunities available to them in the various businesses and industries. Special consideration shall be given to counseling minority students as to career opportunities available to them in various fields. For the purposes of this paragraph, minority student means a person who is:

- (a) Black (a person having origins in any of the black racial groups in Africa);
- (b) Hispanic (a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean islands, regardless of race);
- (c) Asian American (a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent or the Pacific Islands); or
- (d) American Indian or Alaskan Native (a person having origins in any of the original peoples of North America).

Counseling days shall not be in lieu of regular school days;

22. To report to the State Board of Education the annual student dropout rate and number of students who graduate from, transfer from or otherwise leave bilingual programs;

23. Except as otherwise provided in the Abused and Neglected Child Reporting Act or other applicable State or federal law, to permit school officials to withhold, from any person, information on the whereabouts of any child removed from school premises when the child has been taken into protective custody as a victim of suspected child abuse. School officials shall direct such person to the Department of Children and Family Services, or to the local law enforcement agency if appropriate;

24. To develop a policy, based on the current state of existing school facilities, projected enrollment and efficient utilization of available resources, for capital improvement of schools and school buildings within the district, addressing in that policy both the relative priority for major repairs, renovations and additions to school facilities, and the advisability or necessity of building new school facilities or closing existing schools to meet current or projected demographic patterns within the district;

25. To make available to the students in every high school attendance center the ability to take all courses necessary to comply with the Board of Higher Education's college entrance criteria effective in 1993;

26. To encourage mid-career changes into the teaching profession, whereby qualified professionals become certified teachers, by allowing credit for professional employment in related fields when determining point of entry on teacher pay scale;

27. To provide or contract out training programs for administrative personnel and principals with revised or expanded duties pursuant to this Act in order to assure they have the

knowledge and skills to perform their duties;

28. To establish a fund for the prioritized special needs programs, and to allocate such funds and other lump sum amounts to each attendance center in a manner consistent with the provisions of part 4 of Section 34-2.3. Nothing in this paragraph shall be construed to require any additional appropriations of State funds for this purpose;

29. (Blank);

30. Notwithstanding any other provision of this Act or any other law to the contrary, to contract with third parties for services otherwise performed by employees, including those in a bargaining unit, and to layoff those employees upon 14 days written notice to the affected employees. Those contracts may be for a period not to exceed 5 years and may be awarded on a system-wide basis;

31. To promulgate rules establishing procedures governing the layoff or reduction in force of employees and the recall of such employees, including, but not limited to, criteria for such layoffs, reductions in force or recall rights of such employees and the weight to be given to any particular criterion. Such criteria shall take into account factors including, but not be limited to, qualifications, certifications, experience, performance ratings or evaluations, and any other factors relating to an employee's job performance;

32. To develop a policy to prevent nepotism in the hiring of personnel or the selection of contractors;

33. To enter into a partnership agreement, as required by Section 34-3.5 of this Code, and, notwithstanding any other provision of law to the contrary, to promulgate policies, enter into contracts, and take any other action necessary to accomplish the objectives and implement the requirements of that agreement; and

34. To establish a Labor Management Council to the board comprised of representatives of the board, the chief executive officer, and those labor organizations that are the exclusive representatives of employees of the board and to promulgate policies and procedures for the operation of the Council.

The specifications of the powers herein granted are not to be construed as exclusive but the board shall also exercise all other powers that they may be requisite or proper for the maintenance and the development of a public school system, not inconsistent with the other provisions of this Article or provisions of this Code which apply to all school districts.

In addition to the powers herein granted and authorized to be exercised by the board, it shall be the duty of the board to review or to direct independent reviews of special education expenditures and services. The board shall file a report of such review with the General Assembly on or before May 1, 1990.

(Source: P.A. 92-109, eff. 7-20-01; 92-527, eff. 6-1-02; 92-724, eff. 7-25-02; 93-3, eff. 4-16-03.)

Section 90. The State Mandates Act is amended by adding Section 8.28 as follows: (30 ILCS 805/8.28 new)

Sec. 8.28. 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 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 2248. Having been printed, was taken up and read by title a second time.

Representative Richard Bradley offered the following amendment and moved its adoption:

AMENDMENT NO.   1  . Amend Senate Bill 2248 by replacing everything after the enacting clause with the following:

"Section 5. A corrective deed, to replace one previously recorded and authorized in Public Act 92-532, Section 93, is necessary to remedy certain errors in the grantee's name and therefore, the Secretary of the Department of Transportation is authorized to convey by corrective deed all right, title, and interest in and to the following described land in Coles County, Illinois to Mile Stones Midwest, Inc.

Parcel No. 5X03913

PART OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN

(16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING MONUMENT MARKING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE

1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION SIXTEEN (16), TOWNSHIP TWELVE (12) NORTH, RANGE NINE (9) EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID CORNER BEING 31.13 FEET LEFT OF CENTERLINE STATION 470+80 OF F.A. ROUTE #17 (ILLINOIS ROUTE 16); THENCE S 00 DEGREES 05 MINUTES 21 SECONDS W ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) AND THE CENTERLINE OF DOUGLAS DRIVE, 280.72 FEET ACTUAL (S 00 DEGREES 05 MINUTES 21 SECONDS W - 281.00 FEET RECORD); THENCE S 89 DEGREES 21 MINUTES 21 SECONDS W, 20.00 FEET ACTUAL (S 89 DEGREES 21 MINUTES W - 20.00 FEET RECORD), THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W (N 34 DEGREES 59 MINUTES W RECORD), 26.07 FEET TO A POINT ON THE WEST LINE OF DOUGLAS DRIVE, SAID POINT BEING 228.06 FEET RIGHT OF CENTERLINE STATION 470+42.04 OF SAID F.A. ROUTE #17 (ILLINOIS ROUTE 16) AND THE POINT OF BEGINNING; THENCE N 35 DEGREES 04 MINUTES 40 SECONDS W ACTUAL (N 34 DEGREES 59 MINUTES W RECORD, 112.82 FEET TO A POINT 135.00 FEET RIGHT OF STATION 469+78.26 OF SAID CENTERLINE; THENCE S 89 DEGREES 21 MINUTES 00 SECONDS W (ACTUAL AND RECORD), 523.32 FEET TO A POINT 135.0 FEET RIGHT OF STATION 464+54.94 OF SAID CENTERLINE; THENCE N 00 DEGREES 00 MINUTES 55 SECONDS W, 33.00 FEET TO A POINT 102.00 FEET RIGHT OF STATION 464+55.31 OF SAID CENTERLINE; THENCE N 88 DEGREES 08 MINUTES 46 SECONDS E, 523.56 FEET TO A POINT 91.00 FEET RIGHT OF STATION 469+78.29 OF SAID CENTERLINE; THENCE S 72 DEGREES 53 MINUTES 05 SECONDS E, 23.00 FEET TO A POINT 98.02 FEET RIGHT OF STATION 470+00.65 OF SAID CENTERLINE; THENCE S 44 DEGREES 37 MINUTES 46 SECONDS E, 61.21 FEET TO A POINT 142.07 RIGHT OF STATION 470+43.15 OF SAID CENTERLINE AND THE EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF DOUGLAS DRIVE; THENCE S 00 DEGREES 05 MINUTES 21 SECONDS W, ALONG SAID WEST LINE 86.00 FEET TO THE POINT OF BEGINNING CONTAINING 0.567 ACRES, MORE OR LESS, CHARLESTON, ILLINOIS.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FA Route 17 (IL Rte 16), previously declared a freeway.

Section 10. Upon the payment of the sum of \$7,100.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Randolph County, Illinois:

Parcel No. 800XA33

Part of the Northwest Quarter of Section 17, Township 6 South, Range 7 West of the Third Principal Meridian, Village of Ellis Grove, Randolph County, Illinois.

Commencing at the northwest corner of Section 17, Township 6 South, Range 7 West of the Third Principal Meridian, Village of Ellis Grove, Randolph County, Illinois; thence on an assumed bearing of North 83 degrees 30 minutes 01 second East on the north line of said Section 17, a distance of 202.49 feet to the centerline of Illinois Route 3 (FAP Route 312) as established by a Dedication of Right of Way for Public Road Purposes as recorded in Book 151, Page 520 of the Randolph County records; thence southeasterly on said centerline of Illinois Route 3 on a curve to the left, having a radius of 6,366.26 feet, an arc distance of 311.87 feet, the chord of curve bearing South 16 degrees 19 minutes 46 seconds East, 311.84 feet; thence South 72 degrees 16 minutes 02 seconds West radial to said curve, 50.00 feet to the Point of Beginning of the herein described tract; thence South 76 degrees 05 minutes 30 seconds West, 55.13 feet; thence South 23 degrees 36 minutes 25 seconds West, 29.20 feet to the former easterly right of way line of SBI Route 3, Section 74, as established by a Dedication of Right of Way for Public Road Purposes and recorded in Book 88, Page 78 of the Randolph County Records; thence on said easterly line on a curve to the left, having a radius of 1,072.22 feet, an arc distance of 533.39 feet, the chord of said curve bearing South 21 degrees 30 minutes 28 seconds East. 527.91 feet; thence North 67 degrees 11 minutes 34 seconds East, 62.50 feet to a point 50.00 feet radially distant from said

centerline of Illinois Route 3; thence northwesterly along a curve to the right, having a radius of 6,416.26 feet, an arc distance of 540.12 feet, the chord of said curve bearing North 20 degrees 08 minutes 40 seconds West, 539.96 feet to the Point of Beginning.

Parcel 800XA33 herein described contains 1.079 acre or 46,981 square feet, more or less.

