

**STATE OF ILLINOIS**



# **HOUSE JOURNAL**

**HOUSE OF REPRESENTATIVES**

**NINETY-THIRD GENERAL ASSEMBLY**

**216TH LEGISLATIVE DAY**

**WEDNESDAY, NOVEMBER 17, 2004**

**12:00 O'CLOCK NOON**

**HOUSE OF REPRESENTATIVES  
Daily Journal Index  
216th Legislative Day**

<b>Action</b>	<b>Page(s)</b>
Adjournment .....	83
Agreed Resolutions .....	78
Committee on Rules Referral .....	4
Introduction and First Reading – HB 7357-7359 .....	75
Messages from the Senate .....	5
Motions Submitted .....	4
Quorum Roll Call .....	4
Report from the Committee on Rules .....	4
Resolutions .....	75
Temporary Committee Assignments .....	4

<b>Bill Number</b>	<b>Legislative Action</b>	<b>Page(s)</b>
HB 0054	Committee Report – Floor Amendment/s .....	4
HB 0054	Concurrence in Senate Amendment/s .....	82
HB 0552	Senate Message – Passage w/ SA .....	6
HB 0612	Senate Message – Passage w/ SA .....	68
HB 0640	Motion Submitted .....	4
HB 0640	Senate Message – Passage w/ SA .....	48
HB 0665	Senate Message – Passage w/ SA .....	14
HB 0699	Senate Message – Passage w/ SA .....	74
HB 0734	Senate Message – Passage w/ SA .....	19
HB 0757	Senate Message – Passage w/ SA .....	63
HB 0834	Senate Message – Passage w/ SA .....	23
HB 0867	Senate Message – Passage w/ SA .....	25
HB 0911	Senate Message – Passage w/ SA .....	28
HB 0925	Motion Submitted .....	4
HB 0925	Senate Message – Passage w/ SA .....	29
HB 1007	Committee Report - Concur in SA .....	74
HB 1021	Senate Message – Passage w/ SA .....	30
HB 2749	Senate Message – Passage w/ SA .....	44
HB 3641	Senate Message – Passage w/ SA .....	33
HJR 0095	Adoption .....	82
HJR 0097	Adoption .....	82
HJR 0100	Adoption .....	82
HR 1171	Resolution .....	75
HR 1172	Resolution .....	76
HR 1227	Adoption .....	82
HR 1237	Adoption .....	83
HR 1247	Resolution .....	78
HR 1247	Adoption .....	83
HR 1248	Resolution .....	76
HR 1249	Resolution .....	78
HR 1249	Adoption .....	83
HR 1250	Resolution .....	79
HR 1250	Adoption .....	83
HR 1251	Adoption .....	82
HR 1252	Resolution .....	79
HR 1252	Adoption .....	83
HR 1253	Resolution .....	78
HR 1254	Resolution .....	80

HR 1254	Adoption .....	83
HR 1255	Resolution .....	80
HR 1255	Adoption .....	83
HR 1256	Resolution .....	81
HR 1256	Adoption .....	83
SB 0081	Committee Report.....	75
SB 0081	Posting Requirement Suspended.....	82
SB 0218	Committee Report.....	74
SB 0218	Posting Requirement Suspended.....	82
SB 1598	Committee Report.....	4
SB 2196	Total Veto .....	83
SJR 0089	Senate Message .....	45
SJR 0090	Senate Message .....	44

The House met pursuant to adjournment.

Speaker Madigan in the chair.

Prayer by Reverend William G. Owen with Northern Illinois Conference of the United Methodist Church in Round Lake Beach, 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:

117 present. (ROLL CALL 1)

By unanimous consent, Representative Hassert was excused from attendance.

### **TEMPORARY COMMITTEE ASSIGNMENTS**

Representative Schmitz will replace Representative Hassert in the Committee on Rules for today only.

### **REPORT FROM THE COMMITTEE ON RULES**

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

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

Motion to Concur with Senate Amendment No. 1 to HOUSE BILL 54.

That the bill be reported "approved for consideration" and be placed on the order of Second Reading: SENATE BILL 1598.

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), Rep. Spokesperson (Schmitz)

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:

Executive: Motion to Concur with SENATE AMENDMENT No. 2 to HOUSE BILL 1007; SENATE BILL 218.

Judiciary I - Civil Law: SENATE BILL 81.

Elections and Campaign Reform: Motion to Concur with SENATE AMENDMENT No. 1 to HOUSE BILL 640.

Elementary and Secondary Education: HOUSE BILL 7359.

### **MOTIONS SUBMITTED**

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. 1 to HOUSE BILL 925.

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

#### **MOTION**

I move to concur with Senate Amendment No. 1 to HOUSE BILL 640.

## MESSAGES FROM THE SENATE

A message from the Senate by  
 Ms. Hawker, Secretary:  
 Mr. Speaker -- I am directed to inform the House of Representatives that the Senate has concurred with the House of Representatives in the passage of a bill of the following title to-wit:  
 HOUSE BILL 552

A bill for AN ACT in relation to minors.  
 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. 552  
 Passed the Senate, as amended, November 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 552 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) "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.

(4) "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.

(5) "Minor" means any person under 17 years of age.

(6) "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.

(7) "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.

(8) "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.

(9) "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.

(e) (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."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 552 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 665

A bill for AN ACT concerning grain.

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. 665

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 1. Amend House Bill 665 by replacing everything after the enacting clause with the following:

"Section 5. The Grain Code is amended by changing Section 5-30 as follows:

(240 ILCS 40/5-30)

Sec. 5-30. Grain Insurance Fund assessments. The Illinois Grain Insurance Fund is established as a continuation of the fund created under the Illinois Grain Insurance Act, now repealed. Licensees, applicants for a new license, first sellers of grain to grain dealers at Illinois locations, and lenders to licensees shall pay assessments as set forth in this Section.

(a) Subject to subsection (e) of this Section, a licensee that is newly licensed after the effective date of this Code shall pay an assessment into the Fund for 3 consecutive years. These assessments are known as "newly licensed assessments". Except as provided in item (6) of subsection (b) of this Section, the first installment shall be paid at the time of or before the issuance of a new license, the second installment shall be paid on or before the first anniversary date of the issuance of the new license, and the third installment shall be paid on or before the second anniversary date of the issuance of the new license. For a grain dealer, the payment of each of the 3 installments shall be based upon the total estimated value of grain purchases by the grain dealer for the applicable year with the final installment amount determined as set forth in item (6) of subsection (b) of this Section. After the licensee has paid or was required to pay the last 3 installments of the newly licensed assessments, the licensee shall be subject to subsequent assessments as set forth in subsection (d) of this Section.

(b) Grain dealer newly licensed assessments.

(1) The first installment for a grain dealer shall be an amount equal to:

(A) \$0.000145 multiplied by the total value of grain purchases for the grain dealer's first fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) \$0.000255 multiplied by that portion of the value of grain purchases for the grain dealer's first fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's first fiscal year provided to the Department under Section 5-20.

(2) The minimum amount for the first installment shall be \$500 and the maximum shall be \$15,000.

(3) The second installment for a grain dealer shall be an amount equal to:

(A) \$0.0000725 multiplied by the total value of grain purchases for the grain dealer's second fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) \$0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's second fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's second fiscal year provided to the Department under Section 5-20.

(4) The third installment for a grain dealer shall be an amount equal to:

(A) \$0.0000725 multiplied by the total value of grain purchases for the grain dealer's third fiscal year as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) \$0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's third fiscal year that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's third fiscal year.

(5) The minimum amount of the second and third installments shall be \$250 per year and the maximum for each year shall be \$7,500.

(6) Each of the newly licensed assessments shall be adjusted up or down based upon the actual annual grain purchases for each year as shown in the final financial statement for that year provided to the Department under Section 5-20. The adjustments shall be determined by the Department within 30 days of the date of approval of renewal of a license. Refunds shall be paid out of the Fund within 60 days after the Department's determination. Additional amounts owed for any installment shall be paid within 30 days after notification by the Department.

(7) For the purposes of grain dealer newly licensed assessments under subsection (b) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(c) Warehouseman newly licensed assessments.

(1) The first assessment for a warehouseman shall be an amount equal to:

(A) \$0.00085 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) \$0.00099 multiplied by that portion of the permanent storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, all as shown on the final financial statement for the licensee provided to the Department under Section 5-10.

(2) The minimum amount for the first installment shall be \$500 and the maximum shall be \$15,000.

(3) The second and third installments shall be an amount equal to:

(A) \$0.000425 multiplied by the total permanent storage capacity of the warehouseman at the time of license issuance; and

(B) \$0.000495 multiplied by that portion of the permanent licensed storage capacity of the warehouseman at the time of license issuance that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

(4) The minimum amount for the second and third installments shall be \$250 per installment and the maximum for each installment shall be \$7,500.

(5) Every warehouseman shall pay an assessment when increasing available permanent storage capacity in an amount equal to \$0.001 multiplied by the total number of bushels to be added to permanent storage capacity. The minimum assessment on any increase in permanent storage capacity shall be \$50 and the maximum assessment shall be \$20,000. The assessment based upon an increase in permanent storage capacity shall be paid at or before the time of approval of the increase in permanent storage capacity. This assessment on the increased permanent storage capacity does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(6) Every warehouseman shall pay an assessment of \$0.0005 per bushel when increasing available storage capacity by use of temporary storage space. The minimum assessment on temporary storage space shall be \$100. The assessment based upon temporary storage space shall be paid at or before the time of approval of the amount of the temporary storage space. This assessment on the temporary storage space capacity does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(7) Every warehouseman shall pay an assessment of \$0.001 per bushel of emergency storage space. The minimum assessment on any emergency storage space shall be \$100. The assessment based upon emergency storage space shall be paid at or before the time of approval of the amount of the emergency storage space. This assessment on the emergency storage space does not relieve the warehouseman of any assessments as set forth in subsection (d) of this Section.

(8) The second and third installments shall be paid to the Department within 60 days after the date posted on the written notice of assessment. The Department shall immediately deposit all paid installments into the Fund.

(d) Grain dealer subsequent assessments; warehouseman subsequent assessments.

(1) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not already subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than \$6,000,000, every grain dealer who has, or was required to have, already paid the newly licensed assessments shall be assessed by the



Department in a total amount equal to:

(A) \$0.0000725 multiplied by the total value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date as shown in the final financial statement for that year provided to the Department under Section 5-20; and

(B) \$0.0001275 multiplied by that portion of the value of grain purchases for the grain dealer's last completed fiscal year prior to the assessment determination date that exceeds the adjusted equity of the licensee multiplied by 20, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for the grain dealer's subsequent assessment shall be \$250 per 12-month period and the maximum amount shall be \$7,500 per 12-month period. For the purposes of grain dealer assessments under this item (1) of subsection (d) of this Section, the total value of grain purchases shall be the total value of first time grain purchases by Illinois locations from producers.

(2) Subject to paragraph (4) of this subsection (d), if on the first working day of a calendar quarter when a licensee is not subject to an assessment under this subsection (d) (the assessment determination date), if the equity in the Fund is less than \$6,000,000, every warehouseman who has, or was required to have, already paid the newly licensed assessments shall be assessed a warehouseman subsequent assessment by the Department in a total amount equal to:

(A) \$0.000425 multiplied by the total licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the assessment determination date; and

(B) \$0.000495 multiplied by that portion of the licensed storage capacity of the warehouseman as of the first day of September that immediately precedes the assessment determination date that exceeds the adjusted equity of the licensee multiplied by 5, as shown on the final financial statement for the licensee's last completed fiscal year provided to the Department under Section 5-20.

The minimum total amount for a warehouseman subsequent assessment shall be \$250 per 12-month period and the maximum amount shall be \$7,500 per 12-month period.

(3) Subject to paragraph (4) of this subsection (d), if the equity in the Fund is below \$6,000,000 on the first working day of a calendar quarter when a licensee is not already subject to an assessment under this subsection (d) (the assessment determination date), every incidental grain dealer who has, or was required to have, already paid all 3 installments of the newly licensed assessments shall be assessed by the Department in a total amount equal to \$100. It shall be paid to the Department within 60 days after the date posted on the written notification by the Department, which shall be sent after the first day of the calendar quarter immediately following the assessment determination date.

(4) Following the payment of the final quarterly installment by grain dealers and warehousemen, the next assessment determination date can be no sooner than the first working day of the sixth full calendar month following the payment.

(5) All assessments under paragraphs (1) and (2) of this subsection (d) shall be effective as of the first day of the calendar quarter immediately following the assessment determination date and shall be paid to the Department by licensees in 4 equal installments by the twentieth day of each consecutive calendar quarter following notice by the Department of the assessment. The Department shall give written notice to all licensees of when the assessment is effective, and the rate of the assessment, by mail within 20 days after the assessment determination date.

(6) After an assessment under paragraph (1) and (2) of this subsection (d) is instituted, the amount of any unpaid installments for the assessment shall not be adjusted based upon any change in the financial statements or licensed storage capacity of a licensee.

(7) If the due date for the payment by a licensee of the third assessment under subsections (b) and (c) of this Section 5-30 is after the assessment determination date, that licensee shall not be subject to any of the 4 installments of an assessment under paragraphs (1) and (2) of this subsection (d).

(8) The Department shall immediately deposit all paid assessments into the Fund.

(e) Newly licensed; exemptions.

(1) For the purpose of assessing fees for the Fund under subsection (a) of this Section, and subject to the provisions of item (e)(2) of this Section, the Department shall consider the following to be newly licensed:

(A) A person that becomes a licensee for the first time after the effective date of this Code.

(B) A licensee who has a lapse in licensing of more than 30 days. A license shall

not be considered to be lapsed after its revocation or termination if an administrative or judicial action is pending or if an order from an administrative or judicial body continues an existing license.

(C) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is greater than 50% during the partnership's fiscal year.

(D) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is greater than 50% of the total controlling interest during the limited partnership's fiscal year.

(E) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is greater than 50% during the limited liability company's fiscal year.

(F) A grain dealer that is the result of a statutory consolidation if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(G) A grain dealer that is the result of a statutory merger if that person has adjusted equity of less than 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(H) A grain dealer that is a general partnership in which there is a change in partnership interests and that change is 50% or less during the partnership's fiscal year if the adjusted equity of the partnership after the change is less than 90% of the adjusted equity of the partnership before the change. For the purpose of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(I) A grain dealer that is a limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year if the adjusted equity of the partnership after the change is less than 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(J) A grain dealer that is a limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is less than 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(K) A grain dealer that is the result of a statutory consolidation or merger if one or more of the predecessor persons that consolidated or merged into the resulting grain dealer was not

a licensee under this Code at the time of the consolidation or merger.

(2) For the purpose of assessing fees for the Fund as set forth in subsection (a) of this Section, the Department shall consider the following as not being newly licensed and, therefore, exempt from further assessment unless an assessment is required by subsection (d) of this Section:

(A) A person resulting solely from a name change of a licensee.

(B) A warehouseman changing from a Class I warehouseman to a Class II warehouseman or from a Class II warehouseman to a Class I warehouseman under this Code.

(C) A licensee that becomes a wholly owned subsidiary of another licensee.

(D) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory consolidation if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who consolidated. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person. For the purpose of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement of each predecessor person submitted to the Department.

(E) Subject to item (e)(1)(K) of this Section, a person that is the result of a statutory merger if that person has adjusted equity greater than or equal to 90% of the combined adjusted equity of the predecessor persons who merged. For the purposes of this paragraph, the adjusted equity of the resulting person shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year of the resulting person ending after the merger. For the purposes of this paragraph, the combined adjusted equity of the predecessor persons shall be determined by combining the adjusted equity of each predecessor person as set forth in the most recent approved or certified financial statement, submitted to the Department for the last fiscal year of each predecessor person ending on the date of or before the merger.

(F) A general partnership in which there is a change in partnership interests and that change is 50% or less during the partnership's fiscal year and the adjusted equity of the partnership after the change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(G) A limited partnership in which there is a change in the controlling interest of a general partner and that change is 50% or less of the total controlling interest during the partnership's fiscal year and the adjusted equity of the partnership after the change is greater than or equal to 90% of the adjusted equity of the partnership before the change. For the purposes of this paragraph, the adjusted equity of the partnership after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the partnership before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the partnership ending on the date of or before the change.

(H) A limited liability company in which there is a change in membership interests and that change is 50% or less of the total membership interests during the limited liability company's fiscal year if the adjusted equity of the limited liability company after the change is greater than or equal to 90% of the adjusted equity of the limited liability company before the change. For the purposes of this paragraph, the adjusted equity of the limited liability company after the change shall be determined from the approved or certified financial statement submitted to the Department for the first fiscal year ending after the change. For the purposes of this paragraph, the adjusted equity of the limited liability company before the change shall be determined from the approved or certified financial statement submitted to the Department for the last fiscal year of the limited liability company ending on the date of or before the change.

(I) A licensed warehouseman that is the result of a statutory merger or consolidation to the extent the combined storage capacity of the resulting warehouseman has been assessed under this Code before the statutory merger or consolidation, except that any storage capacity of the resulting warehouseman that has not previously been assessed under this Code shall be assessed

as provided in items (c)(5), (c)(6), and (c)(7) of this Section.

(J) A federal warehouseman who participated in the Fund under Section 30-10 and who subsequently received an Illinois license to the extent the storage capacity of the warehouseman was assessed under this Code prior to Illinois licensing.

(f) Grain seller initial assessments and regular assessments. Assessments under this subsection (f) apply only to the first sale of grain to a grain dealer at an Illinois location.

(1) The grain seller initial assessment period is that period of time beginning on the effective date of this amendatory Act of the 93rd General Assembly and ending on the first assessment determination date thereafter when the equity in the fund is at least \$6,000,000.

(2) Subject to paragraph (3) of this subsection (f) (i) if during the grain seller initial assessment period the equity in the Fund is less than \$3,000,000 or (ii) if at any time after the grain seller initial assessment period the equity in the Fund is less than \$2,000,000, on the first working day of a calendar quarter when a grain seller is not already subject to an assessment under this subsection (f) (the assessment determination date), each person who settles for grain (sold to a grain dealer at an Illinois location) during the 12-month period commencing on the first day of the succeeding calendar quarter (the assessment period) shall pay an assessment equal to \$0.0004 multiplied by the net market value of grain settled for (payment received for grain sold).

(3) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(4) "Net market value" of grain means the gross sales price of that grain adjusted by application of the grain dealer's discount schedule in effect at the time of sale and after deduction of any statutory commodity check-offs. Other charges such as storage charges, drying charges, and transportation costs shall not be deducted in arriving at the net market value of grain sold to a grain dealer. The net market value of grain shall be determined from the settlement sheet or other applicable written evidence of the sale of grain to the grain dealer.

(5) All assessments under this subsection (f) shall commence on the first day of the calendar quarter immediately following the assessment determination date and shall continue for a period of 12 consecutive calendar months. The assessments shall be collected by licensees at the time of settlement during the assessment period, and shall be remitted by licensees to the Department by the twentieth day of each calendar quarter, commencing with the second calendar quarter following the assessment determination date. The Department shall give written notice to all licensees of when an assessment under this subsection (f) is to begin and end, and the appropriate level of the assessment, by mail within 20 days after the assessment determination date.

(6) Assessments under this subsection (f) apply only to grain for which settlement is made during the assessment period, without regard to the date the grain was sold to the licensee.

(7) The collection and remittance of assessments from first sellers of grain under this subsection (f) is the sole responsibility of the licensees to whom the grain is sold. Sellers of grain shall not be penalized by reason of any licensee's failure to comply with this subsection (f). Failure of a licensee to collect any assessment shall not relieve the grain seller from paying the assessment, and the grain seller shall promptly remit the uncollected assessments upon demand by the licensee, which may be accounted for in settlement of grain subsequently sold to that licensee. Licensees who do not collect assessments as required by this subsection (f), or who do not remit those assessments to the Department within the time deadlines required by this subsection (f), shall remit the amount of the assessments that should have been remitted to the Department and in addition shall be subject to a monetary penalty in an amount not to exceed \$1,000.

(8) Notwithstanding the other provisions of this subsection (f), no assessment shall be levied against grain sold by the Department as a result of a failure.

(g) Lender assessments.

(1) Subject to the provisions of this subsection (g), if on the first working day of a calendar quarter when a person is not already subject to an assessment under this subsection (g) the equity in the Fund is less than \$6,000,000, each person holding warehouse receipts issued from an Illinois location on grain owned or stored by a licensee to secure a loan to that licensee shall be assessed a quarterly lender assessment for each of 4 consecutive calendar quarters beginning with the calendar quarter next succeeding the assessment determination date.

(2) Each quarterly lender assessment shall be at the rate of \$0.00000055 per bushel per day for bushels covered by a warehouse receipt held as security for the loan during that calendar quarter times the applicable commodity price times the lender assessment multiplier, if any, determined by the

Department in accordance with paragraph (3) of this subsection (g). With respect to each calendar quarter within the assessment period, the "applicable commodity price" shall be the closing price paid by the licensee on the last working day of that calendar quarter for the base commodity for which the warehouse receipt was issued.

(3) With respect to the second assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the aggregate dollar amount of lender assessments imposed under this subsection (g) under the first assessment period beginning after June 30, 2003. With respect to the third assessment period beginning after June 30, 2003, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of aggregate dollar amounts of lender assessments imposed under this subsection (g) under the first 2 assessment periods beginning after June 30, 2003. With respect to assessment periods thereafter, the Department shall determine and apply a lender assessment multiplier equal to 250,000 divided by the average of the 3 most recent aggregate dollar amounts of lender assessments imposed under this subsection (g).

(4) The next assessment determination date can be no sooner than the first working day of the fourth full calendar month following the end of the assessment period.

(5) The Department shall give written notice by mail within 20 days after the assessment determination date to all licensees of when assessments under this subsection (g) are to begin and end, the rate of the lender assessment, and the lender assessment multiplier, if any, that shall apply.

(6) It is the responsibility of a licensee to inform each of its lenders and other persons by virtue of whose relationship with the licensee this subsection (g) will apply as to the onset of an assessment for which that person might be liable and the applicable lender assessment multiplier, if any. The notification must be in writing and, as to persons subject to assessment under this subsection (g) on the assessment determination date, must be sent no later than 20 days after the licensee receives notice of an assessment from the Department. As to persons not subject to assessment under this subsection (g) as of the assessment determination date, the notice shall be sent or given no later than the closing of any transaction subsequent to the assessment determination date involving the licensee and by virtue of which transaction the person is made subject to assessment under this subsection (g).

(7) Within 20 days after the end of each calendar quarter within the assessment period, each licensee shall send to each lender with which it has been associated during that calendar quarter and to the Department a written notice of quarterly assessment together with the information needed to determine the amount of the quarterly assessment owing with respect to loans from that lender. This information shall include the number of bushels covered by each warehouse receipt, organized by commodity, held as security for the loan owing to that lender, the number of days each of those warehouse receipts was outstanding during that calendar quarter, the applicable commodity price, the applicable lender assessment multiplier, the amount of the resulting quarterly lender assessment, and the due date of the quarterly assessment.

