

SENATE JOURNAL**STATE OF ILLINOIS****NINETY-THIRD GENERAL ASSEMBLY****20TH LEGISLATIVE DAY****TUESDAY, MARCH 18, 2003****12:00 O'CLOCK NOON**

The Senate met pursuant to adjournment.

Senator Vince Demuzio, Carlinville, Illinois presiding.

Prayer by Pastor Jerry Doss, Abundant Faith Christian Church, Springfield, Illinois.

Senator Link led the Senate in the Pledge of Allegiance.

Senator Woolard moved that reading and approval of the Journals of Tuesday, March 11, 2003, Wednesday, March 12, 2003 and Thursday, March 13, 2003 be postponed pending arrival of the printed Journals.

The motion prevailed.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to Senate Bill 22
Senate Floor Amendment No. 1 to Senate Bill 99
Senate Floor Amendment No. 3 to Senate Bill 108
Senate Floor Amendment No. 1 to Senate Bill 149
Senate Floor Amendment No. 2 to Senate Bill 334
Senate Floor Amendment No. 1 to Senate Bill 607
Senate Floor Amendment No. 1 to Senate Bill 698
Senate Floor Amendment No. 1 to Senate Bill 883
Senate Floor Amendment No. 1 to Senate Bill 1037
Senate Floor Amendment No. 1 to Senate Bill 1053
Senate Floor Amendment No. 2 to Senate Bill 1103
Senate Floor Amendment No. 1 to Senate Bill 1195
Senate Floor Amendment No. 1 to Senate Bill 1335
Senate Floor Amendment No. 2 to Senate Bill 1403
Senate Floor Amendment No. 1 to Senate Bill 1997

COMMITTEE REPORT CORRECTIONS

The following corrections were made on the report from the Committee on Revenue, which reported Senate Bills numbered 631 and 1461 as “Do Pass” on March 13, 2003, which should have been “Do Pass, As Amended.”

The following corrections were made on the report from the Committee on Judiciary, which reported Senate Bill No. 1342 as “Do Pass” on March 13, 2003, which should have been “Do Pass, As Amended”; Senate Bill No. 817, was reported as “Do Pass”, which should have been postponed and remain in Committee; Senate Bills numbered 690 and 1154 were reported as being postponed in the aforementioned Committee which should have been reported out as “Do Pass” and placed on the Calendar on the order of Second Reading.

The following correction was made on the report from the Committee on Insurance and Pensions, which reported Senate Bill No. 309 as postponed on March 13, 2003 which should have been reported out as “Do Pass” and placed on the Calendar on the order of Second Reading.

MESSAGES FROM THE HOUSE

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1457

A bill for AN ACT in relation to educational labor relations.

HOUSE BILL NO. 1460

A bill for AN ACT in relation to the Metropolitan Water Reclamation District.

HOUSE BILL NO. 1462

A bill for AN ACT concerning employment.

HOUSE BILL NO. 1469

A bill for AN ACT concerning dispute resolution.

HOUSE BILL NO. 1487

A bill for AN ACT concerning executions.

HOUSE BILL NO. 1491

A bill for AN ACT concerning driver training.

HOUSE BILL NO. 1506

A bill for AN ACT concerning estates.

HOUSE BILL NO. 1514

A bill for AN ACT concerning conservation districts.

HOUSE BILL NO. 1522

A bill for AN ACT concerning environmental protection.

HOUSE BILL NO. 1534

A bill for AN ACT concerning fees.

Passed the House, March 13, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 1457, 1460, 1462, 1469, 1487, 1491, 1506, 1514, 1522 and 1534** were taken up, ordered printed and placed on first reading.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 1536

A bill for AN ACT in relation to firearms.

Passed the House, March 13, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 1536** was taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives
has concurred with the Senate in the adoption of the following joint resolution, to-wit:
SENATE JOINT RESOLUTION NO. 27

Concurred in by the House, March 13, 2003.