Section 15. Upon the payment of the sum of \$7,350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Winnebago County, Illinois:

Parcel No. 2DWIX21

A part of Lots 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 as designated upon the plat of Camp Grant Island, being B.A. Knight's Subdivision of Island Number 3 in Rock River in Section 15, Township 43 North, Range 1 East of the Third Principal Meridian, Winnebago County, Illinois, described as follows:

Beginning at the northeast corner of said Lot 15, said point being 123.55 feet normally distant westerly from the centerline of pavement in place of FAU Route 5103; thence South 15 degrees 29 minutes 33 seconds East, 259.17 feet along the east line of said Lots 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 to a point on the south line of said Lot 24 and the southerly bank of said Island Number 3, said point being 113.61 feet normally distant westerly from said centerline; thence South 79 degrees 59 minutes 35 seconds West, 45.21 feet along said south line of Lot 24 to a point on the westerly right of way line of FAU Route 5103, said point being 158.74 feet normally distant westerly from said centerline; thence North 15 degrees 29 minutes 33 seconds West, 254.85 feet along said westerly right of way line to a point on the north line of said Lot 15, said point being 168.52 feet normally distant westerly from said centerline; thence North 74 degrees 30 minutes 27 seconds East, 45.00 feet along said north line of Lot 15 to the Point of Beginning, containing 0.266 acre [11,565 square feet], more or less.

Section 20. Upon the payment of the sum of \$1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:

Parcel No. 3LR0081

Beginning at the northwest corner of the Southeast Quarter of Section 36, Township 33 North, Range 4 East of the Third Principal Meridian; thence South 89 degrees 31 minutes East, 300.70 feet; thence South 06 degrees 36 minutes East, 100 feet; thence South 06 degrees 01 minute East, 68.60 feet; thence South 03 degrees 20 minutes East, 404 feet; thence South 08 degrees 23 minutes West, 68.00 feet; thence South 14 degrees 04 minutes West, 51.80 feet; thence South 15 degrees 59 minutes West, 121.56 feet to the Point of Beginning; from said Point of Beginning, South 89 degrees 31 minutes East, 478.27 feet, the 27.50 feet lying north of the centerline; thence North 02 degrees 38 minutes West, 315.87 feet, being the 27.5 feet west of the centerline; thence North 02 degrees 48 minutes West, 28.09 feet, being the 27.5 feet west of the centerline.

Section 25. Upon the payment of the sum of \$5,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 5 (US 66) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0079

TRACT NUMBER ONE:

Part of the Northwest Quarter of Section 4, Township 30 North, Range 7 East of the Third Principal Meridian, Livingston County, Illinois, being more particularly described as follows: Beginning at the point of intersection of the east line of said Northwest Quarter of Section 4 with the northerly right of way line of F.A. 5 (U.S. Route 66), which point of intersection is 125 feet right of Transit Line Station 442+09; thence South 71 degrees 32 minutes 00 seconds West, 701.14 feet, along said northerly right of way line, to the point of curve of a 3,706.10 foot radius curve to the left, said point being 125 feet right of Station 449+10.14; thence southwesterly 1,748.85 feet, along said northerly right of way line whose chord bears South 58 degrees 00 minutes 53 seconds West, 1,732.67 feet to a point 125 feet right of Station 466+00; thence South 43 degrees 21 minutes 40 seconds West, 589.21 feet, along said northerly right of way line to the Point of Termination of said release on the south line of said Northwest Quarter of Section 4, said point being 160 feet right of Station 471+58, on said transit line, containing 3,039.20 lineal feet, more or less, situated in Livingston County, Illinois.

TRACT NUMBER TWO:

Part of the Northwest Quarter of Section 4, Township 30 North, Range 7 East of the Third Principal Meridian, Livingston County, Illinois, being more particularly described as follows:

Beginning at the point of intersection of the east line of said Northwest Quarter of Section 4 with the southerly right of way line of F.A. 5 (U.S. Route 66), which point of intersection is 125 feet left of Transit Line Station 442+94; thence South 71 degrees 32 minutes 00 seconds West, 616.14 feet along said southerly right of way line, to the point of curve of a 3,456.10 foot radius curve to the left, said point being 125 feet left of Station 449+10.14; thence southwesterly 1,630.88 feet, along said southerly right of way line, on a 3,456.10 foot radius curve to the left whose chord bears South 58 degrees 00 minutes 53 seconds West, 1,615.79 feet to a point 125 feet left of Station 466+00; thence South 40 degrees 01 minute 15 seconds West, 330.59 feet, along said southerly right of way line to the Point of Termination of said release on the south line of said Northwest Quarter of Section 4, said point being 135 feet left of Station 469+35, on said Transit Line, containing 2,577.61 lineal feet, more or less, situated in Livingston County, Illinois.

Section 30. Subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DRIX97

A part of Lot 20 in the Assessor's Plat of 1861 located in the Southwest Quarter of Section 16, Township 17 North, Range 1 West of the Fourth Principal Meridian, Rock Island County, State of Illinois, described as follows:

Beginning at a magnetic nail at the northwest corner of Lot 20 of said Assessor's Plat of 1861; thence North 88 degrees 21 minutes 39 seconds East, 274.22 feet (Bearings assumed for description purposes only) on the north line of said Lot 20; thence South 1 degree 08 minutes 52 seconds West 306.57 feet to the top of bank of the Rock River; thence South 73 degrees 01 minute 31 seconds West, 275.06 feet on said top of bank, to the southerly extension of the west line of said Lot 20; thence North 0 degrees 44 minutes 21 seconds West on said west line and southerly extension 379.00 feet to the Point of Beginning, containing 2.067 acres, more or less.

The said Real Estate being also shown on the plat attached hereto and made a part hereof.

Except:

The State of Illinois reserves for itself the right to enter upon the premises for purposes of maintaining the drainage ditch located along the easterly boundary of said parcel.

Section 35. Upon the payment of the sum of \$5,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kendall County, Illinois:

Parcel No. 3LR0072

Part of Section 28, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows:

Commencing at the northwest corner of Lot 187 in the Heartland of Yorkville, Unit 1 Subdivision; thence easterly 44.38 feet along the northerly line of said Lot 187 along a 1,500.0 foot radius curve to the left whose chord bears North 83 degrees 32 minutes 17 seconds East, 44.38 feet; thence South 53 degrees 06 minutes 34 seconds East, 43.64 feet along the northeasterly line of said Lot 187; thence North 79 degrees 55 minutes 13 seconds East, 95.22 feet; thence North 34 degrees 18 minutes 36 seconds East, 28.39 feet to the Point of Beginning; thence continue North 34 degrees 18 minutes 36 seconds East, 2.34 feet; thence easterly 390.40 feet along a 1510.0 foot radius curve to the left whose chord bears North 69 degrees 42 minutes 17 seconds East, 389.31 feet; thence South 40 degrees 19 minutes 27 seconds East, 4.91 feet; thence westerly 397.59 feet along a 746.8 foot radius curve to the right whose chord bears South 70 degrees 10 minutes 47 seconds West, 392.92 feet to the Point of Beginning, containing 4,810 square feet, more or less, situated in Bristol Township, Kendall County, Illinois.

Section 40. Upon the payment of the sum of \$7,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X117

A part of the East Half of the Northeast Quarter of Section 16, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 16; thence along the south line of said Northeast Quarter, North 89 degrees 44 minutes West, 62 feet to a point on the west existing right of way line of State Bond Issue 126 (I-55 Frontage Road) being 63 feet right of

centerline Station 250+80.60, also being the Point of Beginning; thence along said west right of way line, North 00 degrees 16 minutes East, 2081.04 feet to a point 63 feet right of Station 229+99.56 being the Point of Termination.

Section 45. Upon the payment of the sum of \$35,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in LaSalle County, Illinois, to Moss Management, Inc.

Parcel No. 3EX0055

That part of Lot 7 in Block 2 in Baker's Second Addition to the City of Streator, described as follows:

Commencing at the southwest corner of said Lot 7; thence North 89 degrees 49 minutes 00 seconds East, 8.88 feet along the south line of said Lot 7 to the Point of Beginning; thence North 00 degrees 12 minutes 44 seconds East, 91.24 feet (90.0 feet record) to the existing right of way line of F.A. 24 (Illinois Route 23); thence North 89 degrees 49 minutes 00 seconds East, 160.54 feet along said right of way line to the east line of the west 170.0 feet of said Lot 7; thence South 00 degrees 09 minutes 18 seconds West, 91.24 feet (90.0 feet record) along said east line of the west 170.0 feet of Lot 7 along said existing right of way line to the south line of said Lot 7; thence South 89 degrees 49 minutes 00 seconds West, 161.12 feet to the Point of Beginning, containing 14,474 square feet, more or less, situated in the City of Streator, Illinois.

Section 50. Upon the payment of the sum of \$165,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0076

That part of the Southwest Quarter of Section 27, Township 34 North, Range 7 East of the Third Principal Meridian, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 27; thence North 88 degrees 07 minutes 22 seconds East, 70.00 feet along the north line of the Southwest Quarter of said Section 27; thence South 01 degree 15 minutes 40 seconds East, 183.88 feet along the east right of way line of Illinois Route 47 as shown on the Right Of Way Plat recorded in Book 232 at Page 155; thence North 88 degrees 44 minutes 20 seconds East, 22.50 feet along said right of way line to the Point of Beginning; thence continuing North 88 degrees 44 minutes 20 seconds East, 121.50 feet along said right of way line; thence South 01 degree 15 minutes 40 seconds East, 259.63 feet along said right of way line of Illinois Route 47; thence South 88 degrees 04 minutes 15 seconds West, 59.00 feet; thence North 62 degrees 31 minutes 24 seconds West, 71.28 feet; thence North 01 degree 15 minutes 40 seconds West, 226.05 feet to the Point of Beginning, containing 30,538 square feet, more or less, in Grundy County, Illinois.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from IL Route 47, previously declared a freeway at this location.