(8) Each quarterly assessment shall be due and paid by the lender or its designee to the Department within 20 days after the end of the calendar quarter to which the assessment pertains.

(9) Lenders shall not be penalized by reason of any licensee's failure to comply with this subsection (g). Failure of a licensee to comply with this subsection (g) shall not relieve the lender from paying the assessment, and the lender shall promptly remit the uncollected assessments by the due date as set forth in the notice from the licensee.

(10) This subsection (g) applies to any person who holds a grain warehouse receipt issued by a licensee from an Illinois location pursuant to any transaction, regardless of its form, that creates a security interest in the grain including, without limitation, the advancing of money or other value to or for the benefit of a licensee upon the licensee's issuance or negotiation of a grain warehouse receipt and pursuant to or in connection with an agreement between the licensee and a counter-party for the repurchase of the grain by the licensee or designee of the licensee. For purposes of this subsection (g), any such transaction shall be treated as one in which grain is held as security for a loan outstanding to a licensee within the meaning of this subsection (g), and such a person shall be treated as a lender.

(11) The Department shall immediately deposit all paid assessments under this subsection (g) into the Fund.

(h) Equity in the Fund shall exclude moneys owing to the State or the Reserve Fund as a result of transfers to the Fund from the General Revenue Fund or the Reserve Fund under subsection (h) of Section 25-20. Notwithstanding the foregoing, for purposes of calculating equity in the Fund during the grain seller initial assessment period and assessing grain sellers, it shall be presumed that the State is owed, prior to

repayment, only \$2,000,000 and the Reserve Fund contains a balance of \$2,000,000. Under no circumstances, however, shall there be more than 2 consecutive grain seller assessments during the initial assessment period, unless there is a failure that reduces the equity in the Fund to below \$3,000,000.

(i) Notwithstanding the provisions of subsections (d)(4), (f)(3), and (g)(4) of this Section or any other law to the contrary, until the equity in the Fund reaches a level of \$6,000,000 for the first time, assessment periods shall continue without interruption, subject to the termination of assessments on grain sellers provided in subsections (f)(2) and (h) of this Section.

(Source: P.A. 93-225, eff. 7-21-03.)

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 665 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 734

A bill for AN ACT in relation to 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. 734

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 734 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 11-501 as follows:

(625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

Sec. 11-501. Driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof.

(a) A person shall not drive or be in actual physical control of any vehicle within this State while:

(1) the alcohol concentration in the person's blood or breath is 0.08 or more based on the definition of blood and breath units in Section 11-501.2;

(2) under the influence of alcohol;

(3) under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of driving safely;

(4) under the influence of any other drug or combination of drugs to a degree that renders the person incapable of safely driving;

(5) under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving; or

(6) there is any amount of a drug, substance, or compound in the person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, a controlled substance listed in the Illinois Controlled Substances Act, or an intoxicating compound listed in the Use of Intoxicating Compounds Act.

(b) The fact that any person charged with violating this Section is or has been legally entitled to use alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, shall not constitute a defense against any charge of violating this Section.

(b-1) With regard to penalties imposed under this Section:

(1) Any reference to a prior violation of subsection (a) or a similar provision includes any violation of a provision of a local ordinance or a provision of a law of another state that is similar to a violation of subsection (a) of this Section.

(2) Any penalty imposed for driving with a license that has been revoked for a previous violation of subsection (a) of this Section shall be in addition to the penalty imposed for any subsequent violation of subsection (a).

(b-2) Except as otherwise provided in this Section, any person convicted of violating subsection (a) of this Section is guilty of a Class A misdemeanor.

(b-3) In addition to any other criminal or administrative sanction for any second conviction of violating subsection (a) or a similar provision committed within 5 years of a previous violation of subsection (a) or a similar provision, the defendant shall be sentenced to a mandatory minimum of 5 days of imprisonment or assigned a mandatory minimum of 240 hours of community service as may be determined by the court.

(b-4) In the case of a third or subsequent violation committed within 5 years of a previous violation of subsection (a) or a similar provision, in addition to any other criminal or administrative sanction, a mandatory minimum term of either 10 days of imprisonment or 480 hours of community service shall be imposed.

(b-5) The imprisonment or assignment of community service under subsections (b-3) and (b-4) shall not be subject to suspension, nor shall the person be eligible for a reduced sentence.

(c) (Blank).

(c-1) (1) A person who violates subsection (a) during a period in which his or her driving privileges are revoked or suspended, where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961 is guilty of a Class 4 felony.

(2) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony. ~~(2.1) A person who violates subsection (a) a third time, if the third violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, subsection (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 3 felony;~~ and if the person receives a term of probation or conditional discharge, he or she shall be required to serve a mandatory minimum of 10 days of imprisonment or shall be assigned a mandatory minimum of 480 hours of community service, as may be determined by the court, as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(2.2) A person who violates subsection (a), if the violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a) or Section 11-501.1, shall also be sentenced to an additional mandatory minimum term of 30 consecutive days of imprisonment, 40 days of 24-hour periodic imprisonment, or 720 hours of community service, as may be determined by the court. This mandatory term of imprisonment or assignment of community service shall not be suspended or reduced by the court.

(3) A person who violates subsection (a) a fourth or subsequent time, if the fourth or subsequent violation occurs during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of subsection (a), Section 11-501.1, paragraph (b) of Section 11-401, or for reckless homicide as defined in Section 9-3 of the Criminal Code of 1961, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge.

(c-2) (Blank).

(c-3) (Blank).

(c-4) (Blank).

(c-5)(1) A person who violates subsection (a), if the person was transporting a person under the age of 16 at the time of the violation, is subject to an additional mandatory minimum fine of \$1,000, an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children, and an additional 2 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(1) ~~subsection (c-5)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

(2) ~~(e-6)~~ Except as provided in subdivisions (c-5)(3) and (c-5)(4) ~~subsections (e-7) and (e-8)~~ a person who violates subsection (a) a second time, if at the time of the second violation the person was transporting a person under the age of 16, is subject to an

additional 10 days of imprisonment, an additional mandatory minimum fine of \$1,000, and an additional mandatory minimum 140 hours of community service, which shall include 40 hours of community service in a program benefiting children. The imprisonment or assignment of community service under this subdivision (c-5)(2) ~~subsection (e-6)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

~~(3) (e-7)~~ Except as provided in subdivision (c-5)(4) ~~subsection (e-8)~~, any person convicted of violating subdivision (c-5)(2) ~~subsection (e-6)~~ or a similar provision

within 10 years of a previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, a mandatory minimum 12 days imprisonment, an additional 40 hours of mandatory community service in a program benefiting children, and a mandatory minimum fine of \$1,750. The imprisonment or assignment of community service under this subdivision (c-5)(3) ~~subsection (e-7)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

~~(4) (e-8)~~ Any person convicted of violating subdivision (c-5)(2) ~~subsection (e-6)~~ or a similar provision within 5 years of a

previous violation of subsection (a) or a similar provision shall receive, in addition to any other penalty imposed, an additional 80 hours of mandatory community service in a program benefiting children, an additional mandatory minimum 12 days of imprisonment, and a mandatory minimum fine of \$1,750. The imprisonment or assignment of community service under this subdivision (c-5)(4) ~~subsection (e-8)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

~~(5) (e-9)~~ Any person convicted a third time for violating subsection (a) or a similar provision, if at the time of the third violation the person was transporting a person under the age of 16, is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory fine of \$1,000, an additional mandatory 140 hours of community service, which shall include 40 hours in a program benefiting children, and a mandatory minimum 30 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(5) ~~subsection (e-9)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

~~(6) (e-10)~~ Any person convicted of violating subdivision (c-5)(5) ~~subsection (e-9)~~ or a similar provision a third time within 20

years of a previous violation of subsection (a) or a similar provision is guilty of a Class 4 felony and shall receive, in addition to any other penalty imposed, an additional mandatory 40 hours of community service in a program benefiting children, an additional mandatory fine of ~~\$3,000~~ \$3000, and a mandatory minimum 120 days of imprisonment. The imprisonment or assignment of community service under this subdivision (c-5)(6) ~~subsection (e-10)~~ is not subject to suspension, nor is the person eligible for a reduced sentence.

~~(7) (e-11)~~ Any person convicted a fourth or subsequent time for violating subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the person was transporting a person under the age of 16, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and is subject to a minimum fine of \$3,000.

~~(c-6)(1) (e-12)~~ Any person convicted of a first violation of subsection (a) or a similar provision, if the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 100 hours of community service and a mandatory minimum fine of \$500.

~~(2) (e-13)~~ Any person convicted of a second violation of subsection (a) or a similar provision committed within 10 years of a previous violation of subsection (a) or a similar provision ~~committed within 10 years of a previous violation of subsection (a) or a similar provision~~, if at the time of the second violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 2 days of imprisonment and a mandatory minimum fine of \$1,250.

~~(3) (e-14)~~ Any person convicted of a third violation of subsection (a) or a similar provision within 20 years of a previous violation of subsection (a) or a similar provision, if at the time of the third violation of subsection (a) or a similar provision the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is



guilty of a Class 4 felony and shall be subject, in addition to any other penalty that may be imposed, to a mandatory minimum of 90 days of imprisonment and a mandatory minimum fine of \$2,500.

~~(4) (e-15)~~ Any person convicted of a fourth or subsequent violation of subsection (a) or a similar provision, if at the time of the fourth or subsequent violation the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, and if the person's 3 prior violations of subsection (a) or a similar provision occurred while transporting a person under the age of 16 or while the alcohol concentration in his or her blood, breath, or urine was 0.16 or more based on the definition of blood, breath, or urine units in Section 11-501.2, is guilty of a Class 2 felony and is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of \$2,500.

(d) (1) Every person convicted of committing a violation of this Section shall be guilty of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof if:

(A) the person committed a violation of subsection (a) or a similar provision for the third or subsequent time;

(B) the person committed a violation of subsection (a) while driving a school bus with persons 18 years of age or younger on board;

(C) the person in committing a violation of subsection (a) was involved in a motor vehicle accident that resulted in great bodily harm or permanent disability or disfigurement to another, when the violation was a proximate cause of the injuries;

(D) the person committed a violation of subsection (a) for a second time and has been previously convicted of violating Section 9-3 of the Criminal Code of 1961 or a similar provision of a law of another state relating to reckless homicide in which the person was determined to have been under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds as an element of the offense or the person has previously been convicted under subparagraph (C) or subparagraph (F) of this paragraph (1);

(E) the person, in committing a violation of subsection (a) while driving at any speed in a school speed zone at a time when a speed limit of 20 miles per hour was in effect under subsection (a) of Section 11-605 of this Code, was involved in a motor vehicle accident that resulted in bodily harm, other than great bodily harm or permanent disability or disfigurement, to another person, when the violation of subsection (a) was a proximate cause of the bodily harm; or

(F) the person, in committing a violation of subsection (a), was involved in a motor vehicle, snowmobile, all-terrain vehicle, or watercraft accident that resulted in the death of another person, when the violation of subsection (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), a person convicted of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is guilty of a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of imprisonment of not less than 3 years and not more than 14 years if the violation resulted in the death of one person; or (B) a term of imprisonment of not less than 6 years and not more than 28 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction. Any person sentenced under this subsection (d) who receives a term of probation or conditional discharge must serve a minimum term of either 480 hours of community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service may not be suspended or reduced by the court.

(e) After a finding of guilt and prior to any final sentencing, or an order for supervision, for an offense based upon an arrest for a violation of this Section or a similar provision of a local ordinance, individuals shall be required to undergo a professional evaluation to determine if an alcohol, drug, or intoxicating compound abuse problem exists and the extent of the problem, and undergo the imposition of treatment as appropriate. Programs conducting these evaluations shall be licensed by the Department of Human Services. The cost of any professional evaluation shall be paid for by the individual required to undergo the professional evaluation.

(e-1) Any person who is found guilty of or pleads guilty to violating this Section, including any person receiving a disposition of court supervision for violating this Section, may be required by the Court to attend a victim impact panel offered by, or under contract with, a County State's Attorney's office, a probation and court services department, Mothers Against Drunk Driving, or the Alliance Against Intoxicated Motorists. All costs generated by the victim impact panel shall be paid from fees collected from the offender or as may be determined by the court.

(f) Every person found guilty of violating this Section, whose operation of a motor vehicle while in violation of this Section proximately caused any incident resulting in an appropriate emergency response, shall be liable for the expense of an emergency response as provided under Section 5-5-3 of the Unified Code of Corrections.

(g) The Secretary of State shall revoke the driving privileges of any person convicted under this Section or a similar provision of a local ordinance.

(h) (Blank).

(i) The Secretary of State shall require the use of ignition interlock devices on all vehicles owned by an individual who has been convicted of a second or subsequent offense of this Section or a similar provision of a local ordinance. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system.

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating subsection (a), including any person placed on court supervision for violating subsection (a), shall be fined \$500, payable to the circuit clerk, who shall distribute the money as follows: 20% to the law enforcement agency that made the arrest and 80% shall be forwarded to the State Treasurer for deposit into the General Revenue Fund. If the person has been previously convicted of violating subsection (a) or a similar provision of a local ordinance, the fine shall be \$1,000. In the event that more than one agency is responsible for the arrest, the amount payable to law enforcement agencies shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State.

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

(m) In addition to any other fine or penalty required by law, an individual convicted of a violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision, whose operation of a motor vehicle, snowmobile, or watercraft while in violation of subsection (a), Section 5-7 of the Snowmobile Registration and Safety Act, Section 5-16 of the Boat Registration and Safety Act, or a similar provision proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. The restitution may not exceed \$1,000 per public agency for each emergency response. As used in this subsection (m), "emergency response" means any incident requiring a response by a police officer, a firefighter carried on the rolls of a regularly constituted fire department, or an ambulance.

(Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff. 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800, eff. 1-1-05; 93-840, eff. 7-30-04; revised 10-21-04.)

Section 99. Effective date. This Act takes effect January 1, 2005."

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 734 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 834

A bill for AN ACT in relation to municipal government.

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. 4 to HOUSE BILL NO. 834

Senate Amendment No. 5 to HOUSE BILL NO. 834

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 4. Amend House Bill 834 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 7-1-1 as follows:

(65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a strip parcel or railroad or public utility right-of-way, but upon annexation the area included within that strip parcel or right-of-way shall not be considered to be annexed to the municipality. For purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 500,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district or open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, may be annexed to the municipality pursuant to Sections 7-1-7 or 7-1-8, but only if the annexing municipality can show that the forest preserve district, open land, or open space creates an artificial barrier preventing the annexation and that the location of the forest preserve district, open land, or open space property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, open land, or open space), (ii) forest preserve district property, open land, or open space, or (iii) a combination of other municipalities and forest preserve district property, open land, or open space. It shall also be conclusively presumed that the forest preserve district, open land, or open space does not create an artificial barrier if the municipality seeking annexation is not the closest municipality to the property to be annexed. The territory included within such forest preserve district, open land, or open space shall not be annexed to the municipality nor shall the territory of the forest preserve district, open land, or open space be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, open land, or open space without the consent of the governing body of the forest preserve district. The changes made to this Section by this amendatory Act of 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property

owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways and the Board of Town Trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways and the Board of Town Trustees of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 90-14, eff. 7-1-97; 91-824, eff. 6-13-00.)".

AMENDMENT NO. 5. Amend House Bill 834, AS AMENDED, as follows:  
in Section 5, in the introductory clause, by changing "Section 7-1-1" to "Sections 7-1-1 and 11-74.4-4";  
and

in Section 5, immediately below the end of Sec. 7-1-1, by inserting the following:

"(65 ILCS 5/11-74.4-4) (from Ch. 24, par. 11-74.4-4)

Sec. 11-74.4-4. Municipal powers and duties; redevelopment project areas. A municipality may:

(a) The changes made by this amendatory Act of the 91st General Assembly do not apply to a municipality that, (i) before the effective date of this amendatory Act of the 91st General Assembly, has adopted an ordinance or resolution fixing a time and place for a public hearing under Section 11-74.4-5 or (ii) before July 1, 1999, has adopted an ordinance or resolution providing for a feasibility study under Section 11-74.4-4.1, but has not yet adopted an ordinance approving redevelopment plans and

redevelopment projects or designating redevelopment project areas under this Section, until after that municipality adopts an ordinance approving redevelopment plans and redevelopment projects or designating redevelopment project areas under this Section; thereafter the changes made by this amendatory Act of the 91st General Assembly apply to the same extent that they apply to redevelopment plans and redevelopment projects that were approved and redevelopment projects that were designated before the effective date of this amendatory Act of the 91st General Assembly.

By ordinance introduced in the governing body of the municipality within 14 to 90 days from the completion of the hearing specified in Section 11-74.4-5 approve redevelopment plans and redevelopment projects, and designate redevelopment project areas pursuant to notice and hearing required by this Act. No redevelopment project area shall be designated unless a plan and project are approved prior to the designation of such area and such area shall include only those contiguous parcels of real property and improvements thereon substantially benefited by the proposed redevelopment project improvements. Upon adoption of the ordinances, the municipality shall forthwith transmit to the county clerk of the county or counties within which the redevelopment project area is located a certified copy of the ordinances, a legal description of the redevelopment project area, a map of the redevelopment project area, identification of the year that the county clerk shall use for determining the total initial equalized assessed value of the redevelopment project area consistent with subsection (a) of Section 11-74.4-9, and a list of the parcel or tax identification number of each parcel of property included in the redevelopment project area.

(b) Make and enter into all contracts with property owners, developers, tenants, overlapping taxing bodies, and others necessary or incidental to the implementation and furtherance of its redevelopment plan and project. Contract provisions concerning loan repayment obligations in contracts entered into on or after the effective date of this amendatory Act of the 93rd General Assembly shall terminate no later than the last to occur of the estimated dates of completion of the redevelopment project and retirement of the obligations issued to finance redevelopment project costs as required by item (3) of subsection (n) of Section 11-74.4-3. Payments received under contracts entered into by the municipality prior to the effective date of this amendatory Act of the 93rd General Assembly that are received after the redevelopment project area has been terminated by municipal ordinance shall be deposited into a special fund of the municipality to be used for other community redevelopment needs within the redevelopment project area.

(c) Within a redevelopment project area, acquire by purchase, donation, lease or eminent domain; own, convey, lease, mortgage or dispose of land and other property, real or personal, or rights or interests therein, and grant or acquire licenses, easements and options with respect thereto, all in the manner and at such price the municipality determines is reasonably necessary to achieve the objectives of the redevelopment plan and project. No conveyance, lease, mortgage, disposition of land or other property owned by a municipality, or agreement relating to the development of such municipal property shall be made except upon the adoption of an ordinance by the corporate authorities of the municipality. Furthermore, no conveyance, lease, mortgage, or other disposition of land owned by a municipality or agreement relating to the development of such municipal property shall be made without making public disclosure of the terms of the disposition and all bids and proposals made in response to the municipality's request. The procedures for obtaining such bids and proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids.

(d) Within a redevelopment project area, clear any area by demolition or removal of any existing buildings and structures.

(e) Within a redevelopment project area, renovate or rehabilitate or construct any structure or building, as permitted under this Act.

(f) Install, repair, construct, reconstruct or relocate streets, utilities and site improvements essential to the preparation of the redevelopment area for use in accordance with a redevelopment plan.

(g) Within a redevelopment project area, fix, charge and collect fees, rents and charges for the use of any building or property owned or leased by it or any part thereof, or facility therein.

(h) Accept grants, guarantees and donations of property, labor, or other things of value from a public or private source for use within a project redevelopment area.

(i) Acquire and construct public facilities within a redevelopment project area, as permitted under this Act.

(j) Incur project redevelopment costs and reimburse developers who incur redevelopment project costs authorized by a redevelopment agreement; provided, however, that on and after the effective date of this amendatory Act of the 91st General Assembly, no municipality shall incur redevelopment project costs (except for planning costs and any other eligible costs authorized by municipal ordinance or resolution that are subsequently included in the redevelopment plan for the area and are incurred by the municipality after

the ordinance or resolution is adopted) that are not consistent with the program for accomplishing the objectives of the redevelopment plan as included in that plan and approved by the municipality until the municipality has amended the redevelopment plan as provided elsewhere in this Act.

(k) Create a commission of not less than 5 or more than 15 persons to be appointed by the mayor or president of the municipality with the consent of the majority of the governing board of the municipality. Members of a commission appointed after the effective date of this amendatory Act of 1987 shall be appointed for initial terms of 1, 2, 3, 4 and 5 years, respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The commission, subject to approval of the corporate authorities may exercise the powers enumerated in this Section. The commission shall also have the power to hold the public hearings required by this division and make recommendations to the corporate authorities concerning the adoption of redevelopment plans, redevelopment projects and designation of redevelopment project areas.

(l) Make payment in lieu of taxes or a portion thereof to taxing districts. If payments in lieu of taxes or a portion thereof are made to taxing districts, those payments shall be made to all districts within a project redevelopment area on a basis which is proportional to the current collections of revenue which each taxing district receives from real property in the redevelopment project area.

(m) Exercise any and all other powers necessary to effectuate the purposes of this Act.

(n) If any member of the corporate authority, a member of a commission established pursuant to Section 11-74.4-4(k) of this Act, or an employee or consultant of the municipality involved in the planning and preparation of a redevelopment plan, or project for a redevelopment project area or proposed redevelopment project area, as defined in Sections 11-74.4-3(i) through (k) of this Act, owns or controls an interest, direct or indirect, in any property included in any redevelopment area, or proposed redevelopment area, he or she shall disclose the same in writing to the clerk of the municipality, and shall also so disclose the dates and terms and conditions of any disposition of any such interest, which disclosures shall be acknowledged by the corporate authorities and entered upon the minute books of the corporate authorities. If an individual holds such an interest then that individual shall refrain from any further official involvement in regard to such redevelopment plan, project or area, from voting on any matter pertaining to such redevelopment plan, project or area, or communicating with other members concerning corporate authorities, commission or employees concerning any matter pertaining to said redevelopment plan, project or area. Furthermore, no such member or employee shall acquire of any interest direct, or indirect, in any property in a redevelopment area or proposed redevelopment area after either (a) such individual obtains knowledge of such plan, project or area or (b) first public notice of such plan, project or area pursuant to Section 11-74.4-6 of this Division, whichever occurs first. For the purposes of this subsection, a property interest acquired in a single parcel of property by a member of the corporate authority, which property is used exclusively as the member's primary residence, shall not be deemed to constitute an interest in any property included in a redevelopment area or proposed redevelopment area that was established before December 31, 1989, but the member must disclose the acquisition to the municipal clerk under the provisions of this subsection. For the purposes of this subsection, a month-to-month leasehold interest in a single parcel of property by a member of the corporate authority shall not be deemed to constitute an interest in any property included in any redevelopment area or proposed redevelopment area, but the member must disclose the interest to the municipal clerk under the provisions of this subsection.