ANTHONY D. ROSSI, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 2, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1178, sponsored by Senator Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1179, sponsored by Senator Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1209, sponsored by Senator Righter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1284, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1425, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1436, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1522, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

MESSAGE FROM THE GOVERNOR

Message for the Governor by Joseph B. Handley
Deputy Chief of Staff for Legislative Affairs

March 18, 2003

Mr. President,

The Governor directs me to lay before the Senate the following Message:

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable
Members of the Senate
Ninety-Third General Assembly

I have nominated and appointed the following named persons to the offices enumerated below and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

NATURAL RESOURCES, DEPARTMENT OF

To be Director of the Department of Natural Resources for a term commencing April 1, 2003, and ending January 17, 2005:

Joel Brunsvold of Milan
Salaried

INSURANCE, DEPARTMENT OF

To be Director of the Department of Insurance for a term commencing March 31, 2003, and ending January 17, 2005:

J. Anthony Clark of Chicago
Salaried

VETERANS' AFFAIRS, DEPARTMENT OF

To be Director of the Department of Veterans' Affairs for a term commencing March 10, 2003, and ending January 17, 2005:

Roy L. Dolgos of Chicago
Salaried

CENTRAL MIDWEST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE COMMISSION

To be a member of the Central Midwest Interstate Low-Level Radioactive Waste Commission for a term commencing March 7, 2003, and ending January 17, 2005:

Gary N. Wright of Springfield
Non-Salaried

Rod Blagojevich
GOVERNOR

Under the rules, the foregoing message was referred to the Committee on Executive Appointments.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Halvorson, **Senate Bill No. 619** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 619 on page 2, in line 4 by inserting "base" before "pay".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to third reading.

On motion of Senator E. Jones, **Senate Bill No. 620** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 633** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 640** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

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

"Section 5. The Code of Civil Procedure is amended by adding Sections 7-103.102, 7-103.103, 7-103.104, 7-103.105, 7-103.106, and 7-103.107 as follows:

(735 ILCS 5/7-103.102 new)

Sec. 7-103.102. Quick-take; Gurler Road Project. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by Ogle County and Lee County for the acquisition of property necessary to extend Gurler Road, on the county line between Ogle and Lee counties, from Brooklyn to Grange Road in conjunction with the construction of a railroad overpass to allow uninterrupted traffic access across the railroad siding.

(735 ILCS 5/7-103.103 new)

Sec. 7-103.103. Quick-take; Mt. Vernon Township/Jefferson County. Quick-take proceedings under Section 7-103 may be used for a period of 3 years after the effective date of this amendatory Act of the 93rd General Assembly by Mt. Vernon Township/Jefferson County for the acquisition of all property necessary for the purpose of improving Green Road with an overpass over the Union Pacific Railroad and Casey Fork Creek.

(735 ILCS 5/7-103.104 new)

Sec. 7-103.104. Quick-take; Lake County. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after the effective date of this amendatory Act of the 93rd General Assembly by Lake County for the acquisition of property necessary for the purpose of improving County Highway 31 (Rollins Road) from Illinois Route 83 to U.S. Route 45.

(735 ILCS 5/7-103.105 new)

Sec. 7-103.105. Quick-take; Lake County. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after the effective date of this amendatory Act of the 93rd General Assembly by Lake County for the acquisition of property necessary for the purpose of improving County Highway 45 (Washington Street) from Illinois Route 83 to U.S. Route 45.

(735 ILCS 5/7-103.106 new)

Sec. 7-103.106. Quick-take; County of La Salle. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by the County of La Salle for highway purposes for the acquisition of property described as follows:

County Highway 3 (F.A.S. Route 259) over the Fox River north of the Village of Sheridan, Illinois, BEGINNING at Station -(3+00) on County Highway 3 south of the intersection of Bushnell Street, according to the "Right-of-Way Plans for proposed Federal Aid Highway, F.A.S. Route 259 (C.H. 3), Section 98-00545-00-BR, La Salle County," and extending 3,696.07 feet northerly along the survey centerline for said route to Station 33+96.07 at the intersection of County Highway 3 and North 42nd Road; AND BEGINNING at Station 497+00 on the survey centerline of North 42nd Road and extending 500.00 feet easterly along said centerline to Station 502+00; the net length for land acquisition and authorization being 4,196.07 feet (0.795 miles) all located in Section 5, Township 35 North, Range 5 East of the Third Principal Meridian, La Salle County, Illinois.