Section 55. Upon the payment of the sum of \$1,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 162 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XB22

A line in the Southeast Quarter of Section 1, Township 3 North, Range 9 West of the Third Principal Meridian, Madison County, Illinois, described as follows:

Commencing at a tablet in concrete which marks the northwest corner of the Northwest Quarter of Section 7, Township 3 North, Range 8 West of the Third Principal Meridian, Madison County, Illinois; thence South 89 degrees 36 minutes 24 seconds East on the north line of the Northwest Quarter of said Section 7, a distance of 263.71 feet to its intersection with the centerline of FAI Route 255; thence North 17 degrees 59 minutes 13 seconds West on said centerline, 595.61 feet to its intersection with the centerline of FAP Route 586 (marked Illinois Route 162); thence South 69 degrees 18 minutes 11 seconds West on the centerline of FAP Route 586, a distance of 946.69 feet to a point of curve; thence southwesterly 420.63 feet on said centerline being a curve to the left, having a radius of 28,647.89 feet, the chord of said curve bears South 68 degrees 52 minutes 57 seconds West, 420.62 feet; thence South 21 degrees 32 minutes 17 seconds East and radial to the last described course, 43.38 feet to the southerly access control line of said FAP Route 586 and the Point of Beginning of the line described herein.

From said Point of Beginning; thence South 70 degrees 48 minutes 17 seconds West on said southerly access control line, 79.96 feet to the terminus of said line.

Section 60. Upon the payment of the sum of \$300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and SBI Route 9 (FA 10) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0088

That part of the Southeast Quarter of the Southeast Quarter of Section 16, Township 25 North, Range 1 West of the Third Principal Meridian, described as follows:

Commencing at the northeast corner of Parcel A, as recorded in Plat Book 13 on Page 48, also being the intersection of the west line of the East Half of the Southeast Quarter of said Section 16 with the south right of way line of the Norfolk and Western Railroad; thence South 71 degrees 56 minutes 21 seconds East, 425.08 feet along said south right of way line; thence South 00 degrees 45 minutes 54 seconds East, 205.21 feet to the Point of Beginning of the Release of Access rights on the north right of way line of U.S. Route 150, said point also being 65.00 feet left of centerline Station 761+48.33; thence North 89 degrees 14 minutes 06 seconds East, 251.67 feet to a point being 65.00 feet left of centerline Station 764+00; thence South 87 degrees 54 minutes 09 seconds East, 100.12 feet along said right of way to a point 60.00 feet left of Centerline Station 765+00; thence North 89 degrees 14 minutes 06 seconds East, 264.90 feet along said right of way line to the Point of Termination of said Release, being 60.00 feet left of Centerline Station 767+64.9, containing 616.69 lineal feet, more or less, situated in the Village of Congerville, Woodford County, Illinois.

Section 65. Upon the payment of the sum of \$350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Fayette County, Illinois, to Crawford Hale Foundation American Legion Post No. 95.

Parcel No. 7510101

A part of Lot 7 and a part of Lot 8 in Block 54 of the City of Vandalia, Fayette County, Illinois, more particularly described as follows:

Beginning at the southeast corner of Lot 8 of Block 54 in the City of Vandalia, Fayette County, Illinois, as referenced to a plat by Professional Land Surveyor 3031; thence North 00 degrees 00 minutes 00 seconds East on an assumed bearing a distance of 160.02 feet to the northeast corner of Lot 7 of said Block 54; thence North 90 degrees 00 minutes 00 seconds East for a distance of 5.00 feet; thence South 00 degrees 00 minutes 00 seconds West a distance of 160.02 feet; thence South 90 degrees 00 minutes 00 seconds West 5.00 feet to the Point of Beginning, containing 800 square feet, more or less.

Section 70. Upon the payment of the sum of \$2,600.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in McLean County, Illinois:

Parcel No. 3LR0078

A part of the Southwest Quarter of Section 4, Township 24 North, Range 2 East of the Third Principal Meridian, McLean County, Illinois, more particularly described as follows with bearings based on datum used on Right Of Way Plans recorded in Document No. 87-22332:

Commencing at the southeast corner of Section 4; thence South 89 degrees 13 minutes 52 seconds West, 4191.67 feet on the south line of said Section 4; thence North 11 degrees 33 minutes 57 seconds West, 30.53 feet; thence North 38 degrees 59 minutes 01 second West, 106.55 feet to the Point of Beginning; thence South 86 degrees 28 minutes 33 seconds West, 120.48 feet; thence northwesterly 336.83 feet on a 2788.50 foot radius non-tangential curve to the right whose chord bears North 05 degrees 04 minutes 56 seconds West, 336.63 feet; thence North 01 degree 37 minutes 17 seconds West, 157.58 feet on the west right of way line of U.S. Route 51; thence South 31 degrees 32 minutes 36 seconds East, 241.58 feet; thence southeasterly 281.08 feet on 2668.50 foot radius non-tangential curve to the left whose chord bears South 05 degrees 45 minutes 05 seconds East, 280.95 feet to the Point of Beginning, containing 46,573.84 square feet (1.07 acres), more or less.

Section 75. The easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Tazewell County, Illinois:

Parcel No. 409563V

All that certain parcel of ground situated in the North One-Half of Section 29, Township 26 North, Range 4 West, of the 3rd Principal Meridian, in the County of Tazewell, State of Illinois,

described as follows, to-wit:

Beginning at a point, which is distant three thousand one hundred thirty-three and one-tenth (3133.1) feet, measured northwestwardly along the center line of the Toledo, Peoria & Western Railway Company's main track, as now located and constructed, from the intersection of the section line dividing Sections 29 and 32 in Township 26 North, Range 4 West of the 3rd Principal Meridian with said center line (Station 5810+20), said point also being fifty (50) feet measured northeastwardly at right angles with said center line; thence North thirty-eight degrees, thirty-five minutes (38° - 35') West three hundred thirty eight and eight-tenths (338.8); thence North 31° - 52' West, one hundred twelve and two-tenths (112.2) feet; thence North 33° - 27' West eighty-four and nine-tenths (84.9) feet; thence North 17° - 42' West one hundred twelve (112.0) feet; thence in a southeastwardly direction on line with a curve having a radius of 1196.28 feet two hundred two and eight-tenths (202.8) feet; thence South 31° - 52' East four hundred forty eight (448.0) feet to the Place of Beginning and containing in all four hundred twenty five thousandths (0.425) acres.

Section 80. For and in consideration of an Intergovernmental Agreement between the Illinois Department of Transportation and Metro (Bi-State Development Agency) and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in St. Clair County, Illinois:

Parcel No. 800XB36

From the center of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian, measure South 00 degrees East, 723.5 feet to a point; thence North 27 degrees 28 minutes West, 1,101.1 feet to a point; thence North 28 degrees 17 minutes West, 26.2 feet to the Point of Beginning.

Description of Tract:

From said Point of Beginning; thence North 58 degrees 22 minutes West, 51.3 feet to a point in the north right of way line of the St. Louis & O'Fallon Railroad; thence North 27 degrees 30 minutes West along said right of way line, 262.6 feet to a point; thence around a curve to the left, following said right of way line of radius 3,877 feet, a distance of 705 feet to a point; thence South 73 degrees 31 minutes East, 135.6 feet to a point; thence around a curve to the right of radius 3,951.4 feet tangent to a line whose bearing is South 37 degrees 20 minutes East, 617.5 feet to a point; thence South 28 degrees 17 minutes East, 406.7 feet to a point; thence North 58 degrees 22 minutes West, 86.3 feet to the Point of Beginning. Said tract being a portion of the Southeast Quarter of the Northwest Quarter of Section 25, Township 2 North, Range 9 West of the Third Principal Meridian. Containing 1 and 70/100 acre, more or less, situated in the County of St. Clair and State of Illinois.

Section 85. Upon the payment of the sum of \$6,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Ford County, Illinois:

Parcel No. 3LR0085

A part of the Southeast Quarter of Section 11, Township 23 North, Range 7 East of the Third Principal Meridian, Gibson City, Ford County, Illinois, more particularly described as follows, with assumed bearings given for description purposes only:

Commencing at the southwest corner of the Southeast Quarter of Section 11; thence South 89 degrees 59 minutes 13 seconds East, 190.57 feet on the south line of said Southeast Quarter of Section 11; thence North 00 degrees 04 minutes 08 seconds East, 80.99 feet to the Point of Beginning, said point being 78.0 feet right of centerline Station 749+00 on Illinois Route 9; thence North 89 degrees 55 minutes 52 seconds West, 90.76 feet parallel with said centerline of Illinois Route 9 to a point 78.0 feet right of centerline Station 749+90.76 on Illinois Route 9; thence North 45 degrees 01 minute 31 seconds West, 42.50 feet to a point 70.0 feet right of centerline Station 751+98.27 on Sangamon Street; thence North 00 degrees 07 minutes 11 seconds West, 101.73 feet parallel with the centerline of said Sangamon Street to a point 70.0 feet right of centerline Station 753+00 on Sangamon Street; thence South 42 degrees 32 minutes 42 seconds East, 179.00 feet to the Point of Beginning, containing 7,504 square feet, more or less.

Section 90. Upon the payment of the sum of \$12,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Macon County, Illinois, to Ralph L. Bledsaw Jr.

Parcel No. 5X02003

Part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of Section 34, Township 17 North, Range 2 East of the Third Principal Meridian, as



per plat recorded in Book 335 on Page 216, in the Recorder's Office of Macon County, in the State of Illinois, described as follows:

Beginning at the southwest corner of Lot B of a re-survey of a part of Lot 5 of a survey for Jerome Edward Montgomery in the Southeast Quarter of the Southeast Quarter of said Section 34, recorded in Book 1270 on Page 49 in the Macon County Recorder's Office, said point being on the existing easterly right of way line of SBI Rte. 2 (US 51 South); thence South 89 degrees 53 minutes 39 seconds West (Bearings are Assumed) 30.18 feet along the south line of said Lot 5; thence northeasterly 202.77 feet along a curve to the right being concentric with and 50.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1857.83 feet, the chord of said curve bears North 9 degrees 12 minutes 09 seconds East 202.67 feet, to the north line of said Lot 5; thence North 89 degrees 53 minutes 39 seconds East 30.73 feet, to the existing easterly right of way line of SBI Rte. 2 (US 51 South); thence southwesterly 202.86 feet along said right of way line being a curve to the left, and being concentric with and 80.00 feet easterly of the centerline of SBI Rte. 2 (US 51 South), said curve having a radius of 1827.83 feet, the chord of said curve bears South 9 degrees 21 minutes 25 seconds West 202.76 feet, to the Point of Beginning, containing 6084 square feet, more or less.