(o) Create a Tax Increment Economic Development Advisory Committee to be appointed by the Mayor or President of the municipality with the consent of the majority of the governing board of the municipality, the members of which Committee shall be appointed for initial terms of 1, 2, 3, 4 and 5 years respectively, in such numbers as to provide that the terms of not more than 1/3 of all such members shall expire in any one year. Their successors shall be appointed for a term of 5 years. The Committee shall have none of the powers enumerated in this Section. The Committee shall serve in an advisory capacity only. The Committee may advise the governing Board of the municipality and other municipal officials regarding development issues and opportunities within the redevelopment project area or the area within the State Sales Tax Boundary. The Committee may also promote and publicize development opportunities in the redevelopment project area or the area within the State Sales Tax Boundary.

(p) Municipalities may jointly undertake and perform redevelopment plans and projects and utilize the provisions of the Act wherever they have contiguous redevelopment project areas or they determine to adopt tax increment financing with respect to a redevelopment project area which includes contiguous real property within the boundaries of the municipalities, and in doing so, they may, by agreement between municipalities, issue obligations, separately or jointly, and expend revenues received under the Act for

eligible expenses anywhere within contiguous redevelopment project areas or as otherwise permitted in the Act.

(q) Utilize revenues, other than State sales tax increment revenues, received under this Act from one redevelopment project area for eligible costs in another redevelopment project area that is:

(i) either contiguous to the redevelopment project area from which the revenues are received;

(ii) ~~or is~~ separated only by a public right of way from the redevelopment project area from which the revenues are received; or

(iii) separated only by forest preserve property from the redevelopment project area from which the revenues are received if the closest boundaries of the redevelopment project areas that are separated by the forest preserve property are less than one mile apart.

Utilize tax increment revenues for eligible costs that are received from a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or is separated only by a public right of way from, the redevelopment project area created under this Act which initially receives these revenues. Utilize revenues, other than State sales tax increment revenues, by transferring or loaning such revenues to a redevelopment project area created under the Industrial Jobs Recovery Law that is either contiguous to, or separated only by a public right of way from the redevelopment project area that initially produced and received those revenues; and, if the redevelopment project area (i) was established before the effective date of this amendatory Act of the 91st General Assembly and (ii) is located within a municipality with a population of more than 100,000, utilize revenues or proceeds of obligations authorized by Section 11-74.4-7 of this Act, other than use or occupation tax revenues, to pay for any redevelopment project costs as defined by subsection (q) of Section 11-74.4-3 to the extent that the redevelopment project costs involve public property that is either contiguous to, or separated only by a public right of way from, a redevelopment project area whether or not redevelopment project costs or the source of payment for the costs are specifically set forth in the redevelopment plan for the redevelopment project area.

(r) If no redevelopment project has been initiated in a redevelopment project area within 7 years after the area was designated by ordinance under subsection (a), the municipality shall adopt an ordinance repealing the area's designation as a redevelopment project area; provided, however, that if an area received its designation more than 3 years before the effective date of this amendatory Act of 1994 and no redevelopment project has been initiated within 4 years after the effective date of this amendatory Act of 1994, the municipality shall adopt an ordinance repealing its designation as a redevelopment project area. Initiation of a redevelopment project shall be evidenced by either a signed redevelopment agreement or expenditures on eligible redevelopment project costs associated with a redevelopment project. (Source: P.A. 92-16, eff. 6-28-01; 93-298, eff. 7-23-03; 93-961, eff. 1-1-05)."

The foregoing message from the Senate reporting Senate Amendments numbered 4 and 5 to HOUSE BILL 834 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 867

A bill for AN ACT in relation to 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. 2 to HOUSE BILL NO. 867

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   2  . Amend House Bill 867 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 31-5, 31-10, and 31-20 as follows:

(35 ILCS 200/31-5)

(Text of Section after amendment by P.A. 93-657)

Sec. 31-5. Definitions.

"Recordation" includes the issuance of certificates of title by Registrars of Title under the Registered Titles (Torrens) Act pursuant to the filing of deeds or trust documents for that purpose, as well as the recording of deeds or trust documents by recorders.

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of any court.

"Value" means the amount of the full actual consideration for the real property or the beneficial interest in real property located in Illinois, including the amount of any lien on the real property assumed by the transferee buyer.

"Trust document" means a document required to be recorded under the Land Trust Recordation and Transfer Tax Act and, beginning June 1, 2005, also means any document relating to the transfer of a taxable beneficial interest under this Article.

"Beneficial interest" includes, but is not limited to:

- (1) the beneficial interest in an Illinois land trust;
- (2) the lessee interest in a ground lease (including any interest of the lessee in the related improvements) that provides for a term of 30 or more years when all options to renew or extend are included, whether or not any portion of the term has expired; or
- (3) the indirect interest in real property as reflected by a controlling interest in a real estate entity.

"Controlling interest" means more than 50% of the fair market value of all ownership interests or beneficial interests in a real estate entity.

"Real estate entity" means any person including, but not limited to, any partnership, corporation, limited liability company, trust, other entity, or multi-tiered entity, that exists or acts substantially for the purpose of holding directly or indirectly title to or beneficial interest in real property. There is a rebuttable presumption that an entity is a real estate entity if it owns, directly or indirectly, real property having a fair market value greater than 75% of the total fair market value of all of the entity's assets, determined without deduction for any mortgage, lien, or encumbrance.

(Source: P.A. 92-651, eff. 7-11-02; 93-657, eff. 6-1-04.)

(35 ILCS 200/31-10)

(Text of Section after amendment by P.A. 93-657)

Sec. 31-10. Imposition of tax. A tax is imposed on the privilege of transferring title to real estate located in Illinois, on the privilege of transferring a beneficial interest in real property located in Illinois, and on the privilege of transferring a controlling interest in a real estate entity owning property located in Illinois, at the rate of 50¢ for each \$500 of value or fraction of \$500 stated in the declaration required by Section 31-25. If, however, the transferring document states that the real estate, beneficial interest, or controlling interest is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax. The tax is due if the transfer is made by one or more related transactions or involves one or more persons or entities and whether or not a document is recorded.

(Source: P.A. 93-657, eff. 6-1-04.)

(35 ILCS 200/31-20)

(Text of Section after amendment by P.A. 93-657)

Sec. 31-20. Affixing of stamps. Payment of the tax shall be evidenced by revenue stamps in the amount required to show full payment of the tax imposed by Section 31-10. Except as provided in Section 31-45, a deed, document transferring a controlling interest in real property, or trust document shall not be accepted for filing by any recorder or registrar of titles unless revenue stamps in the required amount have been purchased from the recorder or registrar of titles of the county where the deed, document transferring a controlling interest in real property, or trust document is being filed for recordation. The revenue stamps shall be affixed to the deed, document transferring a controlling interest in real property, or trust document by the recorder or the registrar of titles either before or after recording as requested by the grantee. The Department may prescribe a form to which stamps must be affixed that a transferee must file for recordation at the time a declaration is presented if a transferring document is not presented for recordation within 3 business days after the transfer is effected. A person using or affixing a revenue stamp shall cancel



it and so deface it as to render it unfit for reuse by marking it with his or her initials and the day, month and year when the affixing occurs. The marking shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness.

(Source: P.A. 93-657, eff. 6-1-04.)

Section 10. The Stock, Commodity, or Options Transaction Tax Exemption Act is amended by changing Section 3 as follows:

(35 ILCS 820/3)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 3. Construction of Act. Nothing in this Act shall be construed as prohibiting or otherwise invalidating any real estate transfer tax or fee authorized or permitted by Section 31-10 of the Property Tax Code, Sections 5-1031 and Section 5-1031.1 of the Counties Code, or Section 8-3-19 of the Illinois Municipal Code. This Section is intended as a clarification and not as a change to existing law.

(Source: P.A. 93-657, eff. 6-1-04.)

Section 15. The Counties Code is amended by changing Section 5-1031 as follows:

(55 ILCS 5/5-1031) (from Ch. 34, par. 5-1031)

Sec. 5-1031. County real estate transfer tax.

(a) The county board of a county may impose a tax upon the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and upon the privilege of transferring a beneficial interest in a land trust holding legal title to real estate located in such county as represented by the trust document that is filed for recordation, at the rate of 25 cents for each \$500 of value or fraction thereof stated in the declaration required by Section 31-25 of the Property Tax Code. If, however, the real estate is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

A tax imposed pursuant to this Section shall be collected by the recorder or registrar of titles of the county prior to recording the deed or trust document or registering the title subject to the tax. All deeds or trust documents exempted in Section 31-45 of the Property Tax Code shall also be exempt from any tax imposed pursuant to this Section. A tax imposed pursuant to this Section shall be in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

(b) The county board may impose a tax at the same rate on the transfer of a beneficial interest, as defined in Section 31-5 of the Property Tax Code. If, however, the transferring document states that the real estate or beneficial interest is transferred subject to a mortgage, then the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax.

The tax must be paid at the time of recordation or, if a document is not recorded, at the time of presentation of the transfer declaration to the recorder, as provided in Section 31-25 of the Property Tax Code. All deeds or documents relating to the transfer of a beneficial interest exempted in Sections 31-45 or 31-46 of the Property Tax Code are also exempt from any tax imposed under this Section. A tax imposed under this Section is in addition to all other occupation and privilege taxes imposed by the State of Illinois or any municipal corporation or political subdivision thereof.

(c) Beginning June 1, 2005, a tax imposed under this Section is due if the transfer is made by one or more related transactions or involves one or more persons or entities, regardless of whether a document is recorded.

(Source: P.A. 89-626, eff. 8-9-96.)

Section 99. Effective date. This Act takes effect June 1, 2005."

The foregoing message from the Senate reporting Senate Amendment No. 2 to HOUSE BILL 867 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 911

A bill for AN ACT concerning environmental safety.  
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. 7 to HOUSE BILL NO. 911  
Senate Amendment No. 8 to HOUSE BILL NO. 911  
Passed the Senate, as amended, November 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 7. Amend House Bill 911 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by changing Section 3.330 as follows:

(415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

Sec. 3.330. Pollution control facility.

(a) "Pollution control facility" is any waste storage site, sanitary landfill, waste disposal site, waste transfer station, waste treatment facility, or waste incinerator. This includes sewers, sewage treatment plants, and any other facilities owned or operated by sanitary districts organized under the Metropolitan Water Reclamation District Act.

The following are not pollution control facilities:

- (1) (Blank);
- (2) waste storage sites regulated under 40 CFR, Part 761.42;
- (3) sites or facilities used by any person conducting a waste storage, waste treatment, waste disposal, waste transfer or waste incineration operation, or a combination thereof, for wastes generated by such person's own activities, when such wastes are stored, treated, disposed of, transferred or incinerated within the site or facility owned, controlled or operated by such person, or when such wastes are transported within or between sites or facilities owned, controlled or operated by such person;
- (4) sites or facilities at which the State is performing removal or remedial action pursuant to Section 22.2 or 55.3;
- (5) abandoned quarries used solely for the disposal of concrete, earth materials, gravel, or aggregate debris resulting from road construction activities conducted by a unit of government or construction activities due to the construction and installation of underground pipes, lines, conduit or wires off of the premises of a public utility company which are conducted by a public utility;
- (6) sites or facilities used by any person to specifically conduct a landscape composting operation;
- (7) regional facilities as defined in the Central Midwest Interstate Low-Level Radioactive Waste Compact;
- (8) the portion of a site or facility where coal combustion wastes are stored or disposed of in accordance with subdivision (r)(2) or (r)(3) of Section 21;
- (9) the portion of a site or facility used for the collection, storage or processing of waste tires as defined in Title XIV;
- (10) the portion of a site or facility used for treatment of petroleum contaminated materials by application onto or incorporation into the soil surface and any portion of that site or facility used for storage of petroleum contaminated materials before treatment. Only those categories of petroleum listed in Section 57.9(a)(3) are exempt under this subdivision (10);
- (11) the portion of a site or facility where used oil is collected or stored prior to shipment to a recycling or energy recovery facility, provided that the used oil is generated by households or commercial establishments, and the site or facility is a recycling center or a business where oil or gasoline is sold at retail;
- (12) the portion of a site or facility utilizing coal combustion waste for stabilization and treatment of only waste generated on that site or facility when used in connection with response actions pursuant to the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, the federal Resource Conservation and Recovery Act of 1976, or the Illinois Environmental Protection Act or as authorized by the Agency;
- (13) the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act; and
- (14) the portion of a site or facility, located within a unit of local government that

has enacted local zoning requirements, used to accept, separate, and process uncontaminated broken concrete, with or without protruding metal bars, provided that the uncontaminated broken concrete and metal bars are not speculatively accumulated, are at the site or facility no longer than one year after their acceptance, and are returned to the economic mainstream in the form of raw materials or products; -

(15) the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before January 1, 2004 and that is used for a non-hazardous waste transfer station.

(b) A new pollution control facility is:

- (1) a pollution control facility initially permitted for development or construction after July 1, 1981; or
- (2) the area of expansion beyond the boundary of a currently permitted pollution control facility; or
- (3) a permitted pollution control facility requesting approval to store, dispose of, transfer or incinerate, for the first time, any special or hazardous waste.

(Source: P.A. 92-574, eff. 6-26-02; 93-998, eff. 8-23-04.)

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

AMENDMENT NO. 8. Amend House Bill 911, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 7, as follows:

on page 1, line 5, by changing "Section 3.330" to "Sections 3.330 and 21.1"; and

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

"(415 ILCS 5/21.1) (from Ch. 111 1/2, par. 1021.1)

Sec. 21.1. (a) Except as provided in subsection (a.5), no person other than the State of Illinois, its agencies and institutions, or a unit of local government shall conduct any waste disposal operation on or after March 1, 1985, which requires a permit under subsection (d) of Section 21 of this Act, unless such person has posted with the Agency a performance bond or other security for the purpose of insuring closure of the site and post-closure care in accordance with this Act and regulations adopted thereunder.

(a.5) On and after the effective date established by the United States Environmental Protection Agency for MSWLF units to provide financial assurance under Subtitle D of the Resource Conservation and Recovery Act, no person, other than the State of Illinois, its agencies and institutions, shall conduct any disposal operation at a MSWLF unit that requires a permit under subsection (d) of Section 21 of this Act, unless that person has posted with the Agency a performance bond or other security for the purposes of:

- (1) insuring closure of the site and post-closure care in accordance with this Act and its rules; and
- (2) insuring completion of a corrective action remedy when required by Board rules adopted under Section 22.40 of this Act or when required by Section 22.41 of this Act.

The performance bond or other security requirement set forth in this Section may be fulfilled by closure or post-closure insurance, or both, issued by an insurer licensed to transact the business of insurance by the Department of Insurance or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states.

(b) On or before January 1, 1985, the Board shall adopt regulations to promote the purposes of this Section. Without limiting the generality of this authority, such regulations may, among other things, prescribe the type and amount of the performance bonds or other securities required under subsections (a) and (a.5) of this Section, and the conditions under which the State is entitled to collect monies from such performance bonds or other securities. The bond amount shall be directly related to the design and volume of the site. The cost estimate for the post-closure care of a MSWLF unit shall be calculated using a 30 year post-closure care period or such other period as may be approved by the Agency under Board or federal rules. On and after the effective date established by the United States Environmental Protection Agency for MSWLF units to provide financial assurance under Subtitle D of the Resource Conservation and Recovery Act, closure, post-closure care, and corrective action cost estimates for MSWLF units shall be in current dollars.

(c) There is hereby created within the State Treasury a special fund to be known as the "Landfill Closure and Post-Closure Fund". Any monies forfeited to the State of Illinois from any performance bond or other security required under this Section shall be placed in the "Landfill Closure and Post-Closure Fund" and shall, upon approval by the Governor and the Director, be used by and under the direction of the Agency for the purposes for which such performance bond or other security was issued. The Landfill Closure and

Post-Closure Fund is not subject to the provisions of subsection (c) of Section 5 of the State Finance Act.

(d) The Agency is authorized to enter into such contracts and agreements as it may deem necessary to carry out the purposes of this Section. Neither the State, nor the Director, nor any State employee shall be liable for any damages or injuries arising out of or resulting from any action taken under this Section.

(e) The Agency shall have the authority to approve or disapprove any performance bond or other security posted pursuant to subsection (a) or (a.5) of this Section. Any person whose performance bond or other security is disapproved by the Agency may contest the disapproval as a permit denial appeal pursuant to Section 40 of this Act.

(f) The Agency may establish such procedures as it may deem necessary for the purpose of implementing and executing its responsibilities under this Section.

(g) Nothing in this Section shall bar a cause of action by the State for any other penalty or relief provided by this Act or any other law.

(h) The Agency must establish and maintain a program to monitor the status of any performance bond or other security required under this Section. If, for any reason, the Agency deems that a bond or other security is insufficient to ensure the closure of a site and post-closure care in accordance with this Act, the Agency must notify the operator of the insufficiency and require any additional security to ensure compliance with this Act. Any person who fails to obtain additional security within a reasonable time, as determined by the Agency, commits a violation of this Act.

(i) If, upon or after the closure of a site, a performance bond or other security required under this Section is discovered to be insufficient to ensure the closure of a site and post-closure care in accordance with this Act, the Agency shall use any unencumbered moneys in the Landfill Closure and Post-Closure Fund for the purpose of taking any action necessary to bring the closure and post-closure of the site into compliance with this Act. If no unencumbered moneys exist in the Fund, the Department shall request from the General Assembly an appropriation to the Fund to bring the closure and post-closure of the site into compliance with this Act.

(Source: P.A. 88-496; 88-512; 89-200, eff. 1-1-96.)".

The foregoing message from the Senate reporting Senate Amendments numbered 7 and 8 to HOUSE BILL 911 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 925

A bill for AN ACT relating to higher education.

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

Senate Amendment No. 1 to HOUSE BILL NO. 925

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 925 by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by changing Section 9 as follows:

(110 ILCS 305/9) (from Ch. 144, par. 30)

Sec. 9. Scholarships for children of veterans. For each of the following periods of hostilities, each county shall be entitled, annually, to one honorary scholarship in the University, for the benefit of the children of persons who served in the armed forces of the United States: the Civil War, World War I, any time between September 16, 1940 and the termination of World War II, any time during the national emergency between June 25, 1950 and January 31, 1955, any time during the Viet Nam conflict between January 1, 1961 and May 7, 1975, ~~and~~ any time on or after August 2, 1990 and until Congress or the President orders that persons in service are no longer eligible for the Southwest Asia Service Medal , and any time on or after

September 11, 2001 and until Congress or the President orders that persons in service are no longer eligible for the Global War on Terrorism Expeditionary Medal. Preference shall be given to the children of persons who are deceased or disabled. Such scholarships shall be granted to such pupils as shall, upon public examination, conducted as the board of trustees of the University may determine, be decided to have attained the greatest proficiency in the branches of learning usually taught in the secondary schools, and who shall be of good moral character, and not less than 15 years of age. Such pupils, so selected, shall be entitled to receive, without charge for tuition, instruction in any or all departments of the University for a term of at least 4 consecutive years. Such pupils shall conform, in all respects, to the rules and regulations of the University, established for the government of the pupils in attendance.  
(Source: P.A. 88-177; 89-324, eff. 8-13-95.)".

The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 925 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 1021  
A bill for AN ACT concerning family law.  
Together with the attached amendment thereto (which amendment has been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:  
Senate Amendment No. 1 to HOUSE BILL NO. 1021  
Passed the Senate, as amended, November 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 1021 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Parentage Act of 1984 is amended by changing Section 6 as follows:  
(750 ILCS 45/6) (from Ch. 40, par. 2506)

Sec. 6. Establishment of Parent and Child Relationship by Consent of the Parties.

(a) A parent and child relationship may be established voluntarily by the signing and witnessing of a voluntary acknowledgment of parentage in accordance with Section 12 of the Vital Records Act, Section 10-17.7 of the Illinois Public Aid Code, or the provisions of the Gestational Surrogacy Act. The voluntary acknowledgment of parentage shall contain the social security numbers of the persons signing the voluntary acknowledgment of parentage; however, failure to include the social security numbers of the persons signing a voluntary acknowledgment of parentage does not invalidate the voluntary acknowledgment of parentage.

(1) A parent-child relationship may be established in the event of gestational surrogacy if all of the following conditions are met prior to the birth of the child:

(A) The gestational surrogate certifies that she is not the biological mother of the child, and that she is carrying the child for the intended parents.

(B) The husband, if any, of the gestational surrogate certifies that he is not the biological father of the child.

(C) The intended mother certifies that she provided or an egg donor donated the egg from which the child being carried by the gestational surrogate was conceived.

(D) The intended father certifies that he provided or a sperm donor donated the sperm from which the child being carried by the gestational surrogate was conceived.

(E) A physician licensed to practice medicine in all its branches in the State of Illinois certifies that the child being carried by the gestational surrogate is the biological child of the intended mother or the ~~and~~ intended father or both and that neither the gestational surrogate nor the gestational surrogate's husband, if any, is a biological parent of the child being carried by the gestational surrogate.

(E-5) The attorneys for the intended parents and the gestational surrogate each certifies that the parties entered into a gestational surrogacy contract intended to satisfy the requirements of Section 25 of the Gestational Surrogacy Act with respect to the child.

(F) All certifications shall be in writing and witnessed by 2 competent adults who are not the gestational surrogate, gestational surrogate's husband, if any, intended mother, or intended father. Certifications shall be on forms prescribed by the Illinois Department of Public Health, shall be executed prior to the birth of the child, and shall be placed in the medical records of the gestational surrogate prior to the birth of the child. Copies of all certifications shall be delivered to the Illinois Department of Public Health prior to the birth of the child.

(2) Unless otherwise determined by order of the Circuit Court, the child shall be presumed to be the child of the gestational surrogate and of the gestational surrogate's husband, if any, if all requirements of subdivision (a)(1) are not met prior to the birth of the child. This presumption may be rebutted by clear and convincing evidence. The circuit court may order the gestational surrogate, gestational surrogate's husband, intended mother, intended father, and child to submit to such medical examinations and testing as the court deems appropriate.

(b) Notwithstanding any other provisions of this Act, paternity established in accordance with subsection (a) has the full force and effect of a judgment entered under this Act and serves as a basis for seeking a child support order without any further proceedings to establish paternity.

(c) A judicial or administrative proceeding to ratify paternity established in accordance with subsection (a) is neither required nor permitted.

(d) A signed acknowledgment of paternity entered under this Act may be challenged in court only on the basis of fraud, duress, or material mistake of fact, with the burden of proof upon the challenging party. Pending outcome of the challenge to the acknowledgment of paternity, the legal responsibilities of the signatories shall remain in full force and effect, except upon order of the court upon a showing of good cause.

(e) Once a parent and child relationship is established in accordance with subsection (a), an order for support may be established pursuant to a petition to establish an order for support by consent filed with the clerk of the circuit court. A copy of the properly completed acknowledgment of parentage form shall be attached to the petition. The petition shall ask that the circuit court enter an order for support. The petition may ask that an order for visitation, custody, or guardianship be entered. The filing and appearance fees provided under the Clerks of Courts Act shall be waived for all cases in which an acknowledgment of parentage form has been properly completed by the parties and in which a petition to establish an order for support by consent has been filed with the clerk of the circuit court. This subsection shall not be construed to prohibit filing any petition for child support, visitation, or custody under this Act, the Illinois Marriage and Dissolution of Marriage Act, or the Non-Support Punishment Act. This subsection shall also not be construed to prevent the establishment of an administrative support order in cases involving persons receiving child support enforcement services under Article X of the Illinois Public Aid Code.