(735 ILCS 5/7-103.107 new)

Sec. 7-103.107. Quick-take; Sangamon County. Quick-take proceedings under Section 7-103 may be used for a period of 12 months after the effective date of this amendatory Act of the 93rd General Assembly by Sangamon County for the acquisition of the following described property for rights-of-way for the purpose of road construction:

PARCEL NO. 4

MOORMAN ROW

PART OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 17 NORTH, RANGE 5 WEST OF THE THIRD PRINCIPAL MERIDIAN, SITUATED IN THE COUNTY OF SANGAMON, STATE OF ILLINOIS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST (AN ASSUMED BEARING), ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 380.56 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 16 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF 295.63 FEET TO A POINT;

THENCE SOUTH 09 DEGREES 07 MINUTES 16 SECONDS WEST, A DISTANCE OF 383.28 FEET TO A POINT; THENCE SOUTH 35 DEGREES 18 MINUTES 55 SECONDS WEST, A DISTANCE OF 72.11 FEET TO A POINT IN THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE NORTH 01 DEGREE 37 MINUTES 31 SECONDS EAST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 720.32 FEET TO THE POINT OF INTERSECTION OF SAID RIGHT-OF-WAY LINE WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 36; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 168.27 FEET TO THE POINT OF BEGINNING, SAID PART CONTAINING 62,304 SQUARE FEET OR 1.430 ACRES, MORE OR LESS.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 639** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 641** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Rules.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 641 by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender and Child Murderer Community Notification Law is amended by adding Section 116 as follows:

(730 ILCS 152/116 new)

Sec. 116. Informational notice in residential agreements. Every written residential lease agreement (other than for a single-family dwelling) and every agreement for the purchase of a condominium unit or housing cooperative unit must contain a notice stating how a renter or unit owner can obtain information about persons who are registered as sex offenders under the Sex Offender Registration Act. The notice must include information describing how to access information maintained by local law enforcement agencies or in the Statewide Sex Offender Database that is posted on the Department of State Police Web site.

Section 10. The Condominium Property Act is amended by changing Section 18 as follows:

(765 ILCS 605/18) (from Ch. 30, par. 318)

Sec. 18. Contents of bylaws. The bylaws shall provide for at least the following:

(a) (1) The election from among the unit owners of a board of managers, the number of persons constituting such board, and that the terms of at least one-third of the members of the board shall expire annually and that all members of the board shall be elected at large. If there are multiple owners of a single unit, only one of the multiple owners shall be eligible to serve as a member of the board at any one time.

(2) the powers and duties of the board;

(3) the compensation, if any, of the members of the board;

(4) the method of removal from office of members of the board;

(5) that the board may engage the services of a manager or managing agent;

(6) that each unit owner shall receive, at least 30 days prior to the adoption thereof by the board of managers, a copy of the proposed annual budget together with an indication of which portions are intended for reserves, capital expenditures or repairs or payment of real estate taxes;

(7) that the board of managers shall annually supply to all unit owners an itemized accounting of the common expenses for the preceding year actually incurred or paid, together with an indication of which portions were for reserves, capital expenditures or repairs or payment of real estate taxes and with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves;

(8) (i) that each unit owner shall receive notice, in the same manner as is provided in this Act for membership meetings, of any meeting of the board of managers concerning the adoption of the proposed annual budget and regular assessments pursuant thereto or to adopt a separate

(special) assessment, (ii) that except as provided in subsection (iv) below, if an adopted budget or any separate assessment adopted by the board would result in the sum of all regular and separate assessments payable in the current fiscal year exceeding 115% of the sum of all regular and separate assessments payable during the preceding fiscal year, the board of managers, upon written petition by unit owners with 20 percent of the votes of the association delivered to the board within 14 days of the board action, shall call a meeting of the unit owners within 30 days of the date of delivery of the petition to consider the budget or separate assessment; unless a majority of the total votes of the unit owners are cast at the meeting to reject the budget or separate assessment, it is ratified, (iii) that any common expense not set forth in the budget or any increase in assessments over the amount adopted in the budget shall be separately assessed against all unit owners, (iv) that separate assessments for expenditures relating to emergencies or mandated by law may be adopted by the board of managers without being subject to unit owner approval or the provisions of item (ii) above or item (v) below. As used herein, "emergency" means an immediate danger to the structural integrity of the common elements or to the life, health, safety or property of the unit owners, (v) that assessments for additions and alterations to the common elements or to association-owned property not included in the adopted annual budget, shall be separately assessed and are subject to approval of two-thirds of the total votes of all unit owners, (vi) that the board of managers may adopt separate assessments payable over more than one fiscal year. With respect to multi-year assessments not governed by items (iv) and (v), the entire amount of the multi-year assessment shall be deemed considered and authorized in the first fiscal year in which the assessment is approved;