Section 95. Upon the payment of the sum of \$300.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and SBI Route 9 (FA 10) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0092

A part of the East Half of the Northeast Quarter of Section 23, Township 25 North, Range 1 West of the Third Principal Meridian in Woodford County, Illinois, described as follows:

Commencing at the northeast corner of said Section 23; thence South, 54.71 feet to the Point of Beginning of the release of access control on the south right of way line of FAS 2466 (US 150); thence West along said south right of way line, 535.00 feet to the west line of Tract "M-1" recorded in Plat Book 32, Page 91, in the Recorder's Office of Woodford County, Illinois; also the Point of Termination of said access control release, total release of access control is 535.00 lineal feet.

Section 100. Upon the payment of the sum of \$500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and IL Route 116 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 3LR0090

A part of the East Half of the Northeast Quarter of Section 21, Township 27 North, Range 1 West of the Third Principal Meridian, Woodford County, Illinois, more particularly described as follows: Commencing at the intersection of the west line of the East Half of the Northeast Quarter of said Section 21 with the south right of way line of SBI 116 as the Point Of Beginning of the Release Of Access Control, said point of beginning being 60.00 feet south of Survey Line Station 401+81; thence East along said south right of way line of SBI 116, a distance of 743.62 feet, more or less, to the termination of said release, said point being 60.00 feet south of Survey Line Station 409+24.62, more or less, situated in Roanoke Township, Woodford County, Illinois.

NOTE: The original right of way is recorded in the Office of the Recorder of Deeds in Woodford County, Illinois, in Miscellaneous Record, Book 42, Page 498.

Section 105. Upon the payment of the sum of \$200.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 49 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X247

A part of the West Half of the Northeast Quarter of Section 15, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 13 minutes 31 seconds West, 872.35 feet; thence South 85 degrees 15 minutes 44 seconds West, 145.10 feet; thence South 00 degrees 23 minutes 19 seconds East, 333.51 feet to point on the northerly existing right of way line of Federal Aid Route 49 (U.S. Route 36) being 60.00 feet left of centerline Station 135+35.02, being the Point of Beginning; thence northeasterly along said existing right of way line on a curve to the left having a radius of 2,955.80 feet, an arc length of 157.87 feet and a chord bearing North 63 degrees 29 minutes 39 seconds East, 157.85 feet to a point 60.00 feet left of centerline Station 136+96.10 being the Point of Termination.

Section 110. Upon the payment of the sum of \$200.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 49 are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 675X259

A part of the West Half of the Northeast Quarter of Section 15, Township 16 North, Range 4 West of the Third Principal Meridian, Sangamon County, Illinois, described as follows: Commencing at the northeast corner of the West Half of the Northeast Quarter of said Section 15; thence South 00 degrees 13 minutes 31 seconds West, 872.35 feet; thence South 85 degrees 15 minutes 44 seconds West, 145.10 feet; thence South 00 degrees 23 minutes 19 seconds East, 333.51 feet to point on the northerly existing right of way line of Federal Aid Route 49 (U.S. Route 36) being 60.00 feet left of centerline Station 135+35.02, being the Point of Beginning; thence southwesterly along said existing right of way line on a curve to the right having a radius of 2,955.80 feet, an arc length of 73.09 feet and a chord bearing South 65 degrees 43 minutes 58 seconds West, 73.09 feet to a point 60.00 feet left of centerline Station 134+60.45, being the Point of Termination.

Section 115. Upon the payment of the fair market value to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to the City of Chicago.

Parcel No. 0ZZ0081A

That part of Lots 5 through 11 inclusive in Block 30 of Albert Crosby and Others Subdivision, being in the East Half of the Southeast Quarter of Section 25, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded August 18, 1873 as Document 116140, in Cook County, Illinois, described as follows:

Commencing at the southwest corner of Lot 11 aforesaid; thence on an assumed bearing of North 00 degrees 01 minute 04 seconds West along the west line of said Lot 11, a distance of 3.00 feet to the Point of Beginning; thence continuing North 00 degrees 01 minute 04 seconds West 116.78 feet; thence North 84 degrees 51 minutes 34 seconds East 6.13 feet; thence South 51 degrees 19 minutes 03 seconds East 195.85 feet to the south line of Lots 5 through 11; thence North 89 degrees 15 minutes 06 seconds West along said south line 65.78 feet; thence North 39 degrees 44 minutes 56 seconds West 3.95 feet to a line 3.00 feet north of and parallel with the south line of Lots 5 through 11; thence North 89 degrees 15 minutes 06 seconds West along said parallel line 90.66 feet to the Point of Beginning, containing 0.222 acres of land.

Parcel No. 0ZZ0081C

That part of Lots 31 through 37 in Block 30 in Albert Crosby and Others Subdivision, being a subdivision in the East Half of the Southeast Quarter of Section 25, Township 40 North, Range 13 East of the Third Principal Meridian, according to the plat thereof recorded August 18, 1873 as Document 116140, in Cook County, Illinois, described as follows:

Beginning at the northwest corner of Lot 37 aforesaid; thence on an assumed bearing of South 89 degrees 15 minutes 02 seconds East along the north line of said Lot 37, a distance of 36.78 feet; thence South 51 degrees 19 minutes 03 seconds East 26.95 feet; thence South 00 degrees 05 minutes 26 seconds East 105.83 feet; thence South 34 degrees 38 minutes 33 seconds East 58.39 feet to the north line of the south 5.00 feet of Lot 31 aforesaid; thence North 89 degrees 15 minutes 04 seconds West along said north line 91.04 feet to the west line of said Lots 31 through 37; thence North 00 degrees 02 minutes 58 seconds West along said west line 114.92 feet; thence North 89 degrees 57 minutes 02 seconds East 2.74 feet; thence North 00 degrees 12 minutes 06 seconds East 10.05 feet; thence North 39 degrees 44 minutes 56 seconds West 4.36 feet to the west line of said Lots 31 through 37; thence North 00 degrees 02 minutes 58 seconds West along said west line 41.67 feet to the Point of Beginning, containing 0.239 acres of land.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 94, previously declared a freeway.

Section 120. The Secretary of the Department of Transportation, subject to the conditions set forth in Section 900 of this Act, is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Cook County, Illinois, to Village of Matteson.

Parcel No. 0ZZ379A

That part of Lot 1 in Block 2 in Dettmering's Pine Grove Subdivision, being a subdivision of

Lot 23 of division of those parts of Section 23, Township 35 North, Range 13 East of the Third Principal Meridian described as follows: Lots 3, 5, 6, 8, 12, 13, 14, and 15 in County Clerk's Division of Unsubdivided Lands in Section 23, Township 35 North, Range 13 East of the Third Principal Meridian, in Cook County, Illinois; bounded and described as follows:

Commencing at the southwest corner of Lot 1 in Block 2 of said Dettmering's Pine Grove Subdivision; thence on an assumed bearing of North 00 degrees 44 minutes 46 seconds West along the west line of said Lot 1, 100.08 feet to the Point of Beginning; thence continuing North 00 degrees 44 minutes 46 seconds West along said west line of Lot 1, 46.39 feet to a point on a line drawn 58 feet south of and parallel with the north line of the Southeast Quarter of said Section 23; thence North 89 degrees 27 minutes 57 seconds East along the last described line, 6.83 feet to a point on an 80.90 foot radius curve, the center of circle of said curve bears South 09 degrees 03 minutes 52 seconds West from said point; thence easterly along said 80.90 foot radius curve, convex to the northeast, central angle 19 degrees 32 minutes 55 seconds, 27.60 feet to a point of tangency; thence South 61 degrees 23 minutes 13 seconds East, 8.61 feet to a point of curvature; thence southeasterly along a tangential curve convex to the northeast, radius 19.57 feet, central angle 30 degrees 20 minutes 46 seconds, 10.37 feet to a point of tangency; thence South 31 degrees 02 minutes 29 seconds East, 9.82 feet to a point of curvature; thence southeasterly along a tangential curve convex to the east, radius 41.16 feet, central angle 27 degrees 05 minutes 19 seconds, 19.46 feet to a point on a line drawn from a point on the west line of aforesaid Lot 1 in Block 2 in Dettmering's Pine Grove Subdivision distant 100.08 feet north of the southwest corner of said Lot 1 to a point 96.91 feet northeasterly of and 24.6 feet northwesterly of the southeast corner of said Lot 1 (as measured on the southeast line of said Lot 1 and on a line at right angles thereto); thence North 89 degrees 34 minutes 23 seconds West along the last described line 58.04 feet to the Point of Beginning, all in Cook County, Illinois.

Containing 0.048 acres (2101 square feet) more or less.

Provided however the property may only be used for public purposes, or title shall revert without further action to the Illinois Department of Transportation.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portion of this Act containing the title, enacting clause, the effective date, the appropriate Section containing the land description of the property to be transferred or otherwise affected under this Article within 60 days after its effective date and, upon receipt of payment required by the Section shall record the certified document in the Recorder's Office in the county which the land is located.