(Source: P.A. 92-16, eff. 6-28-01; 93-921, eff. 1-1-05.)

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 1021 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 3641

A bill for AN ACT concerning boards and commissions.

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. 3641

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 3641 by replacing everything after the enacting clause with the following:

"Section 10. The Southern Illinois University Management Act is amended by changing Section 4 as follows:

(110 ILCS 520/4) (from Ch. 144, par. 654)

Sec. 4. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by any non-voting student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to such member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government. This section does not prohibit the student members of the Board from maintaining normal and official status as enrolled students or normal student employment at Southern Illinois University.

(Source: P.A. 79-932.)

Section 15. The Chicago State University Law is amended by changing Section 5-20 as follows:

(110 ILCS 660/5-20)

Sec. 5-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Chicago State University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 20. The Eastern Illinois University Law is amended by changing Section 10-20 as follows:

(110 ILCS 665/10-20)

Sec. 10-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Eastern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 25. The Governors State University Law is amended by changing Section 15-20 as follows:

(110 ILCS 670/15-20)

Sec. 15-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State ~~or Federal~~ Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Governors State

University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 30. The Illinois State University Law is amended by changing Section 20-20 as follows:

(110 ILCS 675/20-20)

Sec. 20-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Illinois State University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 35. The Northeastern Illinois University Law is amended by changing Section 25-20 as follows:

(110 ILCS 680/25-20)

Sec. 25-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Northeastern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 40. The Northern Illinois University Law is amended by changing Section 30-20 as follows:

(110 ILCS 685/30-20)

Sec. 30-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Northern Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)

Section 45. The Western Illinois University Law is amended by changing Section 35-20 as follows:

(110 ILCS 690/35-20)

Sec. 35-20. Reimbursement; employment limitations. Members of the Board shall serve without compensation but shall be entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties. Such expenses incurred by the student member may, at the discretion of the Chairman of the Board, be provided for by advance payment to the student member, who shall account therefor to the Board immediately after each meeting.

No member of the Board shall hold or be employed in or appointed to any office or place under the authority of the Board, nor shall any member of the Board be directly or indirectly interested in any contract made by the Board, nor shall he be an employee of the State or Federal Government; provided that nothing in this Section shall be deemed to prohibit the student member of the Board from maintaining normal and official status as an enrolled student or normal student employment at Western Illinois University.

(Source: P.A. 89-4, eff. 1-1-96.)".



The foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 3641 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 2749

A bill for AN ACT making appropriations.

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

Senate Amendment No. 1 to HOUSE BILL NO. 2749

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

Linda Hawker, Secretary of the Senate

AMENDMENT TO HB 2749

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

"AN ACT concerning appropriations."; and

by replacing everything after the enacting clause with the following:

ARTICLE 1

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Sections 5, 30 and 60 of Article 76 as follows:

(P.A. 93-842, Art. 76, Sec. 5)

Sec 5. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

MANAGEMENT AND ADMINISTRATIVE SUPPORT

Payable from General Revenue Fund:

For Personal Services .....	590,000
For Employee Retirement Contributions	
Paid by Employer .....	0
For State Contributions to State	
Employees' Retirement System .....	95,000
For State Contributions to	
Social Security .....	45,250
For Contractual Services .....	368,600
For Travel .....	3,800
For Commodities .....	3,500
For Printing .....	7,600
For Equipment .....	6,900
For Electronic Data Processing .....	19,600
For Telecommunications .....	15,200
For Operation of Auto Equipment .....	5,300
For Training and Education .....	<u>206,300</u>
Total .....	\$1,367,050

Payable from Radiation Protection Fund:

For Personal Services .....	186,900
For Employee Retirement Contributions	
Paid by Employer .....	5,600
For State Contributions to State	
Employees' Retirement System .....	30,100
For State Contributions to	

Social Security .....	14,300
For Group Insurance .....	48,000
For Contractual Services .....	220,800
For Travel .....	10,000
For Commodities .....	5,400
For Printing .....	51,500
For Electronic Data Processing .....	42,700
For Telecommunications Services .....	11,700
For Operation of Auto Equipment .....	<u>16,100</u>
Total .....	\$643,100
Payable from Nuclear Safety Emergency Preparedness Fund:	
For Personal Services .....	2,406,650
For Employee Retirement Contributions Paid by Employer .....	72,200
For State Contributions to State Employees' Retirement System .....	387,600
For State Contributions to Social Security .....	184,150
For Group Insurance .....	540,000
For Contractual Services .....	762,200
For Travel .....	18,300
For Commodities .....	54,500
For Printing .....	2,000
For Equipment .....	61,500
For Electronic Data Processing .....	32,300
For Telecommunications Services .....	26,200
For Operation of Auto Equipment .....	<u>31,250</u>
Total .....	\$4,578,850
Payable from Nuclear Civil Protection Planning Fund:	
For Federal Projects .....	300,000
Payable from the Emergency Management Preparedness Fund:	
For an Emergency Management Preparedness Program .....	5,675,000
Payable from Federal Civil Preparedness Administrative Fund:	
For Training and Education .....	717,300
For Terrorism Preparedness and Training costs in the current and prior years .....	<u>281,093,000</u>
Total .....	\$287,785,300

Whenever it becomes necessary for the State or any governmental unit to furnish in a disaster area emergency services directly related to or required by a disaster and existing funds are insufficient to provide such services, the Governor may, when he considers such action in the best interest of the State, release funds from the General Revenue disaster relief appropriation in order to provide such services or to reimburse local governmental bodies furnishing such services. Such appropriation may be used for payment of the Illinois National Guard when called to active duty in case of disaster, and for the emergency purchase or renting of equipment and commodities. Such appropriation shall be used for emergency services and relief to the disaster area as a whole and shall not be used to provide private relief to persons sustaining property damages or personal injury as a result of a disaster.

Payable from General Revenue Fund:	
For disaster relief costs incurred in current and prior years .....	894,500
in current and prior years .....	<u>839,500</u>

(P.A. 93-842, Art. 76, Sec. 30)

Sec. 30. The following named amounts, or so much thereof as may be necessary, are

appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

OPERATIONS

Payable from General Revenue Fund:

For Personal Services .....	1,137,400
For Employee Retirement Contributions	
Paid by Employer .....	0
For State Contributions to State Employees'	
Retirement System.....	183,200
For State Contributions to Social Security .....	87,000
For Contractual Services .....	84,700
For Travel.....	6,000
For Commodities.....	2,800
For Printing.....	4,500
For Equipment.....	38,400
For Electronic Data Processing .....	10,600
For Telecommunications.....	190,600
For Operation of Auto Equipment.....	22,300
Total .....	\$1,767,500

Payable from Nuclear Safety Emergency

Preparedness Fund:

For Personal Services .....	810,300
For Employee Retirement Contributions	
Paid by Employer .....	24,300
For State Contributions to State Employees'	
Retirement System.....	130,500
For State Contributions to Social Security .....	62,000
For Group Insurance.....	240,000
For Contractual Services .....	373,900
For Travel.....	39,500
For Commodities.....	54,300
For Printing.....	4,000
For Equipment.....	84,500
For Electronic Data Processing .....	7,000
For Telecommunications.....	383,500
For Operation of Auto Equipment.....	18,000
Total .....	\$2,231,800

Payable from the Emergency Management

Preparedness Fund:

For an Emergency Management	
Preparedness Program .....	3,000,000
Preparedness Program .....	1,500,000

Payable from Federal Civil Preparedness

Administrative Fund:

For Training and Education.....	350,000
(P.A. 93-842, Art. 76, Sec. 60)	

Sec. 60. The following named amounts, or so much thereof as may be necessary, are appropriated to the Illinois Emergency Management Agency for the objects and purposes hereinafter named:

DISASTER ASSISTANCE AND PREPAREDNESS

Payable from General Revenue Fund:

For Personal Services .....	394,000
For Employee Retirement Contributions	
Paid by Employer .....	0
For State Contributions to State	
Employees' Retirement System.....	63,500
For State Contributions to Social	

Security .....	30,100
For Commodities .....	1,000
For Printing.....	1,300
For Electronic Data Processing .....	5,100
For Telecommunications Services.....	8,200
For Operation of Automotive Equipment.....	6,500
State Share of Individual and Household Grant Program for Disaster Declarations:	
In current year.....	299,700
In prior years.....	<u>192,000</u>
Total	\$1,001,400
Payable from Nuclear Safety Emergency Preparedness Fund:	
For Personal Services .....	437,050
For Employee Retirement Contributions Paid by Employer .....	13,100
For State Contributions to State Employees' Retirement System.....	70,400
For State Contributions to Social Security .....	33,450
For Group Insurance.....	108,000
For Contractual Services .....	82,250
For Travel.....	38,000
For Commodities.....	11,850
For Printing.....	6,000
For Equipment.....	20,800
For Electronic Data Processing .....	5,000
For Telecommunications Services.....	7,500
For Operation of Automotive Equipment.....	14,000
For compensation to local governments for expenses attributable to implementation and maintenance of plans and programs authorized by the Nuclear Safety Preparedness Act including expenses incurred prior to July 1, 1997.....	<u>650,000</u>
Total	\$1,497,400
Payable from the Federal Aid Disaster Fund:	
Federal Share of Individual and Household Program for Disaster Declarations:	
In Current Year .....	21,000,000
In prior years.....	1,500,000
For State administration of the Individual and Household Grant Program .....	1,000,000
For Federal Disaster Declarations:	
In Prior Years.....	45,000,000
In Current Year .....	30,000,000
For State administration of the Federal Disaster Relief Program .....	1,000,000
Disaster Relief - Hazard Mitigation in Current Year .....	8,000,000
in Prior Years.....	35,000,000
For State administration of the Hazard Mitigation Program .....	<u>1,000,000</u>
Total	\$143,500,000
Payable from the Emergency Planning and Training Fund:	
For Activities as a Result of the Illinois Emergency Planning and Community Right	

To Know Act .....	150,000
Payable from the Nuclear Civil Protection Planning Fund:	
For Federal Projects.....	500,000
For Flood Mitigation Assistance .....	<u>3,000,000</u>
Total .....	\$3,650,000
Payable from the Federal Civil Preparedness Administrative Fund:	
For Training and Education.....	<u>2,994,000</u>
<del>  For Training and Education.....</del>	<del>1,194,000</del>
Payable from the Emergency Management Preparedness Fund:	
For Emergency Management Preparedness.....	3,025,000

ARTICLE 2

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 115 and 120 of Article 54 as follows:  
(P.A. 93-842, Art. 54, Sec. 115)

Sec. 115. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION PREVENTION  
GRANTS-IN-AID

For Addiction Prevention and Related Services:	
Payable from General Revenue Fund.....	5,268,000
Payable from the Youth Alcoholism and Substance Abuse Fund.....	1,050,000
Payable from Alcoholism and Substance Abuse Fund.....	<u>6,009,300</u>
<del>  Substance Abuse Fund.....</del>	<del>3,009,300</del>
Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund.....	<u>16,000,000</u>
Total .....	\$25,327,300

(P.A. 93-842, Art. 54, Sec. 120)

Sec. 120. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Human Services:

ADDICTION TREATMENT  
GRANTS-IN-AID

Payable from the General Revenue Fund:	
For Costs Associated with Addiction Treatment Services For Special Populations.....	8,793,600
For Costs Associated with Community Based Addiction Treatment to Medicaid Eligible and KidCare clients, Including Prior Year Costs.....	50,713,500
For Costs Associated with Community Based Addiction Treatment Services.....	81,483,700
For Addiction Treatment Services for DCFS clients.....	11,688,300
For Grants and Administrative Expenses Related to the Welfare Reform Pilot Project.....	<u>2,787,200</u>
Total .....	\$155,466,300
Payable from Illinois State Gaming Fund	
For Costs Associated with Treatment of Individuals who are Compulsive Gamblers .....	<u>960,000</u>
Total .....	\$960,000

For Addiction Treatment and Related Services:

Payable from Prevention and Treatment of Alcoholism and Substance Abuse Block Grant Fund.....	57,500,000
Payable from Drug Treatment Fund.....	5,000,000
Payable from Youth Drug Abuse Prevention Fund.....	530,000
Total	\$63,030,000
For underwriting the cost of housing for groups of recovering individuals:	
Payable from Group Home Loan Revolving Fund.....	100,000
For Grants and Administrative Expenses Related to the Domestic Violence and Substance Abuse Demonstration Project:	
Payable from General Revenue Fund.....	641,800
For Grants and Administrative Expenses Related to Addiction Treatment and Related Services:	
Payable from Drunk and Drugged Driving Prevention Fund.....	3,082,900
Payable from Alcoholism and Substance Abuse Fund.....	22,102,900
<del>Abuse Fund.....</del>	<del>10,102,900</del>

The Department, with the consent in writing from the Governor, may reappropriation not more than two percent of the total appropriation of General Revenue Funds in Section 15 above "Addiction Treatment" among the purposes therein enumerated.

ARTICLE 3

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 30 of Article 53 as follows:

(P.A. 93-842, Art. 53, Sec. 30)

Sec. 30. In addition to any amounts heretofore appropriated, the following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Public Aid for Medical Assistance and Administrative Expenditures:

FOR MEDICAL ASSISTANCE UNDER THE ILLINOIS PUBLIC AID CODE AND THE CHILDREN'S HEALTH INSURANCE PROGRAM ACT

Payable from Care Provider Fund for Persons With A Developmental Disability:	
For Administrative Expenditures.....	94,200
Payable from Long Term Care Provider Fund:	
For Skilled, Intermediate, and Other Related Long Term Care Services.....	821,328,300
For Administrative Expenditures.....	1,233,000
Total	\$822,655,500
Payable from Hospital Provider Fund:	
For Hospitals.....	1,720,000,000
<del>For Hospitals.....</del>	<del>860,000,000</del>
For Medical Assistance Providers.....	72,000,000
<del>For Medical Assistance Providers.....</del>	<del>36,000,000</del>
Total	\$1,792,000,000
Total	\$896,000,000

ARTICLE 4

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 25 of Article 77 as follows:

(P.A. 93-842, Art. 77, Sec. 25)

Sec 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of State Police for the following purposes:

DIVISION OF OPERATIONS

Payable from General Revenue Fund:	
For Personal Services .....	53,346,900
For Employee Retirement Contributions	
Paid by Employer.....	0
For State Contributions to State	
Employees' Retirement System.....	8,592,100
For State Contributions to	
Social Security .....	2,256,200
For Contractual Services .....	5,597,900
For Travel.....	600,900
For Commodities.....	678,900
For Printing.....	122,400
For Equipment.....	1,058,800
For Electronic Data Processing .....	88,000
For Telecommunications Services.....	2,263,000
For Expenses Regarding Implementation	
of the Statewide Radio	
Communication System .....	0
For Operation of Auto Equipment.....	7,074,900
For Expenses Associated with Project X.....	0
Total .....	\$81,680,000
Payable from the Road Fund:	
For Personal Services .....	87,487,000
For Employee Retirement Contributions	
Paid by Employer.....	0
For State Contributions to State	
Employees' Retirement System.....	9,036,300
For State Contributions to	
Social Security .....	786,700
Total .....	\$97,310,000
<del>Payable from Transportation Regulatory Fund:</del>	
<del>    For Personal Services .....</del>	<del>681,950</del>
<del>    For Employee Retirement Contributions</del>	
<del>    Paid by Employer.....</del>	<del>20,500</del>
<del>        For State Contributions to State</del>	
<del>    Employees' Retirement System.....</del>	<del>109,900</del>
<del>        For State Contributions to</del>	
<del>    Social Security .....</del>	<del>52,050</del>
<del>        For Group Insurance.....</del>	<del>132,000</del>
<del>        For Contractual Services .....</del>	<del>27,600</del>
<del>        For Travel.....</del>	<del>16,500</del>
<del>        For Commodities.....</del>	<del>7,200</del>
<del>        For Equipment.....</del>	<del>0</del>
<del>        For Telecommunications Services.....</del>	<del>100,000</del>
<del>        For Operation of Auto Equipment.....</del>	<del>44,000</del>
<del>        Total .....</del>	<del>1,191,700</del>
Payable from the Traffic and Criminal	
Conviction Surcharge Fund:	
For Personal Services .....	2,938,500
For Employee Retirement Contributions	
Paid by Employer.....	0
For State Contributions to State	
Employees' Retirement System.....	473,300
For State Contributions to	
Social Security .....	81,100
For Group Insurance.....	612,000
For Contractual Services .....	480,300

For Travel.....	68,800
For Commodities.....	166,600
For Printing.....	22,000
For Telecommunications Services.....	108,200
For Operation of Auto Equipment.....	<u>186,800</u>
Total	\$5,137,600
Payable from the State Police Services Fund:	
For Payment of Expenses:	
Fingerprint Program.....	8,000,000
For Payment of Expenses:	
Federal & IDOT Programs.....	3,780,000
For Payment of Expenses:	
Riverboat Gambling.....	9,300,000
For Payment of Expenses:	
Miscellaneous Programs.....	<u>3,270,000</u>
Total	\$24,350,000
Payable from the Illinois State Police	
Federal Projects Fund:	
For Payment of Expenses.....	15,350,000
Payable from the Motor Carrier Safety Inspection Fund:	
For expenses associated with the	
enforcement of Federal Motor Carrier	
Safety Regulations and related	
Illinois Motor Carrier	
Safety Laws.....	2,400,000
Section 10. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended	
by adding new Section 60 to Article 21 as follows:	
(P.A. 93-842, Art. 21, Sec. 60, new)	
<u>Sec. 60. The following named amounts, or so much thereof as may be necessary, respectively,</u>	
<u>are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission to</u>	
<u>administer the Police Program.</u>	
<u>Payable from Transportation Regulatory Fund:</u>	
For Personal Services.....	681,950
<u>For Employee Retirement Contributions</u>	
Paid by Employer.....	20,500
<u>For State Contributions to State</u>	
<u>Employees' Retirement System.....</u>	109,900
<u>For State Contributions to</u>	
<u>Social Security.....</u>	52,050
For Group Insurance.....	132,000
For Contractual Services.....	27,600
For Travel.....	16,500
For Commodities.....	7,200
For Equipment.....	0
For Telecommunications Services.....	100,000
For Operation of Auto Equipment.....	44,000
Total.....	<u>1,191,700</u>

ARTICLE 5

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by adding new Section 140 and 145 to Article 25 as follows:

(P.A. 93-842, Art. 25, Sec. 140, new)

Sec. 140. The amount of \$371,845, or so much thereof as may be necessary, is appropriated from Savings and Residential Finance Regulatory Fund to the Department of Financial and Professional Regulation to pay for the judgment and related costs arising from Harvey et al vs. State of Illinois, Office of Banks and Real Estate suit.

(P.A. 93-842, Art. 25, Sec. 145, new)

Sec. 145. The amount of \$936,054, or so much thereof as may be necessary, is appropriated from



Banks and Trust Company Fund to the Department of Financial and Professional Regulation to pay for the judgment and related costs arising from Harvey et al vs. State of Illinois, Office of Banks and Real Estate suit.

ARTICLE 6

“Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by adding Section 212 to Article 44 as follows:

(P.A. 93-842, Art. 44, Sec. 212, new)

Sec. 212. The following amount, or so much of this amount as may be necessary, is appropriated to the Office of the Secretary of State for any operations, alterations, rehabilitation, new construction, and maintenance of the interior and exterior of the various buildings and facilities under the jurisdiction of the Secretary of State to enhance security measures in the Capitol Complex:

From General Revenue Fund..... \$5,579,175

ARTICLE 7

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 7 and adding new Section 8 of Article 2 as follows: .....

(P.A. 93-842, Art. 2, Sec. 7)

Sec. 7. From the General Revenue Fund:

For District Consolidation Costs/Supplemental  
Payments to School Districts, 18-8.2, 18-18.3,  
18-8.5, 18-8.05(1) of the  
School Code.....

\$3,518,800 ~~\$1,678,800~~

From the Temporary Relocation Expenses

Revolving Grant Fund: For Temporary

Location Expenses, 2-3.77 of the

School Code .....

\$1,000,000 ~~\$600,000~~

(P.A. 93-842, Art.2, Sec. 8, new)

Sec. 8. The amount of \$400,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund for deposit into the Temporary Relocation Expense Revolving Fund for use by the State Board of Education, as provided in Section 2-3.77 of the School Code.

ARTICLE 8

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is amended by changing Section 5 of Article 15 as follows:

(P.A. 93-842, Art. 15, Sec. 5)

Sec 5. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to the Board of the Trustees of Chicago State University to meet ordinary and contingent expenses for the fiscal year ending June 30, 2005:

Payable from the General Revenue Fund:

For Personal Services, including payment

to the university for personal services  
costs incurred during the fiscal year  
and salaries accrued but unpaid to academic  
personnel for personal services rendered  
during the academic year 2003-2005 .....

34,861,700

For State Contributions to Social

Security, for Medicare .....

369,100

For Contractual Services .....

2,026,200 ~~4,209,600~~

For Travel.....

16,000

For Commodities.....

16,000

For Equipment.....

313,700

For Telecommunications Services.....

304,400

For Operation of Automotive Equipment.....

1,000

For Awards and Grants.....

102,200

For Permanent Improvements .....

816,600

Total

\$38,010,300

ARTICLE 9

Section 5. “AN ACT making appropriations”, Public Act 93-842, approved July 30, 2004, is

amended by changing Section 43 of Article 33 as follows:  
(P.A. 93-842, Art. 33, Sec. 43)

Sec. 43. The amount of \$250,000 is appropriated from the General Revenue Fund to the Illinois Historic Preservation Agency for a grant for the establishment of ~~the Vernon Jarret Museum of Civil Rights~~ a civil rights museum.

ARTICLE 10

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by adding new Section 6 to Article 39 as follows:

(P.A. 93-842, Art. 39, Sec 6, new)

Sec. 6. The sum of \$300,000, or so much of this amount as may be necessary, is appropriated from the General Revenue Fund to the Illinois Economic and Fiscal Commission in order to conduct an independent review of proposals presented to the Medicaid Managed Care Task Force.