(9) that meetings of the board of managers shall be open to any unit owner, except for the portion of any meeting held (i) to discuss litigation when an action against or on behalf of the particular association has been filed and is pending in a court or administrative tribunal, or when the board of managers finds that such an action is probable or imminent, (ii) to consider information regarding appointment, employment or dismissal of an employee, or (iii) to discuss violations of rules and regulations of the association or a unit owner's unpaid share of common expenses; that any vote on these matters shall be taken at a meeting or portion thereof open to any unit owner; that any unit owner may record the proceedings at meetings or portions thereof required to be open by this Act by tape, film or other means; that the board may prescribe reasonable rules and regulations to govern the right to make such recordings, that notice of such meetings shall be mailed or delivered at least 48 hours prior thereto, unless a written waiver of such notice is signed by the person or persons entitled to such notice pursuant to the declaration, bylaws, other condominium instrument, or provision of law other than this subsection before the meeting is convened, and that copies of notices of meetings of the board of managers shall be posted in entranceways, elevators, or other conspicuous places in the condominium at least 48 hours prior to the meeting of the board of managers except where there is no common entranceway for 7 or more units, the board of managers may designate one or more locations in the proximity of these units where the notices of meetings shall be posted;

(10) that the board shall meet at least 4 times annually;

(11) that no member of the board or officer shall be elected for a term of more than 2 years, but that officers and board members may succeed themselves;

(12) the designation of an officer to mail and receive all notices and execute amendments to condominium instruments as provided for in this Act and in the condominium instruments;

(13) the method of filling vacancies on the board which shall include authority for the remaining members of the board to fill the vacancy by two-thirds vote until the next annual meeting of unit owners or for a period terminating no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting a meeting of the unit owners to fill the vacancy for the balance of the term, and that a meeting of the unit owners shall be called for purposes of filling a vacancy on the board no later than 30 days following the filing of a petition signed by unit owners holding 20% of the votes of the association requesting such a meeting, and the method of filling vacancies among the officers that shall include the authority for the members of the board to fill the vacancy for the unexpired portion of the term;

(14) what percentage of the board of managers, if other than a majority, shall constitute a quorum;

(15) provisions concerning notice of board meetings to members of the board;

(16) the board of managers may not enter into a contract with a current board member or with a corporation or partnership in which a board member or a member of the board member's immediate family has 25% or more interest, unless notice of intent to enter the contract is given to unit owners within 20 days after a decision is made to enter into the contract and the unit

owners are afforded an opportunity by filing a petition, signed by 20% of the unit owners, for an election to approve or disapprove the contract; such petition shall be filed within 20 days after such notice and such election shall be held within 30 days after filing the petition; for purposes of this subsection, a board member's immediate family means the board member's spouse, parents, and children;

(17) that the board of managers may disseminate to unit owners biographical and background information about candidates for election to the board if (i) reasonable efforts to identify all candidates are made and all candidates are given an opportunity to include biographical and background information in the information to be disseminated; and (ii) the board does not express a preference in favor of any candidate;

(18) any proxy distributed for board elections by the board of managers gives unit owners the opportunity to designate any person as the proxy holder, and gives the unit owner the opportunity to express a preference for any of the known candidates for the board or to write in a name;

(19) that special meetings of the board of managers can be called by the president or 25% of the members of the board; and

(20) that the board of managers may establish and maintain a system of master metering of public utility services and collect payments in connection therewith, subject to the requirements of the Tenant Utility Payment Disclosure Act.

(b) (1) What percentage of the unit owners, if other than 20%, shall constitute a quorum provided that, for condominiums with 20 or more units, the percentage of unit owners constituting a quorum shall be 20% unless the unit owners holding a majority of the percentage interest in the association provide for a higher percentage;

(2) that the association shall have one class of membership;

(3) that the members shall hold an annual meeting, one of the purposes of which shall be to elect members of the board of managers;

(4) the method of calling meetings of the unit owners;

(5) that special meetings of the members can be called by the president, board of managers, or by 20% of unit owners;

(6) that written notice of any membership meeting shall be mailed or delivered giving members no less than 10 and no more than 30 days notice of the time, place and purpose of such meeting;

(7) that voting shall be on a percentage basis, and that the percentage vote to which each unit is entitled is the percentage interest of the undivided ownership of the common elements appurtenant thereto, provided that the bylaws may provide for approval by unit owners in connection with matters where the requisite approval on a percentage basis is not specified in this Act, on the basis of one vote per unit;