Section 910. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of future development of a bike trail path in Will County is authorized to execute and deliver to the Will County Forest Preserve District for and in consideration of \$1.00 paid to said Department, and other valuable consideration, a Quit Claim Deed to its interest to the following two railroad right of way trail corridors of land located in Will County, Illinois:

(Chicago, Milwaukee, St. Paul, and Pacific Railroad  
Company Segment)

Parcel I: The Right of Way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, (formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land: The South 1/2 of the South East 1/4 of the South East 1/4 of Section 15; Lot 9 of Crescent Stone Company's subdivision of the South East 1/4 of the South East 1/4 of Section 15; the Northeast 1/4 of Section 22, except that part conveyed by Document R66-18449; Lot 1 of Assessor's Subdivision of the Northwest 1/4 of the South East 1/4 of Section 22 lying North of the Elgin, Joliet and Eastern Railway Switch Track Right of Way; Lots 1 and 2 of Assessor's Subdivision of the Northwest 1/4 of The South East 1/4 of Section 22 lying South of the Elgin, Joliet and Eastern Railway switch track right of way and North of the center of Five Mile Grove Road; the South East 1/4 of Section 22 lying South of the center of Five Mile Grove Road; the Northeast 1/4 of Section 27; the Northwest 1/4 of Section 26, lying North of Woodruff, Mack and Cowles Subdivision; Lots 1, 2, 8, 9, 10, 12 and 13 of Woodruff, Mack and Cowles Subdivision; a triangular piece of land lying North and East of Lots 1 and 9 of Woodruff, Mack and Cowles Subdivision, the Southwest 1/4 of Section 26; the South East 1/4 of Section 26, the Northeast 1/4 of Section 35; the Northwest 1/4 of Section 36; the Southwest 1/4 of Section 36; and the South East 1/4 of Section 36, all in Township 35 North, Range 10 East of the Third Principal Meridian;

Parcel II: The right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land: a triangular tract of land in the Northeast 1/4 of the Northeast 1/4 of Section 1, Township 34 North,

Range 10 East of the Third Principal Meridian described as follows: Beginning at the Northeast Corner of the Northeast 1/4 of the Northeast 1/4 of Said Section 1; thence West along the North Line of the Northeast 1/4 of said Section 1, a distance of 198.9 feet; thence Southeasterly to a point on the Easterly line of the Northeast 1/4 of said Section 1 which is 182.9 feet South of the Northeast Corner of said Section 1; thence North along the East Line of Said Northeast 1/4 to the Point of Beginning;

Parcel III: The right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad

Company (formerly the Illinois, Iowa and Minnesota Railway Company) across the following described land: The Northwest 1/4 and the Southwest 1/4 of Section 6; the Northwest 1/4 and the East 1/2 of Section 7; the Northeast 1/4 of Section 18; the West 1/2 of Section 17; the Northeast 1/4 of the Northwest 1/4 of Section 20; that part of the East 1/2 of Section 20 and the Southwest 1/4 of Section 20 lying west of the Wabash Railroad right of way line; the West 1/2 of Section 29; and the South East 1/4 of Section 30 except that part conveyed by Document No. 544311 and also except that part conveyed by Document No. R89-7583, all in Township 34 North, Range 11 East of the Third Principal Meridian, All in Will County, Illinois.

PINS (or part of PINS)

07-22-200-008

07-36-100-005-0010

07-36-100-005-0020

07-26-400-004

07-27-200-003

07-35-200-003

07-15-400-013

11-01-200-005

12-17-300-002

12-29-300-002

12-30-400-006

12-06-300-003

12-07-400-002

12-20-300-004

12-18-200-002

Also: That part of Section 30, Township 34 North, Range 11 East of the Third Principal

Meridian, being a part of the Southeast 1/4 of Section 30 and lying Westerly of Norfolk Southern Railroad's West right of way (also known as Wabash Railroad) as depicted on Joliet Army Ammunition Plant Drawing No. 3115, Sheet 1 of 2 segment map, and being more particularly described as follows: Commencing at the intersection of the South line of Section 30 and Norfolk Southern Railroad centerline Station 2201+50, said intersection being located South 88 degrees 17 minutes 18 seconds West 743.38 feet, more or less, from a Section corner stone common to Sections 29, 30, 31 and 32; Thence with South Line of Section 30, South 88 degrees 17 minutes 18 seconds West, 36.77 feet, more or less to the Point of Beginning, being 33.00 Feet right of and normal to Railroad Centerline Station 2201+66 and lying in the West right of way line of said Railroad, said point also being the Southeast corner of a parcel of land as originally acquired by the United States of America, said corner common to the lands now or formerly owned by George Delaney; thence leaving said Railroad's West right of way line and continuing with said South Section Line South 88 degrees 17 minutes 18 seconds West 150.00 feet, more or less, to the Southwest corner of said parcel being 167.61 feet right of and normal to Railroad Centerline Station 2202+32; Thence with West boundary of said parcel as originally acquired North 40 degrees 26 minutes 32 seconds East 453.52 feet, more or less, to a point 53.00 feet right of and normal to Railroad Centerline Station 2198+00; Thence with the arc of a 1.4794 degrees railroad curve to the right, having a radius of 3872.83 feet and a chord of North 29 degrees 32 minutes 57 seconds East 124.91 feet, more or less, thence Northeasterly 124.92 feet, more or less, to a point 53.00 feet right of and normal to Railroad Centerline Station P.C. 2196+76.8; Thence North 30 degrees 28 minutes 24 seconds East 234.20 feet, more or less, to a point 53.00 feet right of and normal to Railroad Centerline Station P.T. 2194+42.6; Thence with the Arc of a 1.5211 degrees railroad curve to the left, having a radius of 3766.83 Feet and a chord of North 28 degrees 55 minutes 26 seconds East 203.71 feet, more or less, thence Northeasterly 203.73 feet, more or less to a point 53.00 feet right of and normal to Railroad Centerline Station 2192+36; Thence South 62 degrees 37 minutes 31 seconds East 6.50 feet, more or less to a point 46.50 feet right of and normal to Railroad Centerline Station 2192+36; Thence with the arc of a 1.5186 degrees railroad curve to the left, having a radius of 3773.33 feet and a chord of North 25 degrees 56 minutes 26

seconds East 188.86 feet, more or less; Thence Northeasterly 188.88 feet, more or less, to a point 46.50 feet right of and normal to Railroad Centerline Station P.C. 2190+44.8; Thence North 24 degrees 30 minutes 24 seconds East 238.80 feet, more or less, to a point 46.50 feet right of and normal to Railroad Centerline Station 2188+06; Thence South 65 degrees 29 minutes 36 seconds East 30.00 feet, more or less to a point 16.50 feet right of and normal to Railroad Centerline Station 2188+06; Being in the West right of way line for said Railroad, also said Railroad Centerline Station 2188+06 being located South 24 degrees 30 minutes 24 seconds West 190.00 feet, more or less, from the intersection of Railroad Centerline Station 2186+16 and the East line of Section 30; Thence along said West railroad right of way line as follows: South 24 degrees 30 minutes 24 seconds West 238.80 feet, more or less, to a point 16.50 feet right of and normal to Railroad Centerline Station P.C. 2190+44.8; Thence with the arc of a 1.5064 degrees Railroad Curve to the right, having a radius of 3803.33 feet and a chord of South 25 degrees 56 minutes 26 seconds West 190.36 feet, more or less, thence Southwesterly 190.38 feet, more or less, to a point 16.50 feet right of and normal to Railroad Centerline Station 2192+36; Thence continuing along said West railroad right of way line; North 62 degrees 37 minutes 31 seconds West 16.50 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station 2192+36; Thence with the arc of a 1.5131 degrees Railroad Curve to the right, having a radius of 3786.83 feet and a chord of South 28 degrees 55 minutes 26 seconds West 204.79 feet, more or less; Southwesterly 204.81 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station P.T.2194+42.6; Thence South 30 degrees 28 minutes 24 seconds West 234.20 feet, more or less, to a point 33.00 feet right of and normal to Railroad Centerline Station P.C. 2196+76.8; Thence with the arc of a 1.4872 degrees Railroad Curve to the left, having a radius 3852.83 feet and a chord of South 27 degrees 28 minutes 24 seconds West 403.28 feet, more or less; Thence Southwesterly 403.47 feet, more or less, to a point 33.0 feet right of and normal to Railroad Centerline Station P.T. 2200+76.8; Thence South 24 degrees 28 minutes 24 seconds West 89.43 feet, more or less, to the point of beginning, in Will County, Illinois

Part of Pin: 12-30-400-006

(Wabash Railroad Company Segment)

Parcel 1: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 29, Township 34 North, Range 11 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 2: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Sections 30 and 31, Township 34 North, Range 11 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 3: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 6, Township 33 North, Range 11 East of the Third Principal Meridian and Section I, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 4: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in the Northeast Quarter and Southeast Quarter of Section 12, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 5: A strip of land 66 feet in width being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in the Southwest Quarter of Section 12 and Northwest Quarter of Section 13, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 6: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 14, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 7: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 23, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 8: A strip of land 66 feet in width, being 33 feet wide on each side of the center track of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Section 22, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 9: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 27, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 10: A strip of land 66 feet in width, being 33 feet wide on each side of the center line of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located in Sections 28 and 33, Township 33 North, Range 10 East of the Third Principal Meridian, excepting therefrom that part of said abandoned right of way falling in the East Half of the Northwest Quarter of Section 33, Township 33 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 11: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 5, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 12: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Section 8, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois.

Parcel 13: All of the Wabash Railroad Company, formerly known as the Chicago and Strawn Railway Company (now Donor) abandoned right of way as now located and extra width right of way as now located in Sections 7, 18, and that part of the Northwest Quarter of Section 19, lying Northeasterly of the Northeasterly right of way line of Route 113, all in Township 32 North, Range 10 East of the Third Principal Meridian, excluding that part of the Wabash Railroad Company abandoned right of way, if any, as now located across the Kankakee River in the Northwest Quarter of Section 19, Township 32 North, Range 10 East of the Third Principal Meridian. All situated in the County of Will, State of Illinois. TOGETHER WITH Wabash Railroad Company's (now Donor) abandoned bridge and associated support piers located across the Kankakee River in the Northwest Quarter of Section 19, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois. Said bridge being identified as Bridge Number 1145. LESS AND EXCEPT the following described property:

Tract 1: That part of the Northeast Quarter of Section 18, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows: Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; thence, North 89°17'39" East along the North line of the Southeast Quarter of the Northeast Quarter of said Section 18 a distance of 171.53 feet to a point; thence, North 38°25'59" East a distance of 132.68 feet to an iron rod; thence, South 51°34'01" East a distance of 36.50 feet to a railroad spike being on the southeasterly right of way line of the Grantor; thence, South 38°25'59" West along last said right of way line a distance of 432.00 feet to the POINT OF BEGINNING; thence, continuing South 38°25'59" West along said last right of way line a distance of 255.00 feet to an iron rod; thence, North 51°34'01" West a distance of 38.00 feet to an iron rod; thence, North 38°25'59" East a distance of 255.00 feet to an iron rod; thence, South 51°34'01" East a distance of 38.00 feet to the POINT OF BEGINNING; containing 0.22 of an acre.