ARTICLE 11

Section 5. "AN ACT making appropriations", Public Act 93-842, approved July 30, 2004, is amended by changing Section 25 of Article 14 as follows:

(P.A. 93-842, Art. 14, Sec. 25)

Sec. 25. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Illinois Student Assistance Commission for the following purposes:

Grants and Scholarships

For payment of matching grants to Illinois institutions to supplement scholarship programs, as provided by law .....	950,000
For payment of Merit Recognition Scholarships to undergraduate students under the Merit Recognition Scholarship Program provided for in Section 31 of the Higher Education Student Assistance Act .....	5,400,000
For the payment of scholarships to students who are children of policemen or firemen killed in the line of duty, or who are dependents of correctional officers killed or permanently disabled in the line of duty, as provided by law .....	350,000
For payment of Illinois National Guard and Naval Militia Scholarships at State-controlled universities and public community colleges in Illinois to students eligible to receive such awards, as provided by law .....	4,500,000
For payment of military Veterans' scholarships at State-controlled universities and at public community colleges for students eligible, as provided by law .....	19,230,000
For payment of Minority Teacher Scholarships.....	3,100,000
For payment of Illinois Scholars Scholarships.....	3,020,000
For payment of Illinois Incentive for Access grants, as provided by law .....	7,200,000
<u>For college savings bond grants to students eligible to receive such awards .....</u>	<u>650,000</u>
Total	\$44,400,000

ARTICLE 12

Section 1. The sum of \$16,500,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Court of Claims for payment of line of duty awards.

Section 2. The following named amounts, or so much thereof as may be necessary, are appropriated from the General Revenue Fund to the Court of Claims to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:

No. 98-CC-4105, Theresa A. Werneth. Personal Injury, against the Illinois State Police .....	\$40,000.00
No. 00-CC-1731, Vicki Norris. Personal Injury, against Northern Illinois University .....	\$80,000.00
No. 02-CC-0046, Lynn Martin, as father and next friend of Jeffery and Bradley Martin. Personal Injury, against the Illinois State Police .....	\$8,750.00
No. 03-CC-0191, Tyrone Robinson. Personal Injury, against the Department of Corrections .....	\$75,000.00
No. 04-CC-4511, Addus Healthcare Inc. Debt, against the Department of Corrections .....	\$112,829.58
Section 3. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Road Fund 011, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	
No. 01-CC-4187, Allstate Insurance Company a/s/o Edward Bonkowski. Property Damage, against the Department of Transportation .....	\$5,200.12
Section 4. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 063, Public Health Services Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	
For payments of awards for lapsed appropriation claims less than \$50,000 .....	\$17,373.58
Section 5. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 081, Vocational Rehabilitation Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	
For payments of awards for lapsed appropriation claims less than \$50,000 .....	\$22,419.72
Section 6. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 304, Statistical Services Revolving Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	
For payments of awards for lapsed appropriation claims less than \$50,000 .....	\$36,527.00
Section 7. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 344, Care Provider Fund for Persons with Developmental Disability, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	
For payments of awards for lapsed appropriation claims less than \$50,000 .....	\$39,374.06
Section 8. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from Federal Fund 408, Special Purposes Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	
No. 04-CC-2073, TIA/Chicago Connections. Debt, against the Department of Human Services .....	\$58,229.18
Section 9. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 581, Juvenile Accountability Incentive Block Grant Trust Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	
No. 04-CC-4346, Bloom Township Government. Debt, against the Criminal Justice Information Authority .....	\$67,500.00
Section 10. The following named amount, or so much thereof as may be necessary, is appropriated to the Court of Claims from State Fund 757, Child Support Administrative Fund, to pay claims in conformity with awards and recommendations made by the Court of Claims as follows:	

For payments of awards for lapsed appropriation  
 claims less than \$50,000. . . . . \$38,799.76  
 Section 11. The following named amount, or so much thereof as may be necessary, is appropriated  
 to the Court of Claims from Federal Fund 911, Juvenile Justice Trust Fund, to pay claims in conformity  
 with awards and recommendations made by the Court of Claims as follows:  
 For payments of awards for lapsed appropriation  
 claims less than \$50,000..... \$12,891.46  
 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 2749  
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 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. 90

WHEREAS, Diabetes is the sixth leading cause of death in Illinois, and it is the number one cause of  
heart disease, stroke, blindness, amputation, and kidney disease; and

WHEREAS, Diabetes is more prevalent in underserved populations; African Americans and Hispanics  
have nearly twice the incidence of diabetes as whites; in Illinois, diabetes is more prevalent among persons  
45 years of age and older than it is in the United States overall; and

WHEREAS, In Illinois, diabetes costs for Fiscal Year 2004 will exceed \$6.5 billion; a savings of over \$2  
billion can be achieved by improving diabetes control through education and proper treatment; and

WHEREAS, Diabetes self-management and awareness about the disease are necessary elements in  
keeping diabetes under control and reducing complications; and

WHEREAS, Through increased knowledge of diabetes and improved patient care of those diagnosed, the  
lives of individuals living with a disease that has no cure can be improved; 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 we proclaim and  
recognize November as Diabetes Month in Illinois.

Adopted by the Senate, November 17, 2004.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION  
90 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 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. 89

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates,  
dated September 30, 2004, with the Senate, the House of Representatives, and the Secretary of State of  
Illinois as required by Section 2-3.25g of the School Code; 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 each of the school district waiver requests identified below by school district name and by the identifying number and subject area of the waiver request as summarized in the report filed by the State Board of Education is disapproved:

- (1) Arlington Heights SD 25 - Cook, WM100-3361-1, substitute teachers; and
- (2) Mount Prospect SD 57 - Cook, WM100-3362-1, substitute teachers.

Adopted by the Senate, November 17, 2004.

Linda Hawker, Secretary of the Senate

The foregoing message from the Senate reporting their adoption of SENATE JOINT RESOLUTION 89 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 adoption of their amendment to a bill of the following title, to-wit:

SENATE BILL NO. 1641

A bill for AN ACT concerning the military.

House Amendment No. 1 to SENATE BILL NO. 1641.

Action taken by the Senate, November 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 in the adoption of their amendments to a bill of the following title, to-wit:

SENATE BILL NO. 1737

A bill for AN ACT in relation to real property.

House Amendment No. 1 to SENATE BILL NO. 1737.

House Amendment No. 3 to SENATE BILL NO. 1737.

House Amendment No. 4 to SENATE BILL NO. 1737.

Action taken by the Senate, November 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 640

A bill for AN ACT in relation to elections.

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. 640

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 640 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by adding Section 1A-25 and changing Section 18A-5 as follows:

(10 ILCS 5/1A-25 new)

Sec. 1A-25. Centralized statewide voter registration list. The centralized statewide voter registration list required by Title III, Subtitle A, Section 303 of the Help America Vote Act of 2002 shall be created and maintained by the State Board of Elections as provided in this Section.

(1) The centralized statewide voter registration list shall be compiled from the voter registration data bases of each election authority in this State.

(2) All new voter registration forms and applications to register to vote shall be transmitted to the appropriate election authority. The election authority shall process and verify each voter registration form and electronically enter verified registrations on an expedited basis onto the statewide voter registration list. All original registration cards shall remain permanently in the office of the election authority as required by Sections 4-20, 5-28, and 6-65.

(3) The centralized statewide voter registration list shall:

(i) Be designed to allow election authorities to utilize the registration data on the statewide voter registration list pertinent to voters registered in their election jurisdiction on locally maintained software programs that are unique to each jurisdiction.

(ii) Allow each election authority to perform essential election management functions, including but not limited to production of voter lists, processing of absentee voters, production of individual, pre-printed applications to vote, administration of election judges, and polling place administration, but shall not prevent any election authority from using information from that election authority's own systems.

(4) The registration information maintained by each election authority shall at all times be synchronized with that authority's information on the statewide list on a constant, real-time basis.

To protect the privacy and confidentiality of voter registration information, the disclosure of any portion of the centralized statewide voter registration list to any person or entity other than to a State or local political committee and other than to a governmental entity for a governmental purpose is specifically prohibited.

(10 ILCS 5/18A-5)

Sec. 18A-5. Provisional voting; general provisions.

(a) A person who claims to be a registered voter is entitled to cast a provisional ballot under the following circumstances:

(1) ~~The person's name does not appear on the official list of eligible voters, whether a list of active or inactive voters,~~ for the precinct in which the person seeks to vote. The official list is the centralized statewide voter registration list established and maintained in accordance with Section 1A-25;

(2) The person's voting status has been challenged by an election judge, a pollwatcher, or any legal voter and that challenge has been sustained by a majority of the election judges; or

(3) A federal or State court order extends the time for closing the polls beyond the time period established by State law and the person votes during the extended time period.

(b) The procedure for obtaining and casting a provisional ballot at the polling place shall be as follows:

(1) An election judge at the polling place shall notify a person who is entitled to cast a provisional ballot pursuant to subsection (a) that he or she may cast a provisional ballot in that election. An election judge must accept any information provided by a person who casts a provisional ballot that the person believes supports his or her claim that he or she is a duly registered voter and qualified to vote in the election.

(2) The person shall execute a written form provided by the election judge that shall state or contain all of the following:

(i) an affidavit stating the following:

State of Illinois, County of ....., Township ....., Precinct ....., Ward ....., I, ....., do solemnly swear (or affirm) that: I am a citizen of the United States; I am 18 years of age or older; I have resided in this State and in this precinct for 30 days preceding this election; I have not voted in this election; I am a duly registered voter in every respect; and I am eligible to vote in this election. Signature ..... Printed Name of Voter ..... Printed Residence .....

Address of Voter ..... City ..... State .... Zip Code ..... Telephone Number ..... Date of Birth ..... and Driver's License Number ..... Last 4 digits of Social Security Number ..... or State Identification Card Number.

(ii) Written instruction stating the following:

In order to expedite the verification of your voter registration status, the ....

(insert name of county clerk of board of election commissioners here) requests that you include your phone number and both the last four digits of your social security number and your driver's license number or State Identification Card Number issued to you by the Secretary of State. At minimum, you are required to include either (A) your driver's license number or State Identification Card Number issued to you by the Secretary of State or (B) the last 4 digits of your social security number.

(iii) A box for the election judge to check one of the 3 reasons why the person was given a provisional ballot under subsection (a) of Section 18A-5.

(iv) An area for the election judge to affix his or her signature and to set forth any facts that support or oppose the allegation that the person is not qualified to vote in the precinct in which the person is seeking to vote.

The written affidavit form described in this subsection (b)(2) must be printed on a multi-part form prescribed by the county clerk or board of election commissioners, as the case may be.

(3) After the person executes the portion of the written affidavit described in subsection (b)(2)(i) of this Section, the election judge shall complete the portion of the written affidavit described in subsection (b)(2)(iii) and (b)(2)(iv).

(4) The election judge shall give a copy of the completed written affidavit to the person. The election judge shall place the original written affidavit in a self-adhesive clear plastic packing list envelope that must be attached to a separate envelope marked as a "provisional ballot envelope". The election judge shall also place any information provided by the person who casts a provisional ballot in the clear plastic packing list envelope. Each county clerk or board of election commissioners, as the case may be, must design, obtain or procure self-adhesive clear plastic packing list envelopes and provisional ballot envelopes that are suitable for implementing this subsection (b)(4) of this Section.

(5) The election judge shall provide the person with a provisional ballot, written instructions for casting a provisional ballot, and the provisional ballot envelope with the clear plastic packing list envelope affixed to it, which contains the person's original written affidavit and, if any, information provided by the provisional voter to support his or her claim that he or she is a duly registered voter. An election judge must also give the person written information that states that any person who casts a provisional ballot shall be able to ascertain, pursuant to guidelines established by the State Board of Elections, whether the provisional vote was counted in the official canvass of votes for that election and, if the provisional vote was not counted, the reason that the vote was not counted.

(6) After the person has completed marking his or her provisional ballot, he or she shall place the marked ballot inside of the provisional ballot envelope, close and seal the envelope, and return the envelope to an election judge, who shall then deposit the sealed provisional ballot envelope into a securable container separately identified and utilized for containing sealed provisional ballot envelopes. Upon the closing of the polls, the securable container shall be sealed with filament tape provided for that purpose, which shall be wrapped around the box lengthwise and crosswise, at least twice each way, and each of the election judges shall sign the seal.

(c) Instead of the affidavit form described in subsection (b), the county clerk or board of election commissioners, as the case may be, may design and use a multi-part affidavit form that is imprinted upon or attached to the provisional ballot envelope described in subsection (b). If a county clerk or board of election commissioners elects to design and use its own multi-part affidavit form, then the county clerk or board of election commissioners shall establish a mechanism for accepting any information the provisional voter has supplied to the election judge to support his or her claim that he or she is a duly registered voter. In all other respects, a county clerk or board of election commissioners shall establish procedures consistent with subsection (b).

(d) The county clerk or board of election commissioners, as the case may be, shall use the completed affidavit form described in subsection (b) to update the person's voter registration information in the State voter registration database and voter registration database of the county clerk or board of election commissioners, as the case may be. If a person is later determined not to be a registered voter based on Section 18A-15 of this Code, then the affidavit shall be processed by the county clerk or board of election commissioners, as the case may be, as a voter registration application.

(Source: P.A. 93-574, eff. 8-21-03.)

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

A message from the Senate by

Ms. Hawker, Secretary:

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

SENATE BILL NO. 2299

A bill for AN ACT in relation to fireworks.

House Amendment No. 1 to SENATE BILL NO. 2299.

House Amendment No. 3 to SENATE BILL NO. 2299.

Action taken by the Senate, November 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 757

A bill for AN ACT in relation to education.

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

Senate Amendment No. 2 to HOUSE BILL NO. 757

Senate Amendment No. 3 to HOUSE BILL NO. 757

Senate Amendment No. 4 to HOUSE BILL NO. 757

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 757 by replacing the title with the following:

"AN ACT concerning education, which may be referred to as Brittany's Law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 14-16 as follows:

(105 ILCS 5/14-16 new)

Sec. 14-16. Participation in graduation ceremony.

(a) The General Assembly finds the following:

(1) Each year, school districts across this State celebrate their students' accomplishments through graduation ceremonies at which high school diplomas are bestowed upon students who have completed their high school requirements.

(2) There are children with disabilities in this State who have finished 4 years of high school, but whose individualized education programs prescribe the continuation of special education, transition planning, transition services, or related services beyond the completion of 4 years of high school.

(3) It is well-established that the awarding of a high school diploma to and the high school graduation of a child with a disability is tantamount to the termination of eligibility for special education and related services for the student under applicable federal law.

(4) Many children with disabilities who will continue their public education in accordance with their individualized education programs after finishing 4 years of high school wish to celebrate their accomplishments by participating in a graduation ceremony with their classmates.



(5) The opportunity for classmates with disabilities and those without disabilities to celebrate their accomplishments together only occurs once, and the opportunity to celebrate the receipt of a diploma several years after one's classmates have graduated diminishes the experience for students whose age peers have left high school several years earlier.

(b) Beginning March 1, 2005, each school district that operates a high school must have a policy and procedures that allow a child with a disability who will have completed 4 years of high school at the end of a school year to participate in the graduation ceremony of the student's high school graduating class and receive a certificate of completion if the student's individualized education program prescribes special education, transition planning, transition services, or related services beyond the student's 4 years of high school. The policy and procedures must require timely and meaningful written notice to children with disabilities and their parents or guardians about the school district's policy and procedures adopted in accordance with this Section.

(c) The State Board of Education shall monitor and enforce compliance with the provisions of this Section and is authorized to adopt rules for that purpose.

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."

AMENDMENT NO. 3. Amend House Bill 757, AS AMENDED, in the title, by deleting ", which may be referred to as Brittany's Law"; and in Section 5, in the introductory clause, after "amended", by inserting "by changing Sections 9-11.2, 9-12, and 9-18 and"; and

in Section 5, immediately below the introductory clause, by inserting the following:

"(105 ILCS 5/9-11.2) (from Ch. 122, par. 9-11.2)

Sec. 9-11.2. For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for a full term shall be grouped together by area of residence as follows:

(1) by congressional townships, or

(2) according to incorporated or unincorporated areas, ~~or~~

~~(3) by affected school districts, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used for the election.~~

For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for an unexpired term shall be grouped together by area of residence as follows:

(1) by congressional townships, or

(2) according to incorporated or unincorporated areas, ~~or~~

~~(3) by affected school districts, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used for the election.~~

~~Candidate~~ Except in those instances when the ballot under Format 5 of Section 9-12 is required to be used, ~~candidate~~ groupings by area of residence for unexpired ~~full~~ terms shall precede the candidate groupings by area of residence for full ~~unexpired~~ terms on the ballot. In all instances, however, the ballot order of each candidate grouping shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 in the following manner:

The area of residence of the candidate determined to be first by order of petition filing or by lottery shall be listed first among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to order of petition filing or the lottery. The area of residence of the candidate determined to be second by the order of petition filing or the lottery shall be listed second among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to the order of petition filing or the lottery. The ballot order of additional candidate groupings by area of residence shall be established in a like manner.

In any school district that elects its board members according to area of residence and that has one or more unexpired terms to be filled at an election, the winner or winners of the unexpired term or terms shall be determined first and independently of those running for full terms. The winners of the full terms shall then be determined taking into consideration the areas of residence of those elected to fill the unexpired

term or terms.

"Area of Residence" means congressional township and ; incorporated and unincorporated territories; ~~and, if the form of ballot prescribed by Format 2a or 2b of Section 9-12 is required to be used in electing candidates to a board of education, affected school districts.~~

"Affected school district" means either of the 2 entire elementary school districts that are formed into a combined school district established as provided in subsection (a-5) of Section 11B-7.

(Source: P.A. 89-579, eff. 7-30-96; 90-59, eff. 7-3-97; 90-459, eff. 8-17-97; 90-655, eff. 7-30-98.)  
(105 ILCS 5/9-12) (from Ch. 122, par. 9-12)

Sec. 9-12. Ballots for the election of school officers shall be in one of the following forms:

(FORMAT 1

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by Boards of School Directors. School Directors are elected at large.)

OFFICIAL BALLOT  
FOR MEMBERS OF THE BOARD OF SCHOOL  
DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM  
VOTE FOR ....

- .....
- .....
- .....

FOR MEMBERS OF THE BOARD OF SCHOOL  
DIRECTORS TO SERVE A FULL 4-YEAR TERM  
VOTE FOR ....

- .....
- .....
- .....

FOR MEMBERS OF THE BOARD OF SCHOOL  
DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM  
VOTE FOR ....

- .....
- .....
- .....

(FORMAT 2

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used when school board members are elected at large. Membership on the school board is not restricted by area of residence.

Types of school districts generally using this format are:

Common school districts;

Community unit and community consolidated school districts formed on or after January 1, 1975;

Community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8;

Community unit, community consolidated and combined school districts in which more than 90% of the population is in one congressional township;

High school districts in which less than 15% of the taxable property is located in unincorporated territory; and unit districts (OLD TYPE);

Combined school districts formed on or after July 1, 1983;

Combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7.)

OFFICIAL BALLOT  
FOR MEMBERS OF THE BOARD OF  
EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM  
VOTE FOR ....

- .....
- .....
- .....

FOR MEMBERS OF THE BOARD OF  
EDUCATION TO SERVE A FULL 4-YEAR TERM  
VOTE FOR ....

- .....
- .....
- .....

FOR MEMBERS OF THE BOARD OF  
EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM  
VOTE FOR ....

- .....
- .....
- .....

(FORMATS 2a and 2b

Ballot position for at large candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 and ballot position for candidates grouped by "affected school district", as that term is defined in Section 9-11.2, shall be determined by order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Format 2a is used only in electing, to unstagged terms expiring on the date of the regular school election held in calendar year 2001, the initial 7 members of the board of education of a combined school district that is established as provided in subsection (a-5) of Section 11B-7, and Format 2b is used only in electing, when required under Section 10-10, a successor to serve the remainder of the unstagged, unexpired term of any such initial board member in whose office a vacancy has occurred.)

Format 2a:

OFFICIAL BALLOT  
FOR MEMBERS OF THE BOARD OF EDUCATION  
TO SERVE A FULL TERM EXPIRING ON  
(Insert date of regular school election in 2001)

Instructions to voter: One member of the board of education is to be elected at large from within the territory included within the boundaries of (insert name of the combined school district as proposed or formed), 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ...., and 3 members are to be elected from the territory included within the boundaries of (former) Elementary School District No. ....

FOR THE MEMBER  
OF THE BOARD OF EDUCATION  
TO BE ELECTED AT LARGE  
VOTE FOR ONE

- .....
- .....

FOR MEMBERS OF  
THE BOARD OF EDUCATION  
TO BE ELECTED FROM  
(FORMER) ELEMENTARY SCHOOL DISTRICT NO. ....  
VOTE FOR THREE

- .....
- .....
- .....
- .....

FOR MEMBERS OF  
THE BOARD OF EDUCATION  
TO BE ELECTED FROM  
(FORMER) ELEMENTARY SCHOOL DISTRICT NO. ....  
VOTE FOR THREE

- .....
- .....
- .....
- .....

Format 2b:

OFFICIAL BALLOT  
 FOR A MEMBER OF THE BOARD OF EDUCATION  
 TO BE ELECTED AT LARGE  
 TO SERVE AN UNEXPIRED TERM ENDING ON  
 (Insert date of regular school election in 2001)  
 VOTE FOR ONE

( ) .....  
 ( ) .....

FOR MEMBERS (A MEMBER)  
 OF THE BOARD OF EDUCATION  
 TO BE ELECTED FROM  
 FORMER ELEMENTARY SCHOOL DISTRICT NO. ....  
 TO SERVE AN UNEXPIRED TERM ENDING ON  
 (Insert date of regular school election in 2001)  
 VOTE FOR ....

( ) .....  
 ( ) .....

FOR MEMBERS (A MEMBER)  
 OF THE BOARD OF EDUCATION  
 TO BE ELECTED FROM  
 FORMER ELEMENTARY SCHOOL DISTRICT NO. ....  
 TO SERVE AN UNEXPIRED TERM ENDING ON  
 (Insert date of regular school election in 2001)  
 VOTE FOR ....

( ) .....  
 ( ) .....

(FORMAT 3

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by community unit, community consolidated and combined school districts when the territory is less than 2 congressional townships, or 72 square miles, but consists of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district. The School Code requires that not more than 5 board members shall be selected from any city, village or incorporated town in the school district. At least two board members must reside in the unincorporated area of the school district.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983.)

OFFICIAL BALLOT

Instructions to voter: The board of education shall be composed of members from both the incorporated and the unincorporated area; not more than 5 board members shall be selected from any city, village or incorporated town.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, NOT MORE THAN .... MAY BE ELECTED FROM THE INCORPORATED AREAS. ~~On the basis of existing board membership, not more than .... may be elected from the incorporated areas.~~

FOR MEMBERS OF THE BOARD OF EDUCATION  
TO SERVE AN UNEXPIRED 2-YEAR TERM  
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO  
CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.

VOTE FOR A TOTAL OF ....

..... Area  
 ( ) .....  
 ( ) .....

..... Area  
( ) .....  
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION  
TO SERVE A FULL 4-YEAR TERM  
VOTE FOR  
A TOTAL OF

....

..... Area  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION  
TO SERVE A FULL 4 YEAR TERM  
VOTE FOR ....~~

..... Area  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION  
TO SERVE AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

..... Area  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION  
TO SERVE AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

..... Area  
( ) .....  
( ) .....

(FORMAT 4

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983 when the territory of the school district is greater than 2 congressional townships, or 72 square miles. This format applies only when less than 75% of the population is in one congressional township. Congressional townships of less than 100 inhabitants shall not be considered for the purpose of such mandatory board representation. In this case, not more than 3 board members may be selected from any one congressional township.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is restricted to a maximum of 3 members from any congressional township.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP. ~~On the basis of existing board membership, members may be elected in the following numbers from each congressional township.~~

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE .... ~~Not more than .... may be elected from Township .... Range ....~~

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE .... ~~Not more than .... may be elected from Township .... Range ....~~

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE .... ~~Not more than .... may be elected from Township .... Range ....~~

(Include each remaining congressional township in district as needed)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

AN UNEXPIRED 2-YEAR TERM  
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO  
CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.  
VOTE FOR A TOTAL OF ....

Township ..... Range .....  
 .....  
 .....

Township ..... Range .....  
 .....  
 .....

FOR MEMBERS OF THE BOARD OF  
EDUCATION TO SERVE A FULL 4-YEAR TERM  
VOTE FOR  
A TOTAL OF

Township ..... Range .....  
 .....  
 .....

~~FOR MEMBERS OF THE BOARD OF  
EDUCATION TO SERVE A FULL 4 YEAR TERM  
VOTE FOR ....~~

Township ..... Range .....  
 .....  
 .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

Township ..... Range .....  
 .....  
 .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

Township ..... Range .....  
 .....  
 .....

(FORMAT 5

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7, this format is used by community unit and community consolidated school districts formed prior to January 1, 1975, and combined school districts formed prior to July 1, 1983, when the territory of the school district is greater than 2 congressional townships, or 72 square miles and when at least 75%, but not more than 90%, of the population resides in one congressional township. In this case, 4 school board members shall be selected from that one congressional township and the 3 remaining board members shall be selected from the rest of the district. If a school district from which school board members are to be selected is located in a county under township organization and if the surveyed boundaries of a congressional township from which one or more of those school board members is to be selected, as described by township number and range, are coterminous with the boundaries of the township as identified by the township name assigned to it as a political subdivision

of the State, then that township may be referred to on the ballot by both its township name and by township number and range.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is to consist of 4 members from the congressional township that has at least 75% but not more than 90% of the population, and 3 board members from the remaining congressional townships in the school district.

~~ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP. On the basis of existing board membership, members may be elected in the following numbers from each congressional township.~~

FOR MEMBER OF THE BOARD OF EDUCATION  
TO SERVE AN UNEXPIRED 2-YEAR TERM

FROM (name)..... TOWNSHIP ..... RANGE .....

VOTE FOR ONE

( ).....

( ).....

FOR MEMBERS OF THE BOARD OF EDUCATION  
TO SERVE A FULL 4-YEAR TERM

VOTE FOR ....

..... shall be elected from (name)..... Township ..... Range .....

(name)..... TOWNSHIP ..... RANGE .....

( ) .....

( ) .....

VOTE FOR ....

..... board members shall be elected from the remaining congressional townships.

The Remaining Congressional Townships

( ) .....

( ) .....

(FORMAT 6

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by school districts in which voters have approved a referendum to elect school board members by school board district. The school district is then divided into 7 school board districts, each of which elects one member to the board of education.)

OFFICIAL BALLOT

DISTRICT ..... (1 through 7)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM

VOTE FOR ONE

( ).....

( ).....

( ).....

(-OR-)

OFFICIAL BALLOT

DISTRICT ..... (1 through 7)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4-YEAR TERM

VOTE FOR ONE

( ).....

( ).....

( ).....

(-OR-)

OFFICIAL BALLOT

DISTRICT ..... (1 through 7)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM

VOTE FOR ONE

( ) .....  
( ) .....  
( ) .....

REVERSE SIDE:

OFFICIAL BALLOT  
DISTRICT ..... (1 through 7)  
(Precinct name or number)  
School District No. ...., ..... County, Illinois  
Election Tuesday (insert date)  
(facsimile signature of Election Authority)  
(County)

(FORMAT 7

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least one board member shall be a resident of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA. ~~On the basis of existing board membership, at least one member shall be elected from the unincorporated area.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM

THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO  
CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.

VOTE FOR A TOTAL OF ....

..... Area  
( ) .....  
( ) .....  
..... Area  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4-YEAR TERM  
VOTE FOR  
A TOTAL OF~~

....

..... Area  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4 YEAR TERM  
VOTE FOR ....~~

..... Area  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

..... Area  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2 YEAR TERM~~



VOTE FOR ....

..... Area  
( ) .....  
( ) .....

(FORMAT 7a

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district and on the basis of existing board membership no board member is required to be elected from the unincorporated area.)

OFFICIAL BALLOT

Instruction to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS. ~~On the basis of existing board membership, members may be elected from any area or areas.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM

VOTE FOR ....

( ) .....  
( ) .....  
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4-YEAR TERM

VOTE FOR ....

( ) .....  
( ) .....  
( ) .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM~~

~~VOTE FOR ....~~

~~( ) .....  
( ) .....  
( ) .....~~

(FORMAT 8

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST 2 MEMBERS SHALL BE ELECTED FROM THE UNINCORPORATED AREA. ~~On the basis of existing board membership at least 2 members shall be elected from the unincorporated area.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM

THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO  
CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.

VOTE FOR A TOTAL OF ....

..... Area  
( ) .....  
( ) .....

..... Area

.....  
 .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4-YEAR TERM  
VOTE FOR  
A TOTAL OF

....

..... Area

.....  
 .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4-YEAR TERM  
VOTE FOR ....~~

..... Area

.....  
 .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM  
VOTE FOR ....~~

..... Area

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~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM  
VOTE FOR ....~~

..... Area

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(FORMAT 8a

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA. ~~On the basis of existing board membership at least one member shall be elected from the unincorporated area.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM

THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO  
CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.

VOTE FOR A TOTAL OF ....

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FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4-YEAR TERM  
VOTE FOR  
A TOTAL OF

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~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4 YEAR TERM  
VOTE FOR ....~~

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~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

..... Area

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- .....

~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

..... Area

- .....
- .....

(FORMAT 8b

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS. ~~On the basis of existing board membership, members may be elected from any area or areas.~~

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2-YEAR TERM  
VOTE FOR ....

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FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
A FULL 4-YEAR TERM  
VOTE FOR ....

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~~FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE  
AN UNEXPIRED 2 YEAR TERM  
VOTE FOR ....~~

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(Source: P.A. 93-706, eff. 7-9-04.)

(105 ILCS 5/9-18) (from Ch. 122, par. 9-18)

Sec. 9-18. Canvass of elections. A canvass of the votes at any election held in districts governed by a board of education shall be made by the board of education within 21 7 days after the election.

A canvass of the votes at an election ordered by the regional superintendent of schools shall be made by the regional superintendent of schools within 21 7 days after the election.

A canvass of the votes at an election ordered by the Board of Directors shall be made by the Board of Directors within 21 7 days after the election.

(Source: P.A. 81-1490.); and

in Section 5, Sec. 14-16, subsec. (a), by replacing "The General Assembly" with "This Section may be referred to as Brittany's Law. The General Assembly".

AMENDMENT NO. 4. Amend House Bill 757, AS AMENDED, in Section 5, in the introductory clause, by replacing "and 9-18" with "9-18, 26-2, 26-8, and 26-16"; and in Section 5, immediately below Sec. 14-16, by inserting the following:

"(105 ILCS 5/26-2) (from Ch. 122, par. 26-2)

(Text of Section from P.A. 93-803)

Sec. 26-2. Enrolled pupils below 7 or over 17 16.

(a) Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above ~~the age of 16 years~~ and who is enrolled in any of grades 1 through 12, in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under ~~paragraph paragraphs~~ 2, 3, 4, or 5, or 6 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child ~~above the age of 19~~ years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 17 16 years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

(1) The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.

(3) The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with an academic improvement plan and academic remediation services.

(5) The student fails to achieve a "D" average (or its equivalent) or better in the current semester.

A school or school district may deny enrollment to a student 17 16 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least ~~17~~ 16 years of age or older but below ~~not more than~~ 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803 ~~this amendatory Act of the 93rd General Assembly~~.  
(Source: P.A. 92-42, eff. 1-1-02; 93-803, eff. 7-23-04.)

(Text of Section from P.A. 93-858)

Sec. 26-2. Enrolled pupils below 7 or over 17.

(a) Any person having custody or control of a child who is below the age of 7 years or is 17 years of age or above and who is enrolled in any of grades 1 through 12 in the public school shall cause him to attend the public school in the district wherein he resides when it is in session during the regular school term, unless he is excused under paragraph 2, 3, 4, 5, or 6 of Section 26-1.

(b) A school district shall deny reenrollment in its secondary schools to any child ~~19~~ 17 years of age or above who has dropped out of school and who could not, because of age and lack of credits, attend classes during the normal school year and graduate before his or her twenty-first birthday. A district may, however, enroll the child in a graduation incentives program under Section 26-16 of this Code or an alternative learning opportunities program established under Article 13B. No child shall be denied reenrollment for the above reasons unless the school district first offers the child due process as required in cases of expulsion under Section 10-22.6. If a child is denied reenrollment after being provided with due process, the school district must provide counseling to that child and must direct that child to alternative educational programs, including adult education programs, that lead to graduation or receipt of a GED diploma.

(c) A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic standards if all of the following conditions are met:

(1) The student achieved a grade point average of less than "D" (or its equivalent) in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is failing academically and is subject to denial from enrollment for one semester unless a "D" average (or its equivalent) or better is attained in the current semester.

(3) The parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with an academic improvement plan and academic remediation services.

(5) The student fails to achieve a "D" average (or its equivalent) or better in the current semester.

A school or school district may deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum attendance standards if all of the following conditions are met:

(1) The student was absent without valid cause for 20% or more of the attendance days in the semester immediately prior to the current semester.

(2) The student and the student's parent or guardian are given written notice warning that the student is subject to denial from enrollment for one semester unless the student is absent without valid cause less than 20% of the attendance days in the current semester.

(3) The student's parent or guardian is provided with the right to appeal the notice, as determined by the State Board of Education in accordance with due process.

(4) The student is provided with attendance remediation services, including without limitation assessment, counseling, and support services.

(5) The student is absent without valid cause for 20% or more of the attendance days in the current semester.

A school or school district may not deny enrollment to a student (or reenrollment to a dropout) who is at least 17 years of age or older but below 19 years for more than one consecutive semester for failure to meet academic or attendance standards.

(d) No child may be denied enrollment or reenrollment under this Section in violation of the Individuals with Disabilities

Education Act or the Americans with Disabilities Act.

(e) In this subsection (e), "reenrolled student" means a dropout who has reenrolled full-time in a public school. Each school district shall identify, track, and report on the educational progress and outcomes of reenrolled students as a subset of the district's required reporting on all enrollments. A reenrolled student who again drops out must not be counted again against a district's dropout rate performance measure. The State Board of Education shall set performance standards for programs serving reenrolled students.

(f) The State Board of Education shall adopt any rules necessary to implement the changes to this Section made by Public Act 93-803.

(Source: P.A. 92-42, eff. 1-1-02; 93-858, eff. 1-1-05.)

(105 ILCS 5/26-8) (from Ch. 122, par. 26-8)

Sec. 26-8. Determination as to compliance - Complaint in circuit court. A truant officer or, in a school district that does not have a truant officer, the regional superintendent of schools or his or her designee, after giving the notice provided in Section 26-7, shall determine whether the notice has been complied with. If 3 notices have been given and the notices have not been complied with, and if the persons having custody or control have knowingly and willfully permitted the truant behavior to continue, the regional superintendent of schools, or his or her designee, of the school district where the child resides shall conduct a truancy hearing. If the regional superintendent determines as a result of the hearing that the child is truant, the regional superintendent shall, if age appropriate at the discretion of the regional superintendent, require the student to complete 20 to 40 hours of community service over a period of 90 days. If the truancy persists, the regional superintendent shall (i) make complaint against the persons having custody or control to the state's attorney or in the circuit court in the county where such person resides for failure to comply with the provisions of this Article or (ii) conduct truancy mediation and encourage the student to enroll in a graduation incentives program under Section 26-16 of this Code. If, however, after giving the notice provided in Section 26-7 the truant behavior has continued, and the child is beyond the control of the parents, guardians or custodians, a truancy petition shall be filed under the provisions of Article III of the Juvenile Court Act of 1987.

(Source: P.A. 93-858, eff. 1-1-05.)

(105 ILCS 5/26-16)

Sec. 26-16. Graduation incentives program.

(a) The General Assembly finds that it is critical to provide options for children to succeed in school. The purpose of this Section is to provide incentives for and encourage all Illinois students who have experienced or are experiencing difficulty in the traditional education system to enroll in alternative programs.

(b) Any student who is below the age of 20 years ~~no more than 18 years of age~~ is eligible to enroll in a graduation incentives program if he or she:

- (1) is considered a dropout pursuant to Section 26-2a of this Code;
- (2) has been suspended or expelled pursuant to Section 10-22.6 or 34-19 of this Code;
- (3) is pregnant or is a parent;
- (4) has been assessed as chemically dependent; or
- (5) is enrolled in a bilingual education or LEP program.

(c) The following programs qualify as graduation incentives programs for students meeting the criteria established in this Section:

- (1) Any public elementary or secondary education graduation incentives program established by a school district or by a regional office of education.
- (2) Any alternative learning opportunities program established pursuant to Article 13B of this Code.

(3) Vocational or job training courses approved by the State Superintendent of Education that are available through the Illinois public community college system. Students may apply for reimbursement of 50% of tuition costs for one course per semester or a maximum of 3 courses per school year. Subject to available funds, students may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a vocational or job training program. The qualifications for reimbursement shall be established by the State Superintendent of Education by rule.

(4) Job and career programs approved by the State Superintendent of Education that are available through Illinois-accredited private business and vocational schools. Subject to available funds, pupils may apply for reimbursement of up to 100% of tuition costs upon a showing of employment within 6 months after completion of a job or career program. The State Superintendent of Education shall

establish, by rule, the qualifications for reimbursement, criteria for determining reimbursement amounts, and limits on reimbursement.

(5) Adult education courses that offer preparation for the General Educational Development Test.

(d) Graduation incentives programs established by school districts are entitled to claim general State aid, subject to Sections 13B-50, 13B-50.5, and 13B-50.10 of this Code. Graduation incentives programs operated by regional offices of education are entitled to receive general State aid at the foundation level of support per pupil enrolled. A school district must ensure that its graduation incentives program receives supplemental general State aid, transportation reimbursements, and special education resources, if appropriate, for students enrolled in the program.

(Source: P.A. 93-858, eff. 1-1-05.); and

in Section 99, after "law", by inserting ", except that the provisions changing Sections 26-2, 26-8, and 26-16 of the School Code take effect January 1, 2005".

The foregoing message from the Senate reporting Senate Amendments numbered 2, 3 and 4 to HOUSE BILL 757 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 612

A bill for AN ACT in relation to pensions.

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

Senate Amendment No. 1 to HOUSE BILL NO. 612

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

Linda Hawker, Secretary of the Senate

AMENDMENT NO.   1  . Amend House Bill 612 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Pension Code is amended by changing Sections 4-109.3, 4-110, 4-110.1, 4-111, and 4-114 as follows:

(40 ILCS 5/4-109.3)

Sec. 4-109.3. Employee creditable service.

(a) As used in this Section:

"Final monthly salary" means the monthly salary attached to the rank held by the firefighter at the time of his or her last withdrawal from service under a particular pension fund.

"Last pension fund" means the pension fund in which the firefighter was participating at the time of his or her last withdrawal from service.

(b) The benefits provided under this Section are available only to a firefighter who:

(1) is a firefighter at the time of withdrawal from the last pension fund and for at least the final 3 years of employment prior to that withdrawal;

(2) has established service credit with at least one pension fund established under this Article other than the last pension fund;

(3) has a total of at least 20 years of service under the various pension funds established under this Article and has attained age 50; and

(4) is in service on or after the effective date of this amendatory Act of the 93rd General Assembly.

(c) A firefighter who is eligible for benefits under this Section may elect to receive a retirement pension from each pension fund under this Article in which the firefighter has at least one year of service credit but has not received a refund under Section 4-116 (unless the firefighter repays that refund under subsection (g)) or subsection (c) of Section 4-118.1, by applying in writing and paying the contribution required under

subsection (i).

(d) From each such pension fund other than the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension of 1/12th of 2.5% of his or her final monthly salary under that fund for each month of service in that fund, subject to a maximum of 75% of that final monthly salary.

(e) From the last pension fund, in lieu of any retirement pension otherwise payable under this Article, a firefighter to whom this Section applies may elect to receive a monthly pension calculated as follows:

The last pension fund shall calculate the retirement pension that would be payable to the firefighter under subsection (a) of Section 4-109 as if he or she had participated in that last pension fund during his or her entire period of service under all pension funds established under this Article (excluding any period of service for which the firefighter has received a refund under Section 4-116, unless the firefighter repays that refund under subsection (g), or for which the firefighter has received a refund under subsection (c) of Section 4-118.1). From this hypothetical pension there shall be subtracted the original amounts of the retirement pensions payable to the firefighter by all other pension funds under subsection (d). The remainder is the retirement pension payable to the firefighter by the last pension fund under this subsection (e).

(f) Pensions elected under this Section shall be subject to increases as provided in subsection (d) of Section 4-109.1.

(g) A current firefighter may reinstate creditable service in a pension fund established under this Article that was terminated upon receipt of a refund, by payment to that pension fund of the amount of the refund together with interest thereon at the rate of 6% per year, compounded annually, from the date of the refund to the date of payment. A repayment of a refund under this Section may be made in equal installments over a period of up to 10 years, but must be paid in full prior to retirement.

(h) As a condition of being eligible for the benefits provided in this Section, a person who is hired to a position as a firefighter on or after July 1, 2004 ~~the effective date of this amendatory Act of the 93rd General Assembly, a firefighter must~~ , within 21 months after being hired, notify the new employer, all of his or her previous employers under this Article, and the Public Pension Division of the Division Department of Insurance of the Department of Financial and Professional Regulation, within one year of being hired, of his or her intent to receive the benefits provided under this Section all periods of service of at least one year under a pension fund established under this Article.

(i) In order to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, a firefighter must pay to each pension fund from which he or she has elected to receive a pension under this Section a contribution equal to ~~1/12th of~~ 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the ~~firefighter's first day of employment with that fund or the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with that fund, whichever is earlier.~~

In order for a firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with the required interest thereon, to receive a pension under this Section or an occupational disease disability pension for which he or she becomes eligible due to the application of subsection (m) of this Section, the firefighter must, within one year after the effective date of this amendatory Act of the 93rd General Assembly, make an additional contribution equal to 11/12ths of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution required under subsection (c) of Section 4-118.1), together with interest thereon at the rate of 6% per annum, compounded annually, from the firefighter's first day of employment with that fund or the first day of the fiscal year of that fund that immediately precedes the firefighter's first day of employment with the fund, whichever is earlier. A firefighter who, as of the effective date of this amendatory Act of the 93rd General Assembly, has not begun to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section and who has contributed 1/12th of 1% of monthly salary for each month of service credit that the firefighter has in that fund (other than service credit for which the firefighter has already paid the additional contribution



required under subsection (c) of Section 4-118.1), together with the required interest thereon, in order to receive a pension under this Section or an occupational disease disability pension under subsection (m) of this Section, may elect, within one year after the effective date of this amendatory Act of the 93rd General Assembly to forfeit the benefits provided under this Section and receive a refund of that contribution. ~~time the service was rendered to the date of payment.~~

(j) A retired firefighter who is receiving pension payments under Section 4-109 may reenter active service under this Article. Subject to the provisions of Section 4-117, the firefighter may receive credit for service performed after the reentry if the firefighter (1) applies to receive credit for that service, (2) suspends his or her pensions under this Section, and (3) makes the contributions required under subsection (i).

(k) A firefighter who is newly hired or promoted to a position as a firefighter shall not be denied participation in a fund under this Article based on his or her age.

(l) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-110, the last pension fund is responsible to pay that disability pension and the amount of that disability pension shall be based only on the firefighter's service with the last pension fund.

(m) Notwithstanding any provision in Section 4-110.1 to the contrary, if a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to an occupational disease disability pension under Section 4-110.1, each pension fund to which the firefighter has made contributions under subsection (c) of Section 4-118.1 must pay a portion of that occupational disease disability pension equal to the proportion that the firefighter's service credit with that pension fund for which the contributions under subsection (c) of Section 4-118.1 have been made bears to the firefighter's total service credit with all of the pension funds for which the contributions under subsection (c) of Section 4-118.1 have been made. A firefighter who has made contributions under subsection (c) of Section 4-118.1 for at least 5 years of creditable service shall be deemed to have met the 5-year creditable service requirement under Section 4-110.1, regardless of whether the firefighter has 5 years of creditable service with the last pension fund.

(n) If a firefighter who elects to make contributions under subsection (c) of Section 4-118.1 for the pension benefits provided under this Section becomes entitled to a disability pension under Section 4-111, the last pension fund is responsible to pay that disability pension, provided that the firefighter has at least 7 years of creditable service with the last pension fund.

(Source: P.A. 93-689, eff. 7-1-04.)

(40 ILCS 5/4-110) (from Ch. 108 1/2, par. 4-110)

Sec. 4-110. Disability pension - Line of duty. If a firefighter, as the result of sickness, accident or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty, is found, pursuant to Section 4-112, to be physically or mentally permanently disabled for service in the fire department, so as to render necessary his or her being placed on disability pension, the firefighter shall be entitled to a disability pension equal to the greater of (1) 65% of the monthly salary attached to the rank held by him or her in the fire department at the date he or she is removed from the municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension). A firefighter shall be considered "on duty" while on any assignment approved by the chief of the fire department, even though away from the municipality he or she serves as a firefighter, if the assignment is related to the fire protection service of the municipality.

Such firefighter shall also be entitled to a child's disability benefit of \$20 a month on account of each unmarried child less than 18 years of age and dependent upon the firefighter for support, either the issue of the firefighter or legally adopted by him or her. The total amount of child's disability benefit payable to the firefighter, when added to his or her disability pension, shall not exceed 75% of the amount of salary which the firefighter was receiving at the date of retirement.

Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged to be disabled persons pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 ~~but~~

~~shall, from the date of death, become subject to the requirements, including limitations on amount, that are provided for pensions to survivors under Section 4-114.~~ A pension previously granted under Section 4-114 to a survivor of a firefighter who died while receiving a disability pension under this Section shall be deemed to be a continuation of the pension provided under this Section and shall be deemed to be in the nature of worker's compensation payments. The changes to this Section made by this amendatory Act of 1995 are intended to be retroactive and are not limited to persons in service on or after its effective date.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-110.1) (from Ch. 108 1/2, par. 4-110.1)

Sec. 4-110.1. Occupational disease disability pension. The General Assembly finds that service in the fire department requires firefighters in times of stress and danger to perform unusual tasks; that firefighters are subject to exposure to extreme heat or extreme cold in certain seasons while performing their duties; that they are required to work in the midst of and are subject to heavy smoke fumes, and carcinogenic, poisonous, toxic or chemical gases from fires; and that these conditions exist and arise out of or in the course of employment.