Tract 2: That part of the Northeast Quarter of Section 18, Township 32 North, Range 10 East of the Third Principal Meridian, Will County, Illinois, described as follows: Commencing at the Northwest corner of the Southeast Quarter of the Northeast Quarter of said Section 18; thence, North 89°17'39" East along the North line of the Southeast Quarter of the Northeast Quarter of said Section 18 a distance of 171.53 feet to the POINT OF BEGINNING; thence, North 38°25'59" East a distance of 132.68 feet to an iron rod; thence, South 51°34'01" East a distance of 36.50 feet to a railroad spike being on the southerly right of way line of the Grantor; thence, South 38°25'59" West along the last said right of way line a distance of 372.00 feet to an iron rod; thence, North 51°34'01" West a distance of 36.50 feet to an iron rod; thence, North 38°25'59" East a distance of 239.32 feet to the POINT OF BEGINNING; containing 0.31 of an acre.

PINS (or part of PINS)

14-12-31-505-001

13-19-06-505-001  
 09-18-01-505-001  
 09-18-14-505-001  
 09-18-27-505-001  
 08-25-05-505-001  
 08-25-05-505-002  
 08-25-08-505-001  
 08-25-18-505-003  
 02-24-24-505-001 (pt)

(b) The above property being transferred is to be owned and developed for public recreational purposes. Any conveyance of the property shall state that in the event that this land is sold or transferred for non-public use, the property shall revert back to the Illinois Department of Natural Resources.

Section 920. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of future development of a bike trail path in Christian County is authorized to execute and deliver to the City of Pana for and in consideration of \$1.00 paid to said Department, and other valuable consideration, a Quit Claim Deed to its interest to the following parcel of land located in Christian County, Illinois:

Former Baltimore and Ohio Railroad

Parcel #729-02-9

A strip of land 20 feet in even width off of the Easterly side of the following described tract of land:

That portion of the abandoned Baltimore & Ohio Railroad right-of-way lying in the Northwest Quarter of the Northwest Quarter of Section 36, Township 12 North, Range 1 West of the Third Principal Meridian, Christian County, Illinois, being 50 feet on either side of the originally located centerline of said railroad, more particularly described as follows: Beginning at the Northerly most corner of a triangular tract of land described in deed recorded as Doc. No. 87-23700; thence South 41 degrees 45'20" East, 770.45 feet to the Southeasterly corner of said triangular tract of land described in deed recorded as Doc. No. 87-23700; thence South 89 degrees 44'31" East, 134.59 feet; thence North 41 degrees 45'20" West, 971.55 feet to a point on the West Section line of Section 36; thence South 00 degrees 15'23" West, along said West Section line, a distance of 149.41 feet to the point of beginning.

Situated in the County of Christian, State of Illinois.

(b) The above property being transferred is to be owned and developed for public recreational purposes. Any conveyance of the property shall state that in the event that this land is sold or transferred for nonpublic use, the property shall revert back to the Illinois Department of Natural Resources.

Section 925. (a) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of securing access to State owned property, over and across a former mine haul road owned by Consolidation Coal Company, a Delaware Corporation, and for the purpose of providing improved land management boundaries for both parties, is authorized to exchange certain real property in Perry County, Illinois, hereinafter referred to as Parcel A, for certain real property in said County owned by said Consolidation Coal Company, its successors and assigns, hereinafter referred to as Parcel B, such Parcels being described as follows, to wit:

Parcel A:

A parcel of land being a part of the Northwest Quarter of the Southwest Quarter, a part of the Northeast Quarter of the Southwest Quarter, and a part of the Northwest Quarter of the Southeast Quarter of Section 1, Township 6 South, Range 4 West of the Third Principal Meridian, being more particularly described as follows:

Beginning at an iron rod set at the Southwest corner of said Northwest Quarter of the Southwest Quarter; thence N 00°45'24" E along the West line of said Northwest Quarter of the Southwest Quarter, 109.00 feet to an iron rod set; thence N 89°41'30" E along the North line of the South 109 feet of said Northwest Quarter of the Southwest Quarter, 1322.99 feet to an iron rod set in the West line of said Northeast Quarter of the Southwest Quarter; thence N 00°40'52" E along the West line of said Northeast Quarter of the Southwest Quarter, 175.00 feet to the Northwest corner of Tract 1 of Parcel 161, as described in that Warranty Deed recorded in Book 591 at Page 79 in the Recorder's Office of Perry County, Illinois; thence N 75°31'43" E along the Northwesterly boundary of said Tract 1 of Parcel 161, 2067.00 feet to an iron rod set; thence N 00°11'45" W along the Northwesterly boundary of said Tract 1 of Parcel 161, 514.08 feet to an iron rod set in the South right-of-way line of Leopard Road; thence along said South right-of-way line and along the Northerly boundary of said Tract 1 of Parcel 161

the following two (2) calls: thence S 67°53'44" E, 366.31 feet to an iron rod set; thence S 65°41'20" E, 231.71 feet to an iron rod found in the West right-of-way line of Panda Bear Road; thence along the West right-of-way line of Panda Bear Road the following four (4) calls: thence S 00°38'52" W, 199.88 feet to an iron rod set; thence along a Curve to the Right, with Chord Bearing S 18°59'14" W 459.71 feet, a Radius of 730.52 feet, an Arc Length of 467.66 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 18°38'40" W 345.17 feet, a Radius of 538.80 feet, an Arc Length of 351.37 feet to an iron rod set; thence S 00°02'16" E, 21.70 feet to an iron rod set in the North right-of-way line of an existing park road; thence along the North right-of-way line of said existing park road the following four (4) calls: thence N 86°26'52" W, 388.54 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing N 89°26'45" W 508.36 feet, a Radius of 4860.00 feet, an Arc Length of 508.59 feet to an iron rod set; thence S 87°33'23" W, 1002.64 feet to an iron rod set; thence along a Curve to the Left, with Chord Bearing S 84°39'57" W 937.82 feet, a Radius of 8414.38 feet, an Arc Length of 938.31 feet to an iron rod set in the South line of said Northwest Quarter of the Southwest Quarter; thence S 89°41'30" W along the South line of said Northwest Quarter of the Southwest Quarter, 782.94 feet to the Point of Beginning, containing 34.441 acres, more or less, all situated in the County of Perry, State of Illinois.

Parcel B:

The West Half of the Southeast Quarter of the Southeast Quarter of Section 36, Township 5 South, Range 4 West of the Third Principal Meridian, containing 20 acres, more or less, all situated in the County of Perry, State of Illinois.

(b) The Director of the Department of Natural Resources, on behalf of the State of Illinois, for the purpose of clearing title to a Parcel of land now owned by Consolidation Coal Company, a Delaware Corporation, and hereinafter referred to as Parcel 169, which was erroneously included in that Quit-Claim Deed from Ark Land Company to the People of the State of Illinois, recorded 9-28-01 in the Recorder's Office of Perry County, Illinois, in Book 591 at Page 96, and for and in consideration of \$1.00, is authorized to execute and deliver a Quit-Claim Deed for said Parcel 169 to said Consolidation Coal Company, its successors and assigns, said Parcel 169 being described as follows:

Parcel 169:

Commencing at the Northeast corner of the Northwest Quarter of the Southeast Quarter, Section 1, Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois, thence Southerly along the East line of said Quarter-Quarter to the Southeast corner of said Quarter-Quarter, thence Westerly along the South line of said Quarter-Quarter to the Southwest corner of said Quarter-Quarter, thence Westerly along the South line of the Northeast Quarter of the Southwest Quarter of said Section 1 to the Southwest corner of the Northeast Quarter of the Southwest Quarter of said Section 1, thence Northerly along the West line of the Northeast Quarter of the Southwest Quarter of said Section 1, 284 feet to the Point of Beginning, thence North 75 degrees East 2067 feet, thence North 441.79 feet, thence N 68°47'06" W, a distance of 94.69 feet; thence S 89°22'52" W, a distance of 1898.27 feet, thence S 00°35'11" W, a distance of 990.58 feet to the point of beginning and being a part of the Northeast Quarter of the Southwest Quarter and a part of the "Northeast Quarter of the Southwest Quarter" (see Note), all in Section 1, Township 6 South, Range 4 West of the 3rd P.M., Perry County, Illinois; except all that part of the Northwest Quarter of the Southeast Quarter lying North of the South right-of-way line of Leopard Road. (Note: The part within quote marks should read "Northwest Quarter of the Southeast Quarter").

(c) The Director of Natural Resources shall obtain a certified copy of the portions of this Act containing the title, the enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be exchanged or conveyed, and this Section within 60 days after its effective date and, upon receipt of the payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the County in which the land is located.

Section 999. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 2. Amend Senate Bill 2248, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 43, after line 22, by inserting the following:

"Section 930. The Boone County Conservation District is authorized to convey by quitclaim deed all of its right, title, and interest in and to the following described land:

Part of the West Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of Section 32, Township 46 North, Range 3 East of the Third Principal Meridian, bounded and described as follows, to-wit: Commencing at the Northeast corner of the West Half (1/2) of the Northwest Quarter (1/4) of said Section 32; thence South 01°-04'-09" West, along the East line of the West Half (1/2) of said Quarter (1/4)



Section, 1830.00 feet; thence South 89°-53'-04" West, parallel with the North line of said Quarter (1/4) Section, 660.79 feet to the point of beginning of the following described premises, to-wit: thence North 01°-07'-56" East, along the East line of the West Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32, a distance of 510.31 feet to the Northeast corner of the East Half (1/2) of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32; thence South 89°-53'-57" West, along the North line of the Southwest Quarter (1/4) of the Northwest Quarter (1/4) of said Section 32, a distance of 9.4 feet to an existing fence line; thence South 2°-03'-07" West, along the existing fence line, 510.56 feet; thence North 89°-53'-04" East, 17.6 feet to the point of beginning. Situated in the County of Boone and State of Illinois. Containing 6,887 Square Feet, more or less."