An active firefighter with 5 or more years of creditable service who is found, pursuant to Section 4-112, unable to perform his or her duties in the fire department by reason of heart disease, stroke, tuberculosis, or any disease of the lungs or respiratory tract, resulting from service as a firefighter, is entitled to an occupational disease disability pension during any period of such disability for which he or she has no right to receive salary.

Any active firefighter who has completed 5 or more years of service and is unable to perform his or her duties in the fire department by reason of a disabling cancer, which develops or manifests itself during a period while the firefighter is in the service of the fire department, shall be entitled to receive an occupational disease disability benefit during any period of such disability for which he or she does not have a right to receive salary. In order to receive this occupational disease disability benefit, (i) the type of cancer involved must be a type which may be caused by exposure to heat, radiation or a known carcinogen as defined by the International Agency for Research on Cancer and (ii) the cancer must (and is rebuttably presumed to) arise as a result of service as a firefighter.

A firefighter who enters the service after August 27, 1971 shall be examined by one or more practicing physicians appointed by the board. If the examination discloses impairment of the heart, lungs or respiratory tract, or the existence of any cancer, the firefighter shall not be entitled to the occupational disease disability pension unless and until a subsequent examination reveals no such impairment or cancer.

The occupational disease disability pension shall be equal to the greater of (1) 65% of the salary attached to the rank held by the firefighter in the fire service at the time of his or her removal from the municipality's fire department payroll or (2) the retirement pension that the firefighter would be eligible to receive if he or she retired (but not including any automatic annual increase in that retirement pension).

The firefighter is also entitled to a child's disability benefit of \$20 a month for each natural or legally adopted unmarried child less than age 18 dependent upon the firefighter for support. The total child's disability benefit when added to the occupational disease disability pension shall not exceed 75% of the firefighter's salary at the time of the grant of occupational disease disability pension.

The occupational disease disability pension is payable to the firefighter during the period of the disability. If the disability ceases before the death of the firefighter, the disability pension payable under this Section shall also cease and the firefighter thereafter shall receive such pension benefits as are provided in accordance with other provisions of this Article.

If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 ~~but shall, from the date of death, become subject to the requirements, including limitations on amount, that are provided for pensions to survivors under Section 4-114.~~ A pension previously granted under Section 4-114 to a survivor of a firefighter who died while receiving a disability pension under this Section shall be deemed to be a continuation of the pension provided under this Section and shall be deemed to be in the nature of worker's occupational disease compensation payments. The changes to this Section made by this amendatory Act of 1995 are intended to be retroactive and are not limited to persons in service on or after its effective date.

The child's disability benefit shall terminate if the disability ceases while the firefighter is alive or when the child or children attain age 18 or marry, whichever event occurs first, except that benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled

person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(Source: P.A. 91-466, eff. 8-6-99.)

(40 ILCS 5/4-111) (from Ch. 108 1/2, par. 4-111)

Sec. 4-111. Disability pension - Not in duty. A firefighter having at least 7 years of creditable service who becomes disabled as a result of any cause other than an act of duty, and who is found, pursuant to Section 4-112, to be physically or mentally permanently disabled so as to render necessary his or her being placed on disability pension, shall be granted a disability pension of 50% of the monthly salary attached to the rank held by the firefighter in the fire service at the date he or she is removed from the municipality's fire department payroll. If a firefighter dies while still disabled and receiving a disability pension under this Section, the disability pension shall continue to be paid to the firefighter's survivors in the sequence provided in Section 4-114 if that disability pension is greater than the survivors pension provided under subsection (a) of Section 4-114.

(Source: P.A. 83-1440.)

(40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

Sec. 4-114. Pension to survivors. If a firefighter who is not receiving a disability pension under Section 4-110 or 4-110.1 dies (1) as a result of any illness or accident, or (2) from any cause while in receipt of a disability pension under this Article, or (3) during retirement after 20 years service, or (4) while vested for or in receipt of a pension payable under subsection (b) of Section 4-109, or (5) while a deferred pensioner, having made all required contributions, a pension shall be paid to his or her survivors, based on the monthly salary attached to the firefighter's rank on the last day of service in the fire department, as follows:

(a)(1) To the surviving spouse, a monthly pension of 40% of the monthly salary, and to the guardian of any minor child or children including a child which has been conceived but not yet born, 12% of such monthly salary for each such child until attainment of age 18 or until the child's marriage, whichever occurs first. Beginning July 1, 1993, the monthly pension to the surviving spouse shall be 54% of the monthly salary for all persons receiving a surviving spouse pension under this Article, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

(2) Beginning July 1, 2004, unless the amount provided under paragraph (1) of this subsection (a) is greater, the total monthly pension payable under this paragraph (a), including any amount payable on account of children, to

the surviving spouse of a firefighter who died (i) while receiving a retirement pension, (ii) while he or she was a deferred pensioner with at least 20 years of creditable service, or (iii) while he or she was in active service having at least 20 years of creditable service, regardless of age, including any amount payable on account of children, shall be no less than 100% of the monthly retirement pension earned by that the deceased firefighter at the time of death, regardless of whether death occurs before or after attainment of age 50, was receiving at the time of death, including any increases under Section 4-109.1. This minimum applies to all such surviving spouses who are eligible to receive a surviving spouse pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of the 93rd General Assembly, and notwithstanding any limitation on maximum pension under paragraph (d) or any other provision of this Article.

(3) If the pension paid on and after July 1, 2004 to the surviving spouse of a firefighter who died on or after July 1, 2004 and before the effective date of this amendatory Act of the 93rd General Assembly was less than the minimum pension payable under paragraph (1) or (2) of this subsection (a), the fund shall pay a lump sum equal to the difference within 90 days after the effective date of this amendatory Act of the 93rd General Assembly.

The pension to the surviving spouse shall terminate in the event of the surviving spouse's remarriage prior to July 1, 1993; remarriage on or after that date does not affect the surviving spouse's pension, regardless of whether the deceased firefighter was in service on or after the effective date of this amendatory Act of 1993.

The surviving spouse's pension shall be subject to the minimum established in Section 4-109.2.

(b) Upon the death of the surviving spouse leaving one or more minor children, to the duly appointed guardian of each such child, for support and maintenance of each such child until the child reaches age 18 or marries, whichever occurs first, a monthly pension of 20% of the monthly salary.

(c) If a deceased firefighter leaves no surviving spouse or unmarried minor children under age 18, but leaves a dependent father or mother, to each dependent parent a monthly pension of 18% of the monthly salary. To qualify for the pension, a dependent parent must furnish satisfactory proof that the deceased

firefighter was at the time of his or her death the sole supporter of the parent or that the parent was the deceased's dependent for federal income tax purposes.

(d) The total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 75% of the monthly salary of the deceased firefighter (1) when paid to the survivor of a firefighter who has attained 20 or more years of service credit and who receives or is eligible to receive a retirement pension under this Article, or (2) when paid to the survivor of a firefighter who dies as a result of illness or accident, or (3) when paid to the survivor of a firefighter who dies from any cause while in receipt of a disability pension under this Article, or (4) when paid to the survivor of a deferred pensioner. For all other survivors of deceased firefighters, the total pension provided under paragraphs (a), (b) and (c) of this Section shall not exceed 50% of the retirement annuity the firefighter would have received on the date of death.

The maximum pension limitations in this paragraph (d) do not control over any contrary provision of this Article explicitly establishing a minimum amount of pension or granting a one-time or annual increase in pension.

(e) If a firefighter leaves no eligible survivors under paragraphs (a), (b) and (c), the board shall refund to the firefighter's estate the amount of his or her accumulated contributions, less the amount of pension payments, if any, made to the firefighter while living.

(f) An adopted child is eligible for the pension provided under paragraph (a) if the child was adopted before the firefighter attained age 50.

(g) If a judgment of dissolution of marriage between a firefighter and spouse is judicially set aside subsequent to the firefighter's death, the surviving spouse is eligible for the pension provided in paragraph (a) only if the judicial proceedings are filed within 2 years after the date of the dissolution of marriage and within one year after the firefighter's death and the board is made a party to the proceedings. In such case the pension shall be payable only from the date of the court's order setting aside the judgment of dissolution of marriage.

(h) Benefits payable on account of a child under this Section shall not be reduced or terminated by reason of the child's attainment of age 18 if he or she is then dependent by reason of a physical or mental disability but shall continue to be paid as long as such dependency continues. Individuals over the age of 18 and adjudged as a disabled person pursuant to Article XIa of the Probate Act of 1975, except for persons receiving benefits under Article III of the Illinois Public Aid Code, shall be eligible to receive benefits under this Act.

(i) Beginning January 1, 2000, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1994 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(j) Beginning July 1, 2004, the pension of the surviving spouse of a firefighter who dies on or after January 1, 1988 as a result of sickness, accident, or injury incurred in or resulting from the performance of an act of duty or from the cumulative effects of acts of duty shall not be less than 100% of the salary attached to the rank held by the deceased firefighter on the last day of service, notwithstanding subsection (d) or any other provision of this Article.

(Source: P.A. 93-689, eff. 7-1-04.)

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 foregoing message from the Senate reporting Senate Amendment No. 1 to HOUSE BILL 612 was placed on the Calendar on the order of Concurrence.

A message from the Senate by

Ms. Hawker, Secretary:

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

## SENATE BILL NO. 2257

A bill for AN ACT in relation to public bodies.  
House Amendment No. 1 to SENATE BILL NO. 2257.  
Action taken by the Senate, November 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 in the adoption of their amendment to a bill of the following title, to-wit:

## SENATE BILL NO. 2133

A bill for AN ACT concerning elections.  
House Amendment No. 1 to SENATE BILL NO. 2133.  
Action taken by the Senate, November 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 699

A bill for AN ACT in relation to public aid.  
Together with the attached amendments thereto (which amendments have been printed by the Senate), in the adoption of which I am instructed to ask the concurrence of the House, to-wit:  
Senate Amendment No. 2 to HOUSE BILL NO. 699  
Senate Amendment No. 3 to HOUSE BILL NO. 699  
Passed the Senate, as amended, November 17, 2004.

Linda Hawker, Secretary of the Senate

AMENDMENT NO. 2. Amend House Bill 699 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2005, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22

facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus \$1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus \$3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by \$4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective January 1, 2005 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices. Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect January 1, 2005."

AMENDMENT NO.   3  . Amend House Bill 699 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.4 as follows:

(305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

Sec. 5-5.4. Standards of Payment - Department of Public Aid. The Department of Public Aid shall develop standards of payment of skilled nursing and intermediate care services in facilities providing such services under this Article which:

(1) Provide for the determination of a facility's payment for skilled nursing and intermediate care

services on a prospective basis. The amount of the payment rate for all nursing facilities certified by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities, Long Term Care for Under Age 22 facilities, Skilled Nursing facilities, or Intermediate Care facilities under the medical assistance program shall be prospectively established annually on the basis of historical, financial, and statistical data reflecting actual costs from prior years, which shall be applied to the current rate year and updated for inflation, except that the capital cost element for newly constructed facilities shall be based upon projected budgets. The annually established payment rate shall take effect on July 1 in 1984 and subsequent years. No rate increase and no update for inflation shall be provided on or after July 1, 1994 and before July 1, 2005, unless specifically provided for in this Section. The changes made by this amendatory Act of the 93rd General Assembly extending the duration of the prohibition against a rate increase or update for inflation are effective retroactive to July 1, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1998 shall include an increase of 3%. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1998 shall include an increase of 3% plus \$1.10 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% plus \$3.00 per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 1999 shall include an increase of 1.6% and, for services provided on or after October 1, 1999, shall be increased by \$4.00 per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department. For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Skilled Nursing facilities or Intermediate Care facilities, the rates taking effect on July 1, 2000 shall include an increase of 2.5% per resident-day, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, a new payment methodology must be implemented for the nursing component of the rate effective July 1, 2003. The Department of Public Aid shall develop the new payment methodology using the Minimum Data Set (MDS) as the instrument to collect information concerning nursing home resident condition necessary to compute the rate. The Department of Public Aid shall develop the new payment methodology to meet the unique needs of Illinois nursing home residents while remaining subject to the appropriations provided by the General Assembly. A transition period from the payment methodology in effect on June 30, 2003 to the payment methodology in effect on July 1, 2003 shall be provided for a period not exceeding 2 years after implementation of the new payment methodology as follows:

(A) For a facility that would receive a lower nursing component rate per patient day under the new system than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be held at the level in effect on the date immediately preceding the date that the Department implements the new payment methodology until a higher nursing component rate of reimbursement is achieved by that facility.

(B) For a facility that would receive a higher nursing component rate per patient day under the payment methodology in effect on July 1, 2003 than the facility received effective on the date immediately preceding the date that the Department implements the new payment methodology, the nursing component rate per patient day for the facility shall be adjusted.

(C) Notwithstanding paragraphs (A) and (B), the nursing component rate per patient day for the facility shall be adjusted subject to appropriations provided by the General Assembly.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on March 1, 2001 shall include a statewide increase of 7.85%, as defined by the Department.



For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or Long Term Care for Under Age 22 facilities, the rates taking effect on April 1, 2002 shall include a statewide increase of 2.0%, as defined by the Department. This increase terminates on July 1, 2002; beginning July 1, 2002 these rates are reduced to the level of the rates in effect on March 31, 2002, as defined by the Department.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on July 1, 2001 shall be computed using the most recent cost reports on file with the Department of Public Aid no later than April 1, 2000, updated for inflation to January 1, 2001. For rates effective July 1, 2001 only, rates shall be the greater of the rate computed for July 1, 2001 or the rate effective on June 30, 2001.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the Illinois Department shall determine by rule the rates taking effect on July 1, 2002, which shall be 5.9% less than the rates in effect on June 30, 2002.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, if the payment methodologies required under Section 5A-12 and the waiver granted under 42 CFR 433.68 are approved by the United States Centers for Medicare and Medicaid Services, the rates taking effect on July 1, 2004 shall be 3.0% greater than the rates in effect on June 30, 2004. These rates shall take effect only upon approval and implementation of the payment methodologies required under Section 5A-12.

Notwithstanding any other provisions of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, the rates taking effect on January 1, 2005 shall be 3% more than the rates in effect on December 31, 2004.

For facilities licensed by the Department of Public Health under the Nursing Home Care Act as Intermediate Care for the Developmentally Disabled facilities or as long-term care facilities for residents under 22 years of age, the rates taking effect on July 1, 2003 shall include a statewide increase of 4%, as defined by the Department.

Notwithstanding any other provision of this Section, for facilities licensed by the Department of Public Health under the Nursing Home Care Act as skilled nursing facilities or intermediate care facilities, effective January 1, 2005, facility rates shall be increased by the difference between (i) a facility's per diem property, liability, and malpractice insurance costs as reported in the cost report filed with the Department of Public Aid and used to establish rates effective July 1, 2001 and (ii) those same costs as reported in the facility's 2002 cost report. These costs shall be passed through to the facility without caps or limitations, except for adjustments required under normal auditing procedures.

Rates established effective each July 1 shall govern payment for services rendered throughout that fiscal year, except that rates established on July 1, 1996 shall be increased by 6.8% for services provided on or after January 1, 1997. Such rates will be based upon the rates calculated for the year beginning July 1, 1990, and for subsequent years thereafter until June 30, 2001 shall be based on the facility cost reports for the facility fiscal year ending at any point in time during the previous calendar year, updated to the midpoint of the rate year. The cost report shall be on file with the Department no later than April 1 of the current rate year. Should the cost report not be on file by April 1, the Department shall base the rate on the latest cost report filed by each skilled care facility and intermediate care facility, updated to the midpoint of the current rate year. In determining rates for services rendered on and after July 1, 1985, fixed time shall not be computed at less than zero. The Department shall not make any alterations of regulations which would reduce any component of the Medicaid rate to a level below what that component would have been utilizing in the rate effective on July 1, 1984.

(2) Shall take into account the actual costs incurred by facilities in providing services for recipients of skilled nursing and intermediate care services under the medical assistance program.

(3) Shall take into account the medical and psycho-social characteristics and needs of the patients.

(4) Shall take into account the actual costs incurred by facilities in meeting licensing and certification standards imposed and prescribed by the State of Illinois, any of its political subdivisions or municipalities and by the U.S. Department of Health and Human Services pursuant to Title XIX of the Social Security Act.

The Department of Public Aid shall develop precise standards for payments to reimburse nursing facilities for any utilization of appropriate rehabilitative personnel for the provision of rehabilitative services which is authorized by federal regulations, including reimbursement for services provided by qualified therapists or qualified assistants, and which is in accordance with accepted professional practices.

Reimbursement also may be made for utilization of other supportive personnel under appropriate supervision.

(Source: P.A. 92-10, eff. 6-11-01; 92-31, eff. 6-28-01; 92-597, eff. 6-28-02; 92-651, eff. 7-11-02; 92-848, eff. 1-1-03; 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659, eff. 2-3-04; 93-841, eff. 7-30-04.)

Section 99. Effective date. This Act takes effect January 1, 2005."

The foregoing message from the Senate reporting Senate Amendments numbered 2 and 3 to HOUSE BILL 699 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 acceded to the request of the House of Representatives for a First Conference Committee to consider the differences of the two Houses in regard to the House amendments to:

SENATE BILL NO. 3186

A bill for AN ACT concerning human rights.

I am further directed to inform the House of Representatives that the Committee on Committees of the Senate has appointed as such Committee on the part of the Senate the following: Senators Ronen, Cullerton, Link; Petka and Roskam.

Action taken by the Senate, November 17, 2004.

Linda Hawker, Secretary of the Senate

**REPORTS FROM STANDING COMMITTEES**

Representative Burke, Chairperson, from the Committee on Executive 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 218.

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 1007.

The committee roll call vote on Senate Bill 218 is as follows:

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

Y Burke, Daniel(D), Chairperson  
Y Acevedo, Edward(D)  
A Capparelli, Ralph(D)  
A Jones, Lovana(D)  
A Molaro, Robert(D)  
Y Saviano, Angelo(R)

Y Bradley, Richard(D), Vice-Chairperson  
Y Biggins, Bob(R)  
A Hassert, Brent(R)  
Y McKeon, Larry(D)  
Y Pankau, Carole(R), Republican Spokesperson  
Y Winters, Dave(R)

The committee roll call vote on Motion to concur with Senate Amendment No. 2 to House Bill 1007 is as follows:

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

Y Burke, Daniel(D), Chairperson  
Y Acevedo, Edward(D)  
A Capparelli, Ralph(D)  
A Jones, Lovana(D)  
A Molaro, Robert(D)  
Y Saviano, Angelo(R)

Y Bradley, Richard(D), Vice-Chairperson  
Y Biggins, Bob(R)  
Y Hassert, Brent(R)  
Y McKeon, Larry(D)  
Y Pankau, Carole(R), Republican Spokesperson  
Y Winters, Dave(R)

Representative Scully, Chairperson, from the Committee on Judiciary I - Civil Law to which the following were referred, action taken earlier today, and reported the same back with the following recommendations:

That the bill be reported "do pass as amended" and be placed on the order of Second Reading--Standard Debate: SENATE BILL 81.

The committee roll call vote on Senate Bill 81 is as follows:

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

Y Fritchey,John(D), Chairperson	Y Scully,George(D), Vice-Chairperson
Y Bailey,Patricia(D)	Y Berrios,Maria(D)
Y Bradley,John(D)	Y Brosnahan,James(D)
N Cultra,Shane(R)	N Froehlich,Paul(R)
A Hamos,Julie(D)	Y Hoffman,Jay(D) (McCarthy)
N Hultgren,Randall(R), Republican Spokesperson	Y Lang,Lou(D)
N Mathias,Sidney(R)	Y May,Karen(D)
Y Nekritz,Elaine(D)	N Osmond,JoAnn(R) (E. Lyons)
N Rose,Chapin(R)	N Sacia,Jim(R)
A Wait,Ronald(R)	

### INTRODUCTION AND FIRST READING OF BILLS

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

HOUSE BILL 7357. Introduced by Representative Boland, AN ACT concerning public employee benefits.

HOUSE BILL 7358. Introduced by Representative Berrios, AN ACT concerning employment.

HOUSE BILL 7359. Introduced by Representative Saviano, AN ACT making appropriations.

### RESOLUTIONS

The following resolutions were offered and placed in the Committee on Rules.

#### HOUSE RESOLUTION 1171

Offered by Representative Krause:

WHEREAS, United Airlines has a rich history that goes back nearly 70 years; the company has provided many valuable services that have included: 1,600 daily departures, which service 66 million passengers annually; over 110 destinations worldwide in 26 different countries; and employment of 63,000 active employees and 58,000 retired employees; and

WHEREAS, United Airlines has been a major contributor to the pension plan of its employees; it contributed \$725 million for 2004 and is estimated to owe \$4.1 billion to pension plans by 2008; and

WHEREAS, United Airlines is threatening to stop the funding of its pension plans as part of its bankruptcy plan; already United Airlines has renegotiated an annual savings of \$2.5 billion from a reduction of wages and benefits in its union contracts beginning in 2005; and the company has missed \$72 million in pension contributions in the month of July 2004; and

WHEREAS, A default by United Airlines on its defined pension plan would be the largest pension failure in United States history and would severely impact a pension agency with a \$9.7 billion deficit; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the members of the House of Representatives urge United Airlines to continue to fund the company's defined benefit pension plan; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Board of Directors of United Airlines.

HOUSE RESOLUTION 1172

Offered by Representative Black:

WHEREAS, Correctional officers perform a vital function for the State of Illinois by risking their health and safety to maintain order and security within correctional facilities where offenders have been removed from the public; and

WHEREAS, The inherent conditions of correctional facilities can cause great stress and fatigue for officers and their families; and

WHEREAS, Stress and fatigue can be a particular problem when too few correctional officers are employed to maintain order and security within correctional facilities; and

WHEREAS, Four percent cuts to the budget of the Department of Corrections are necessary to create a balanced State budget for Fiscal Year 2005; and

WHEREAS, The Department of Corrections has made strides to increase the number of front line security at its facilities, as it employed 9,393 security staff at the end of Fiscal Year 2003 but 9,661 at the end of Fiscal Year 2004; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Governor and the Director of Corrections to take all actions necessary to keep Fiscal Year 2005 operations on budget without decreasing front line security staff who must interact with inmates and maintain security and order within Illinois correctional facilities; and be it further

RESOLVED, That we urge the Department of Corrections to explore all options available that will allow it to increase in future fiscal years, just as in Fiscal Year 2004, the number of front line correctional officers at Illinois correctional facilities to contribute to a safer environment for officers and inmates alike and to enhance piece of mind for the families of Illinois correctional officers who allow their loved ones to serve the State at the Department of Corrections; and be it further

RESOLVED, That copies of this resolution be furnished to the Governor and the Director of Corrections.