The motion prevailed and the amendments were adopted and ordered printed.

Floor Amendment No. 3 remained in the Committee on Rules.

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 2731. Having been read by title a second time on May 4, 2004, and held on the order of Second Reading, the same was again taken up.

Representative Delgado offered the following amendment and moved its adoption.

AMENDMENT NO. 1. Amend Senate Bill 2731 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Sections 13-230, 13-231, 13-232, 13-233, 13-404.1, and 13-404.2 as follows:

(220 ILCS 5/13-230 new)

Sec. 13-230. Prepaid calling service. "Prepaid calling service" means telecommunications service that must be paid for in advance by an end user, enables the end user to originate calls using an access number or authorization code, whether manually or electronically dialed, and is sold in predetermined units or dollars of which the number declines with use in a known amount. A prepaid calling service call is a call made by an end user using prepaid calling service. "Prepaid calling service" does not include prepaid wireless telephone service as defined in Section 10 of the Wireless Emergency Telephone Safety Act.

(220 ILCS 5/13-231 new)

Sec. 13-231. Prepaid calling service provider. "Prepaid calling service provider" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that contracts directly with a telecommunications carrier to resell or offers to resell telecommunications service as prepaid calling service to one or more distributors, prepaid calling resellers, prepaid calling service retailers, or end users.

(220 ILCS 5/13-232 new)

Sec. 13-232. Prepaid calling service retailer. "Prepaid calling service retailer" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that sells or offers to sell prepaid calling service directly to one or more end users.

(220 ILCS 5/13-233 new)

Sec. 13-233. Prepaid calling service reseller. "Prepaid calling service reseller" means and includes every corporation, company, association, joint stock company or association, firm, partnership, or individual and their lessees, trustees, or receivers appointed by any court whatsoever that purchases prepaid calling services from a prepaid calling service provider or distributor and sells those services to one or more distributors of prepaid calling services or to one or more prepaid calling service retailers.

(220 ILCS 5/13-404.1 new)

Sec. 13-404.1. Prepaid calling service authority; rules.

(a) The General Assembly finds that it is necessary to require the certification of prepaid calling service providers to protect and promote against fraud the legitimate business interests of persons or entities currently providing prepaid calling service to Illinois end users and Illinois end users who purchase these services.

(b) On and after July 1, 2005, it shall be unlawful for any prepaid calling service provider to offer or

provide or seek to offer or provide to any distributor, prepaid calling service reseller, prepaid calling service retailer, or end user any prepaid calling service unless the prepaid calling service provider has applied for and received a Certificate of Prepaid Calling Service Provider Authority from the Commission. The Commission shall approve an application for a Certificate of Prepaid Calling Service Provider Authority upon a showing by the applicant, and a finding by the Commission, after notice and hearing, that the applicant possesses sufficient technical, financial, and managerial resources and abilities to provide prepaid calling services. The Commission shall approve an application for a Certificate of Prepaid Calling Service Provider Authority without a hearing upon a showing by the applicant that the Commission has issued an appropriate Certificate of Service Authority (whether a Certificate of Interexchange Service Authority or Certificate of Exchange Service Authority or both) to the applicant or the telecommunications carrier whose service the applicant is seeking to resell, provided that the telecommunications carrier remains in good standing with the Commission. The Commission may adopt rules necessary for the administration of this subsection.

(c) Upon issuance of a Certificate of Prepaid Calling Service Provider Authority to a prepaid calling service provider, the Commission shall post a list that contains the full legal name of the prepaid service provider, the docket number of the provider's certification proceeding, and the toll-free customer service number of the certified prepaid calling service provider on the Commission's web site on a link solely dedicated to prepaid calling service providers. If the certified prepaid calling service provider changes its toll-free customer service number, it is the duty of the certified prepaid calling service provider to provide the Commission with notice of the change and with the provider's new toll-free customer service number at least 24 hours prior to changing its toll-free customer service number. The Commission may adopt rules that further define the administration of this subsection.

(d) Any and all enforcement authority granted to the Commission under this Article over any Certificate of Service Authority shall apply equally and without limitation to Certificates of Prepaid Calling Service Provider Authority.

(220 ILCS 5/13-404.2 new)

Sec. 13-404.2. Prepaid calling service standards. The Commission, by rule, may establish and implement minimum service quality standards for prepaid calling service. The rules may include, but are not limited to, requiring access to a live customer service attendant through the customer service number, reporting requirements, fines, penalties, customer credits, remedies, and other enforcement mechanisms to ensure compliance with the service quality standards.

Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2QQ as follows:

(815 ILCS 505/2QQ new)

Sec. 2QQ. Prepaid calling service.

(a) For purposes of this Section 2QQ, the terms "Prepaid Calling Service", "Prepaid Calling Service Provider", "Prepaid Calling Service Retailer", and "Prepaid Calling Service Reseller" shall have the same definitions as those in Sections 13-230, 13-231, 13-232, and 13-233, respectively, of the Public Utilities Act.

For the purposes of this Section, "international preferred destination" means a prepaid calling service that advertises a specific international destination either on the card, the packaging material accompanying the card, or through an offering of sale of the service.

(b) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service provider or prepaid calling service reseller to sell or offer to sell prepaid calling service to any prepaid calling service retailer unless the prepaid calling service provider has applied for and received a Certificate of Prepaid Calling Service Provider Authority from the Illinois Commerce Commission pursuant to the Public Utilities Act and the prepaid calling service provider or prepaid calling service reseller shows proof of the prepaid calling service provider's Certificate of Prepaid Calling Service Provider Authority to the prepaid calling service retailer.

(c) On and after July 1, 2005, it is an unlawful practice under this Act for any prepaid calling service retailer to sell or offer to sell prepaid calling service to any consumer unless the prepaid calling service retailer retains proof of certification of the prepaid calling service provider by the Illinois Commerce Commission pursuant to the Public Utilities Act. The prepaid calling service retailer must retain proof of certification for one year or the duration of the contract with the reseller, whichever is longer. A prepaid calling service retailer with multiple locations selling prepaid calling cards under contract with a prepaid calling service provider may keep the certification at a central location provided, however, that the prepaid calling service retailer make a copy of the certification available upon reasonable request within 48 hours.

(d) On and after July 1, 2005, no prepaid calling service provider or prepaid calling service reseller shall sell or offer to sell prepaid calling service, as those terms are defined in Article XIII of the Public Utilities Act, to any Illinois consumer, either directly or through a prepaid calling service retailer, unless the following disclosures are made clearly and conspicuously:

(1) At a minimum, the following terms and conditions shall be disclosed clearly and conspicuously on the prepaid calling card, if applicable:

(A) the full name of the Prepaid Calling Service Provider as certificated by the Illinois Commerce Commission;

(B) the toll-free customer service number;

(C) an access number that is toll-free or a number local to the prepaid calling retailer; and

(D) the refund policy or a statement that the refund policy is located on the packaging materials.

(2) At a minimum, all the material terms and conditions pertaining to the specific prepaid calling card shall be disclosed clearly and conspicuously on the packaging materials accompanying the prepaid calling card including, but not limited to, the following, if applicable:

(A) the value of the card in minutes or the domestic rate per minute of the card;

(B) all surcharges and fees applicable to the use of the domestic prepaid calling service;

(C) all applicable rates for international preferred destinations;

(D) all applicable surcharges and fees for international preferred destinations;

(E) a disclosure statement indicating that all rates, surcharges, and fees applicable to international calls are available through the toll-free customer service number and a statement disclosing if international rates vary from domestic rates; and

(F) the expiration policy.

(3) At a minimum, the following information shall be disclosed clearly and conspicuously and accurately through the toll-free customer service telephone number through which the customer is able speak with a live customer service representative:

(A) the Illinois Commerce Commission certificate number of the Prepaid Calling Service Provider;

(B) all applicable rates, terms, surcharges, and fees for domestic and international calls;

(C) all information necessary to determine the cost of a given call;

(D) the balance of use in the consumer's account; and

(E) the applicable expiration date or period.

The disclosures required under this subsection (d) do not apply to the recharging of dollars or minutes to a previously purchased card allowing prepaid calling service."

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.

#### **ACTION ON MOTIONS**

Pursuant to the motion submitted previously, Representative Saviano moves to withdraw the motion to discharge the Committee on Rules from further consideration of SENATE BILL 1648 and advance to the order of Second Reading-Standard Debate.

The motion prevailed.

#### **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 Howard, SENATE BILL 2665 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: 81, Yeas; 37, 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 2215. Having been printed, was taken up and read by title a second time.

Representative Gordon offered the following amendment and moved its adoption:

AMENDMENT NO. 1. Amend Senate Bill 2215 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h as follows:

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund. Notwithstanding any other State law to the contrary, the Director of the Governor's Office of Management and Budget may from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of 8% of the revenues to be deposited into the fund during that year or 25% of the beginning balance in the fund. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use or to any funds in the Motor Fuel Tax Fund or the Hospital Provider Fund. No transfers may be made under this Section from the Road Fund or the State Construction Account Fund on or after the effective date of this amendatory Act of the 93rd General Assembly. ~~Notwithstanding any other provision of this Section, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed 5% of the revenues to be deposited into the fund during that year.~~

In determining the available balance in a fund, the Director of the Governor's Office of Management and Budget may include receipts, transfers into the fund, and other resources anticipated to be available in the fund in that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Governor's Office of Management and Budget.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04.)

Section 99. Effective date. This Act takes effect on July 1, 2004."

The motion prevailed and the amendment was adopted and ordered printed.

Floor Amendment No. 2 remained in the Committee on Rules.