HOUSE RESOLUTION 1248

Offered by Qualifications Challenge Committee:

RESOLVED, BY THE HOUSE QUALIFICATIONS CHALLENGE COMMITTEE, pursuant to House Rule 83(e) of the Ninety-Third General Assembly of the State of Illinois, and to supplement Article X of the House Rules, that the following are adopted as Rules of Procedure of the Committee:

**HOUSE QUALIFICATIONS CHALLENGE COMMITTEE  
RULES OF PROCEDURE**

**1. Representation by Counsel.** The complainant and the respondent may each be represented by counsel in proceedings before

the Committee. Upon conclusion of the proceedings, each party may file a motion seeking reimbursement by the House of Representatives of reasonable attorney's fees and expenses. Each party shall be responsible for all attorney's fees and expenses not approved for reimbursement.

**2. Motions.**

(a) At the initial meeting of the Committee in response to a complaint, the Chairperson shall determine whether any preliminary or dispositive motions will be considered. The Chairperson shall then establish a briefing and hearing schedule on such motions, as necessary. The Chairperson may defer or limit, as appropriate, the taking of discovery pending resolution of any such motion.

(b) Unless made orally on the record during a hearing with the consent of the Chairperson, all motions shall be in writing and shall briefly state the order or relief requested and the specific grounds upon which relief is sought. Motions based on a matter that does not appear on the record shall be supported by affidavit.

**3. Discovery.**

(a) A party seeking deposition testimony of any party or witness, or production of relevant documents by any party or witness, shall file a motion with the Committee seeking approval of

such discovery requests. The Committee in its discretion may approve such motions or limit discovery as necessary.

(b) The Committee in its discretion may issue subpoenas for the appearance of witnesses or production of documents. Subpoenas may be issued upon written request of the complainant, respondent, or member of the Committee if: (i) the request is reasonably designed to produce or lead to the production of evidence related to the alleged violation, (ii) the terms of compliance are reasonable given the time frames and other circumstances, and (iii) the subpoena is properly prepared and presented for signature. Witnesses may be subpoenaed to give sworn evidentiary depositions, subject to cross-examination, if and only if they are unable to attend the meeting or hearing. Subpoenas issued under this Rule must be signed by the Chairperson and must comply with House Rule 4(c)(9).

**4. Evidence.** Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules of evidence and privilege as applied in civil cases in the circuit courts of Illinois shall be followed. However, evidence not admissible under those rules of evidence may be admitted (except where precluded by statute) if it is of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs. Objections to evidentiary offers may be made and shall be ruled upon by the Chairperson and noted in the record.

**5. Burden of Proof.** The complainant shall have the burden of proof to establish the matter asserted by clear

and convincing evidence.

**6. Stipulations.** The Committee encourages stipulations of fact whenever possible. The parties may agree on

the facts or any part thereof involved in the proceeding by stipulation. Stipulations may be filed in writing or entered orally into the record.

**7. Notice of Witnesses and Documents.** Notwithstanding any law or rule to the contrary, at least 7 calendar days prior to an

evidentiary hearing, each party must furnish to the Committee and to the other party:

- (1) A list of names, addresses, and phone numbers of the witnesses the party proposes to call.
- (2) All documents the party proposes to offer.
- (3) All written or recorded statements of the party's witnesses, regardless of their admissibility.

**8. Conduct of Evidentiary Hearings.** The following rules shall apply to all evidentiary hearings.

- (1) The Chairperson shall open the evidentiary hearing by explaining the procedure to be followed in the hearing.
- (2) Preliminary matters such as objections to charges, disputes involving discovery, stipulations of facts and documents, and scheduling of witnesses may be resolved. Upon motion of either party or at the discretion of the Chairperson, any or all witnesses may be sequestered.
- (3) Each party shall be given the opportunity to make a brief opening statement identifying the issues and indicating what is to be proven. Subject to the Chairperson's approval, each party may call witnesses to testify on his or her own behalf and present documentary and demonstrative evidence. All witnesses shall testify under oath or affirmation.
- (4) The parties may cross-examine opposing witnesses. The members of the Committee may also examine the witnesses.
- (5) Before closing the evidentiary hearing, each party shall be given the opportunity to make a brief closing statement.

**9. Filing and Form of Papers.** The original of all documents and a certificate of service shall be filed with the Clerk of

the House on or before the established due date. Copies of all filed documents shall be served on all parties and on each member of the Committee at the member's legislative district office or other designated address. Service may be by U.S. Mail or, if agreed by the parties, by facsimile.

**10. Failure to Comply with Orders or Rules.** If a party, or any person at the instance of or in collusion with a party, unreasonably

refuses or fails to comply with these Rules, or with any order of the Chairperson or the Committee, the Committee may enter an adverse finding, order, or decision as may be necessary to ensure just disposition of the matter.

HOUSE RESOLUTION 1253

Offered by Representative Watson:

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Task Force on One-to-One Mentoring must report its recommendations for program modifications and expansions, as required by House Resolution 704 of the 93rd General Assembly, on or before July 1, 2005, rather than on or before January 1, 2005 (as required by the House Resolution); and be it further

RESOLVED, That the Speaker and the Minority leader shall each designate one of the members he has appointed to the Task Force on One-to-One Mentoring, as required by House Resolution 704 of the 93rd General Assembly, as co-chair of the Task Force and that the meetings of the Task Force shall be convened at the call of either co-chair.

**AGREED RESOLUTIONS**

The following resolutions were offered and placed on the Calendar on the order of Agreed Resolutions.  
HOUSE RESOLUTION 1247

Offered by Representative Giles:

WHEREAS, The members of the House of Representatives of the State of Illinois were deeply saddened to learn of the death of Elizabeth Clay of Chicago on October 22, 2004; and

WHEREAS, She was born July 19, 1928 to Clem and Everlina Wright in Shaw, Mississippi; and

WHEREAS, She attended Antioch Church School, where she received her formal education; she married Amos Clay on December 25, 1942, and to this union, sixteen children were born; the family moved to Chicago on December 26, 1969; and

WHEREAS, She was employed at the Sheridan Hotel as a housekeeper, and she was also employed with the Board of Registration; she was the President of the Senior Citizen Group in the 37th Ward; and

WHEREAS, She was a member of the Landmark Missionary Baptist Church and worked faithfully on the Mother's Board; and

WHEREAS, Elizabeth was a cheerful, loving person, and mother to many and loved by most; and

WHEREAS, She was preceded in death by three of her children; her husband; her sisters, Ada Sheperd and Lena Mae Hudson; and her brothers, Johnny, Columbus, Jeff, and Lawyer Wright; and

WHEREAS, The passing of Elizabeth Clay will be felt by all who knew and loved her, especially her children, Joseph Jones, Willie (Shirley) Clay, Juarez Clay, Romether Clay, Mary Clay, Sandra D. Clay, Joyce Carrasquillo, Gloria Jean Clay, Marie Clay, Lucille Brown, Rosetta Clay, Everlina Adams, Louis Clay and Amos Clay; her two sisters, Alberta Ingram and Mary Bell Davis; her 140 grandchildren; her 145 great-grandchildren; her five great-great-grandchildren; her three great-great-great grandchildren; and a host of in-laws, other relatives and friends; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we mourn the passing of Elizabeth Clay and extend our sincerest condolences to her family, friends, and community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the family of Elizabeth Clay as an expression of our deepest sympathy.

HOUSE RESOLUTION 1249

Offered by Representative William Davis:

WHEREAS, Pastor Steven D. Lewis has been Pastor of the True Vine M.B. Church in Chicago for 25 years; and

WHEREAS, Pastor Lewis is a graduate of Dwight D. Eisenhower High School in Blue Island, and attended Moraine Valley Community College in Palos Hills; he began his structured biblical studies at

Chicago Baptist Institute, later graduating from International Bible Seminary in Orlando, Florida, with a Bachelor of Arts degree in Theology; Pastor Lewis was called to pastor the True Vine M.B. Church in 1979; and

WHEREAS, Pastor Lewis is a renowned preacher; his powerful teaching and dynamic preaching have touched hundreds of thousands of lives, and have afforded him the privilege of ministering to families all across Chicago and numerous cities and states; and

WHEREAS, He is also very musically inclined, possessing both the gift of singing and playing the organ; his ministry is meaningful and mighty; although he is lofty in stature, his humble demeanor speaks a greater volume; and

WHEREAS, He has been married to his soul mate, Helen Patrice Lewis, for 23 years; they have been blessed with four children, Hope Lynette, Steven D. Jr., Christopher James, and Cameron William; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Pastor Steven D. Lewis on the occasion of his twenty-fifth anniversary as Pastor of the True Vine M.B. Church in Chicago and we thank him for his many contributions to the community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Pastor Lewis as an expression of our admiration and esteem.

#### HOUSE RESOLUTION 1250

Offered by Representatives Morrow and Flowers:

WHEREAS, St. Bernard Hospital in Chicago is celebrating a century of continuous service to the Englewood community; and

WHEREAS, St. Bernard Hotel Dieu Hospital was founded in 1903 by seven sisters from the Religious Hospitaliers of St. Joseph, a French Canadian order; the hospital treated its first patient in December of 1905 and has operated from the same building on West 64th Street ever since; the hospital's name was changed in 1962 to St. Bernard Hospital; and

WHEREAS, St. Bernard's emergency care facility, which opened in 1983, treats approximately 33,000 patients annually; and

WHEREAS, In 2003, the hospital introduced a pediatric mobile health unit to give inoculations and medical services to schoolchildren throughout the community; and

WHEREAS, After one year in operation, the pediatric mobile health unit is providing necessary services to approximately 400 children per month; and

WHEREAS, St. Bernard has 700 staff members and treats over 50,000 patients annually, providing more than \$5 million in free care to those unable to afford needed services; and

WHEREAS, The Englewood community, which is a federally-designated health professional shortage area, is reviving, thanks to the leadership of institutions like St. Bernard; and

WHEREAS, In 1999, St. Bernard formed a housing development corporation and reclaimed seven abandoned acres across from the hospital as Bernard Place, Englewood's first housing development in over three decades; Phase I has been completed with 63 fully-occupied new homes; work on Phase II will begin in 2005; Bernard Place has received the Richard H. Driehaus Foundation Award for Outstanding Non-Profit Neighborhood Real Estate Project; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate St. Bernard Hospital as it celebrates its 100th anniversary and we convey our appreciation for its extraordinary service to the community; and be it further

RESOLVED, That a suitable copy of this resolution be presented to St. Bernard Hospital with our best wishes.

#### HOUSE RESOLUTION 1252

Offered by Representative Pankau:

WHEREAS, The members of the Illinois House of Representatives wish to recognize Chief Timothy F. Deutschle of the Addison Fire Protection District #1 on the occasion of his retirement; and

WHEREAS, Chief Deutschle will celebrate his retirement with a dinner on October 1, 2004 at Oak Meadows Country Club in Addison; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate Chief Timothy F. Deutschle on the occasion of his retirement after his dedicated service to the Addison Fire Protection District #1; and we wish him good health and happiness in all his future endeavors; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Chief Timothy F. Deutschle as an expression of our respect.

#### HOUSE RESOLUTION 1254

Offered by Representative Reitz:

WHEREAS, Glenn R. Meyer of Steeleville is completing 12 years of service as Director of District 16 of the Illinois Agricultural Association; and

WHEREAS, Glenn Meyer was elected to the Illinois Farm Bureau Board of Directors in 1992 to represent District 16, which includes St. Clair, Clinton, Washington, Monroe, Randolph, and Perry counties; Glenn serves on the Board's Illinois Government Committee, the ACTIVATOR Executive Committee, and the IAA Foundation Board of Trustees; he also serves on the Country Trust Bank Board, and as the interlocking member on the board of the Illinois Specialty Growers Association; and

WHEREAS, He is a 40-year Farm Bureau member; he joined the Randolph County Farm Bureau Board in 1958, serving on the Young Farmers, Local Affairs, Public Relations, Sports, Legislative, and Viewpoint Committees; Glenn was county Farm Bureau President for five years, and a delegate to the annual IFB meetings; and

WHEREAS, He served on the Illinois Soybean Association Board from 1989 to 1993, acting as Vice President and Secretary, as well as Chairman of the Domestic Promotions Committee; he served two years as President of the Randolph County Pork Producers Board and received the Superior Pork Award; he was named Master Farmer by Prairie Farmer Magazine in 1989; and

WHEREAS, He has participated in American Farm Bureau's Adopt-A-Scientist program; he has served as a county board member on the Farmers Home Administration; he has also served on the Randolph County Soil Conservation Service Board; he is a former leader of the Wine Hill Toppers 4-H Club, having led for 25 years; he is a member of St. Mark's Lutheran Church in Steeleville and was a member of St. Mark's Lutheran School Board for six years and a 13-year member of the Steeleville Community Unit School District; and

WHEREAS, In 2004, Glenn retired from his farming operation of 1,300 acres of corn, soybeans, and wheat; he and his wife of 44 years, Carol, continue to grow and operate their greenhouse and raise small fruits and vegetables, as well as bedding plants for the public; they are well known locally for their strawberries, blackberries, and seasonal vegetables; and

WHEREAS, Glenn's family circle, in addition to his loving and long-supporting partner and spouse, Carol, includes a son, Glenn, Jr., and grandchildren, Brittany, John, Matthew, and Kaitlin Meyer, and a daughter, Annette and husband, Kelly Heisdorffer, and grandchildren, Julieann and Isaac Heisdorffer; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we honor Glenn Meyer upon the occasion of his completion of 12 years of exemplary service as Director of District 16 of the Illinois Agricultural Association and we commend him for his long and distinguished work in support of agriculture; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Glenn Meyer as an expression of our respect and esteem.

#### HOUSE RESOLUTION 1255

Offered by Representative Kelly:



WHEREAS, John Early is retiring after a distinguished career with the Village of Matteson Fire Department; and

WHEREAS, John Early started with the Village of Matteson Fire Department as a cadet firefighter at the age of 16; he became a volunteer firefighter at the age of 18, and at the age of 21, he was one of the first two full-time career firefighters appointed in December of 1974; and

WHEREAS, After taking a competitive promotional exam in the 1979, John was promoted to Fire Lieutenant and has served as the Shift Commander; as Shift Commander, he was the highest ranking officer assigned to a 24-hour shift; and

WHEREAS, He attained numerous State Fire Certifications, including Firefighter III, Fire Officer II, Arson Investigator, and Instructor II, which furthered his professional development, and also provided the Village with specialized skills needed to carry out the mission of the Fire Department; in 1971, he was one of the first students to attend and graduate from the Emergency Medical Technician class offered at St. James Hospital; he upgraded his training and became a Paramedic in 1973 as a member of the second graduating class through what is now the South Cook County Emergency Medical System through Ingalls Hospital; and

WHEREAS, He acquired his Associate of Applied Science degree in Fire Science Technology from Prairie State College in 1975; in 1987, he earned his Bachelor of Science degree in Fire Protection Technology and Administration from Western Illinois University; and

WHEREAS, John, and his wife, Marcia, have two children, Shanna and Ryan; in his retirement, John hopes to enjoy trips to the upper peninsula of Michigan, and hunting, fishing, and snowmobiling; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we congratulate John Early on his many years of exemplary service with the Matteson Fire Department and we wish him all the best in his retirement; and be it further

RESOLVED, That a suitable copy of this resolution be presented to John Early as an expression of our admiration and esteem.

#### HOUSE RESOLUTION 1256

Offered by Representative Mulligan:

WHEREAS, Rev. Dr. William G. Grice III of the First Congregational Church of Des Plaines, United Church of Christ, is celebrating his twenty-fifth anniversary of ministry; he moved to Des Plaines with his wife, Ann, and their children in 1979; he began on December 2, 1979 and was formally installed on March 2, 1980; and

WHEREAS, Rev. Grice has led Sunday School, confirmation classes, Bible study, MADD camps, canoe trips, church trips to Springfield and Cahokia Mounds, and many other activities; he has led the invocation for the Illinois House of Representatives; he has presided at Sunday worship services, weddings, baptisms, funerals, and confirmations in various locations in and around Des Plaines; and

WHEREAS, He is actively involved with many community and religious organizations; he is a lecturer and newspaper columnist; he is extremely generous with his time, sharing his expertise and skills in many areas; and

WHEREAS, His family includes his wife, Ann; his sons, Paul, Will, Jon, and Chris; his daughter-in-law, Sarah; his grandchildren, Quinn and Kaitlin; and his parents, Bill and Dorothy; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we proclaim December 12, 2004 to be a day to congratulate Rev. Dr. William G. Grice III for his 25 years of exemplary service to the congregation of the First Congregational Church of Des Plaines, United Church of Christ, and to the community of Des Plaines; and be it further

RESOLVED, That a suitable copy of this resolution be presented to him as an expression of our esteem.

#### AGREED RESOLUTION

HOUSE RESOLUTION 1227 was taken up for consideration.  
Representative Rose moved the adoption of the agreed resolution.  
The motion prevailed and the Agreed Resolution was adopted.

### **RESOLUTIONS**

Having been reported out of the Committee on Transportation and Motor Vehicles on November 16, 2004, HOUSE JOINT RESOLUTION 97 was taken up for consideration.  
Representative Verschoore 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.

Having been reported out of the Committee on Environment and Energy on November 16, 2004, HOUSE JOINT RESOLUTION 100 was taken up for consideration.  
Representative Eileen Lyons 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.

Having been reported out of the Committee on Rules on November 16, 2004, HOUSE RESOLUTION 1251 was taken up for consideration.  
Representative Lang moved the adoption of the resolution.  
And on that motion, a vote was taken resulting as follows:  
116, Yeas; 0, Nays; 1, Answering Present.  
(ROLL CALL 2)  
The motion prevailed and the Resolution was adopted.

### **CONCURRENCES AND NON-CONCURRENCES IN SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION**

Senate Amendment No. 1 to HOUSE JOINT RESOLUTION 54, having been printed, was taken up for consideration.  
Representative Watson moved that the House concur with the Senate in the adoption of Senate Amendment No. 1.  
The motion prevailed and the House concurred with the Senate in the adoption of Senate Amendment No. 1 to HOUSE BILL 54.  
Ordered that the Clerk inform the Senate.

### **RESOLUTION**

Having been reported out of the Committee on Transportation and Motor Vehicles on November 16, 2004, HOUSE JOINT RESOLUTION 95 was taken up for consideration.  
Representative Stephens 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.

### **SUSPEND POSTING REQUIREMENTS**

Pursuant to the motion submitted previously, Representative Currie moved to suspend the posting requirements in Rule 25 in relation to Senate Bills 81 and 218.

The motion prevailed.

#### **ACTION ON VETO MOTIONS**

Pursuant to the Motion submitted previously, Representative Nekritz moved that the House concur with the Senate in the passage of SENATE BILL 2196, the Veto of the Governor notwithstanding. A three-fifths vote is required.

And on that motion, a vote was taken resulting as follows:

73, Yeas; 44, Nays; 0, Answering Present.

(ROLL CALL 3)

The Motion, having received the votes of three-fifths of the Members elected, prevailed and the House does concur with the Senate in the passage of the bill, the Veto of the Governor notwithstanding.

Ordered that the Clerk inform the Senate.

#### **AGREED RESOLUTIONS**

HOUSE RESOLUTION 1237 was taken up for consideration.

Representative Daniels moved the adoption of the agreed resolution.

The motion prevailed and the Agreed Resolution was adopted.

HOUSE RESOLUTIONS 1247, 1249, 1250, 1252, 1254, 1255 and 1256 were taken up for consideration.

Representative Currie moved the adoption of the agreed resolutions.

The motion prevailed and the Agreed Resolutions were adopted.

At the hour of 4:12 o'clock p.m., Representative Currie moved that the House do now adjourn until Thursday, November 18, 2004, at 10:00 o'clock a.m.

The motion prevailed.

And the House stood adjourned.

STATE OF ILLINOIS  
NINETY-THIRD  
GENERAL ASSEMBLY  
HOUSE ROLL CALL  
QUORUM ROLL CALL FOR ATTENDANCE

November 17, 2004

0 YEAS

0 NAYS

117 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 Chapa LaVia	P Hannig	P Mitchell, Bill	P Sullivan
P Churchill	E Hassert	P Mitchell, Jerry	P Tenhouse
P Collins	P Hoffman	P Moffitt	P Turner
P Colvin	P Holbrook	P Molaro	P Verschoore
P Coulson	P Howard	P Morrow	P Wait
P Cross	P Hultgren	P Mulligan	P Washington
P Cultra	P Jakobsson	P Munson	P Watson
P Currie	P Jefferson	P Myers	P Winters
P D'Amico	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  
HOUSE RESOLUTION 1251  
QUALIFICATION CHALLENGE-BAILEY  
ADOPTED

November 17, 2004

116 YEAS

0 NAYS

1 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	Y Phelps
Y Aguilar	Y Dugan	Y Lang	Y Pihos
P 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 Chapa LaVia	Y Hannig	Y Mitchell, Bill	Y Sullivan
Y Churchill	E Hassert	Y Mitchell, Jerry	Y Tenhouse
Y Collins	Y Hoffman	Y Moffitt	Y Turner
Y Colvin	Y Holbrook	Y Molaro	Y Verschoore
Y Coulson	Y Howard	Y Morrow	Y Wait
Y Cross	Y Hultgren	Y Mulligan	Y Washington
Y Cultra	Y Jakobsson	Y Munson	Y Watson
Y Currie	Y Jefferson	Y Myers	Y Winters
Y D'Amico	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 2196  
 MWRD-STORMWATER MGMT  
 MOTION TO OVERRIDE TOTAL VETO  
 PREVAILED  
 3/5 VOTE REQUIRED

November 17, 2004

73 YEAS

44 NAYS

0 PRESENT

Y Acevedo	Y Delgado	Y Kurtz	N Phelps
Y Aguilar	N Dugan	Y Lang	N Pihos
Y Bailey	Y Dunkin	Y Leitch	N Poe
N Bassi	N Dunn	N Lindner	N Pritchard
N Beaubien	Y Eddy	Y Lyons, Eileen	Y Reitz
N Bellock	Y Feigenholtz	Y Lyons, Joseph	Y Rita
Y Berrios	N Flider	Y Mathias	N Rose
Y Biggins	Y Flowers	Y Mautino	Y Ryg
Y Black	N Franks	Y May	Y Sacia
N Boland	N Fritchey	Y McAuliffe	Y Saviano
N Bost	Y Froehlich	Y McCarthy	N Schmitz
N Bradley, John	Y Giles	Y McGuire	Y Scully
Y Bradley, Richard	N Gordon	Y McKeon	Y Slone
Y Brady	Y Graham	Y Mendoza	Y Smith
N Brauer	Y Granberg	N Meyer	N Sommer
Y Brosnahan	Y Grunloh	Y Miller	Y Soto
Y Burke	Y Hamos	Y Millner	Y Stephens
N Chapa LaVia	Y Hannig	N Mitchell, Bill	N Sullivan
N Churchill	E Hassert	Y Mitchell, Jerry	N Tenhouse
Y Collins	Y Hoffman	Y Moffitt	Y Turner
Y Colvin	Y Holbrook	Y Molaro	N Verschoore
N Coulson	Y Howard	Y Morrow	N Wait
N Cross	N Hultgren	Y Mulligan	Y Washington
N Cultra	N Jakobsson	N Munson	N Watson
Y Currie	N Jefferson	N Myers	Y Winters
N D'Amico	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	

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