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.

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 2236.

### CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE BILLS

Senate Amendment No. 2 to HOUSE BILL 378, having been printed, was taken up for consideration.

Representative Capparelli moved that the House concur with the Senate in the adoption of Senate Amendment No. 2.

And on that motion, a vote was taken resulting as follows:

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

(ROLL CALL 15)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 2 to HOUSE BILL 378.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 393, having been printed, was taken up for consideration.

Representative Mautino 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:

118, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 16)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 393.

Ordered that the Clerk inform the Senate.

Senate Amendment No. 1 to HOUSE BILL 4005, having been printed, was taken up for consideration.

Representative Poe 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:

118, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 17)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 4005.

Ordered that the Clerk inform the Senate.

Senate Amendments numbered 1 and 2 to HOUSE BILL 4475, having been printed, were taken up for consideration.

Representative McGuire 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:

118, Yeas; 0, Nays; 0, Answering Present.

(ROLL CALL 18)

The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendments numbered 1 and 2 to HOUSE BILL 4475.

Ordered that the Clerk inform the Senate.

### **RESOLUTION**

Having been reported out of the Committee on Elementary & Secondary Education on May 13, 2004, HOUSE JOINT RESOLUTION 73 was taken up for consideration.

Representative Turner moved the adoption of the resolution.

The motion prevailed and the resolution was adopted.

Ordered that the Clerk inform the Senate and ask their concurrence.

### **AGREED RESOLUTIONS**

HOUSE RESOLUTION 921 was taken up for consideration.

Representative Bost moved the adoption of the agreed resolution.

The motion prevailed and the Agreed Resolution was adopted.

HOUSE RESOLUTION 932 was taken up for consideration.  
Representative Daniels moved the adoption of the agreed resolution.  
The motion prevailed and the Agreed Resolution was adopted.

#### **ACTION ON MOTIONS**

Pursuant to the motion submitted previously, Representative Black moved to withdraw the motion to discharge the Committee on Rules from further consideration of HOUSE RESOLUTION 857 and advance to the order of Second Reading.

The motion prevailed.

At the hour of 2:39 o'clock p.m., Representative Currie moved that the House do now adjourn until Wednesday, May 19, 2004, at 12:00 o'clock noon.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 QUORUM ROLL CALL FOR ATTENDANCE

May 18, 2004

0 YEAS

0 NAYS

118 PRESENT

P Acevedo	P Delgado	P Kurtz	P Phelps
P Aguilar	P Dugan	P Lang	P Pihos
P Bailey	P Dunkin	P Leitch	P Poe
P Bassi	P Dunn	P Lindner	P Pritchard
P Beaubien	P Eddy	P Lyons, Eileen	P Reitz
P Bellock	P Feigenholtz	P Lyons, Joseph	P Rita
P Berrios	P Flider	P Mathias	P Rose
P Biggins	P Flowers	P Mautino	P Ryg
P Black	P Franks	P May	P Sacia
P Boland	P Fritchey	P McAuliffe	P Saviano
P Bost	P Froehlich	P McCarthy	P Schmitz
P Bradley, John	P Giles	P McGuire	P Scully
P Bradley, Richard	P Gordon	P McKeon	P Slone
P Brady	P Graham	P Mendoza	P Smith
P Brauer	P Granberg	P Meyer	P Sommer
P Brosnahan	P Grunloh	P Miller	P Soto
P Burke	P Hamos	P Millner	P Stephens
P Capparelli	P Hannig	P Mitchell, Bill	P Sullivan
P Chapa LaVia	P Hassert	P Mitchell, Jerry	P Tenhouse
P Churchill	P Hoffman	P Moffitt	P Turner
P Collins	P Holbrook	P Molaro	P Verschoore
P Colvin	P Howard	P Morrow	P Wait
P Coulson	P Hultgren	P Mulligan	P Washington
P Cross	P Jakobsson	P Munson	P Watson
P Cultra	P Jefferson	P Myers	P Winters
P Currie	P Jones	P Nekritz	P Yarbrough
P Daniels	P Joyce	P Osmond	P Younge
P Davis, Monique	P Kelly	P Osterman	P Mr. Speaker
P Davis, Steve	P Kosel	P Pankau	
P Davis, William	P Krause	P Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2274  
CD OF CIV PRO-PARTITION  
THIRD READING  
PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence



STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2290  
 LIQUOR-VIOLATIONS  
 THIRD READING  
 PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2374  
 VEH CD-SPEED LIMIT 65 MPH  
 THIRD READING  
 PASSED

May 18, 2004

81 YEAS

37 NAYS

0 PRESENT

Y Acevedo	N Delgado	N Kurtz	Y Phelps
N Aguilar	Y Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	N Lyons, Eileen	Y Reitz
Y Bellock	N Feigenholtz	N Lyons, Joseph	Y Rita
Y Berrios	Y Flider	N Mathias	Y Rose
Y Biggins	N Flowers	Y Mautino	N Ryg
Y Black	N Franks	N May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	N Froehlich	N McCarthy	Y Schmitz
Y Bradley, John	N Giles	Y McGuire	Y Scully
N Bradley, Richard	Y Gordon	Y McKeon	Y Slone
N Brady	N Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	N Meyer	Y Sommer
N Brosnahan	Y Grunloh	Y Miller	N Soto
Y Burke	N Hamos	Y Millner	Y Stephens
N Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
N Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	Y Hultgren	N Mulligan	Y Washington
Y Cross	Y Jakobsson	N Munson	Y Watson
Y Cultra	N Jefferson	Y Myers	Y Winters
N Currie	Y Jones	N Nekritz	N Yarbrough
Y Daniels	N Joyce	Y Osmond	N Younge
N Davis, Monique	N Kelly	N Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2395  
 SPEECH-LANGUAGE-ASSISTANT LIC  
 THIRD READING  
 PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2548  
 NOTARY PUBLIC-CONSUMER FRAUD  
 THIRD READING  
 PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2607  
 CRIMINAL LAW-TECH  
 THIRD READING  
 PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2653  
CD CORR-COMPELLED TREATMENT  
THIRD READING  
PASSED

May 18, 2004

117 YEAS

1 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	N Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 2768  
 HOSPITL-ASSISTD LIVNG-VACCINAT  
 THIRD READING  
 PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2845  
ALZHEIMER DISEASE-PROGRAMS  
THIRD READING  
PASSED

May 18, 2004

117 YEAS

1 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
N Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence



STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2982  
UNIFORM LTD PARTNERSHIP ACT  
THIRD READING  
PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 3083  
TOBACCO ESCROW ENFORCEMENT  
THIRD READING  
PASSED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 SENATE BILL 3211  
 RIGHT TO BREASTFEED ACT  
 THIRD READING  
 PASSED

May 18, 2004

116 YEAS

2 NAYS

0 PRESENT

Y Acevedo	Y Delgado	N Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
N Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
SENATE BILL 2665  
WORKER ADJUST NOTIFICATION  
THIRD READING  
PASSED

May 18, 2004

81 YEAS

37 NAYS

0 PRESENT

Y Acevedo	Y Delgado	N Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	N Leitch	N Poe
N Bassi	N Dunn	N Lindner	N Pritchard
N Beaubien	N Eddy	N Lyons, Eileen	Y Reitz
N Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
N Black	Y Franks	Y May	N Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
N Bost	Y Froehlich	Y McCarthy	N Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
N Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	Y Meyer	N Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	N Millner	Y Stephens
Y Capparelli	Y Hannig	N Mitchell, Bill	N Sullivan
Y Chapa LaVia	Y Hassert	N Mitchell, Jerry	N Tenhouse
N Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
N Coulson	N Hultgren	N Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
N Cultra	Y Jefferson	N Myers	N Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
N Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	N Kosel	N Pankau	
Y Davis, William	Y Krause	N Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 378  
 PEN CD-CHGO FIRE-SALARY  
 MOTION TO CONCUR IN SENATE AMENDMENT NO.2  
 CONCURRED

May 18, 2004

113 YEAS

3 NAYS

1 PRESENT

Y Acevedo	Y Delgado	N Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	P McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
N Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	N Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	A Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 393  
INSURANCE-TECH  
MOTION TO CONCUR IN SENATE AMENDMENT NO.1  
CONCURRED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
 NINETY-THIRD  
 GENERAL ASSEMBLY  
 HOUSE ROLL CALL  
 HOUSE BILL 4005  
 DISASTER WORKER-GOV LEAVE  
 MOTION TO CONCUR IN SENATE AMENDMENT NO. 1  
 CONCURRED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
HOUSE BILL 4475  
ALZHEIMER DISEASE-PROGRAMS  
MOTION TO CONCUR IN SENATE AMENDMENTS NO.1&2  
CONCURRED

May 18, 2004

118 YEAS

0 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
Y Bailey	Y Dunkin	Y Leitch	Y Poe
Y Bassi	Y Dunn	Y Lindner	Y Pritchard
Y Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
Y Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	Y Flider	Y Mathias	Y Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	Y Franks	Y May	Y Sacia
Y Boland	Y Fritchey	Y McAuliffe	Y Saviano
Y Bost	Y Froehlich	Y McCarthy	Y Schmitz
Y Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	Y Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
Y Brauer	Y Granberg	Y Meyer	Y Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
Y Capparelli	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Chapa LaVia	Y Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Churchill	Y Hoffman	Y Moffitt	Y Turner
Y Collins	Y Holbrook	Y Molaro	Y Verschoore
Y Colvin	Y Howard	Y Morrow	Y Wait
Y Coulson	Y Hultgren	Y Mulligan	Y Washington
Y Cross	Y Jakobsson	Y Munson	Y Watson
Y Cultra	Y Jefferson	Y Myers	Y Winters
Y Currie	Y Jones	Y Nekritz	Y Yarbrough
Y Daniels	Y Joyce	Y Osmond	Y Younge
Y Davis, Monique	Y Kelly	Y Osterman	Y Mr. Speaker
Y Davis, Steve	Y Kosel	Y Pankau	
Y Davis, William	Y Krause	Y Parke	

E - Denotes Excused Absence