(8) that, where there is more than one owner of a unit, if only one of the multiple owners is present at a meeting of the association, he is entitled to cast all the votes allocated to that unit, if more than one of the multiple owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the multiple owners, unless the declaration expressly provides otherwise, that there is majority agreement if any one of the multiple owners cast the votes allocated to that unit without protest being made promptly to the person presiding over the meeting by any of the other owners of the unit;

(9) that unless the Articles of Incorporation or the bylaws otherwise provide, a unit owner may vote by proxy executed in writing by the unit owner or by his duly authorized attorney in fact; that the proxy shall be invalid after 11 months from the date of its execution, unless otherwise provided in the proxy, and that every proxy must bear the date of execution;

(10) that the association may, upon adoption of the appropriate rules by the board of managers, conduct elections by secret ballot whereby the voting ballot is marked only with the percentage interest for the unit and the vote itself, provided that the board further adopt rules to verify the status of the unit owner issuing a proxy or casting a ballot; and further, that a candidate for election to the board of managers or such candidate's representative shall have the right to be present at the counting of ballots at such election;

(11) that in the event of a resale of a condominium unit the purchaser of a unit from a seller other than the developer pursuant to an installment contract for purchase shall during such times as he or she resides in the unit be counted toward a quorum for purposes of election of members of the board of managers at any meeting of the unit owners called for purposes of electing members of the board, shall have the right to vote for the election of members of the board of managers and to be elected to and serve on the board of managers unless the seller expressly retains in writing any or all of such rights. In no event may the seller and purchaser both be counted toward a quorum, be permitted to vote for a particular office or be elected and serve on

the board. Satisfactory evidence of the installment contact shall be made available to the association or its agents. For purposes of this subsection, "installment contact" shall have the same meaning as set forth in Section 1 (e) of "An Act relating to installment contracts to sell dwelling structures", approved August 11, 1967, as amended;

(12) the method by which matters subject to the approval of unit owners set forth in this Act, or in the condominium instruments, will be submitted to the unit owners at special membership meetings called for such purposes; and

(13) that matters subject to the affirmative vote of not less than 2/3 of the votes of unit owners at a meeting duly called for that purpose, shall include, but not be limited to:

(i) merger or consolidation of the association;

(ii) sale, lease, exchange, or other disposition (excluding the mortgage or pledge) of all, or substantially all of the property and assets of the association; and

(iii) the purchase or sale of land or of units on behalf of all unit owners.

(c) Election of a president from among the board of managers, who shall preside over the meetings of the board of managers and of the unit owners.

(d) Election of a secretary from among the board of managers, who shall keep the minutes of all meetings of the board of managers and of the unit owners and who shall, in general, perform all the duties incident to the office of secretary.

(e) Election of a treasurer from among the board of managers, who shall keep the financial records and books of account.

(f) Maintenance, repair and replacement of the common elements and payments therefor, including the method of approving payment vouchers.

(g) An association with 30 or more units shall obtain and maintain fidelity insurance covering persons who control or disburse funds of the association for the maximum amount of coverage available to protect funds in the custody or control of the association plus the association reserve fund. All management companies which are responsible for the funds held or administered by the association shall maintain and furnish to the association a fidelity bond for the maximum amount of coverage available to protect funds in the custody of the management company at any time. The association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the association and a management company. The association shall be the direct obligee of any such fidelity bond. A management company holding reserve funds of an association shall at all times maintain a separate account for each association, provided, however, that for investment purposes, the Board of Managers of an association may authorize a management company to maintain the association's reserve funds in a single interest bearing account with similar funds of other associations. The management company shall at all times maintain records identifying all moneys of each association in such investment account. The management company may hold all operating funds of associations which it manages in a single operating account but shall at all times maintain records identifying all moneys of each association in such operating account. Such operating and reserve funds held by the management company for the association shall not be subject to attachment by any creditor of the management company.

For the purpose of this subsection a management company shall be defined as a person, partnership, corporation, or other legal entity entitled to transact business on behalf of others, acting on behalf of or as an agent for a unit owner, unit owners or association of unit owners for the purpose of carrying out the duties, responsibilities, and other obligations necessary for the day to day operation and management of any property subject to this Act. For purposes of this subsection, the term "fiduciary insurance coverage" shall be defined as both a fidelity bond and directors and officers liability coverage, the fidelity bond in the full amount of association funds and association reserves that will be in the custody of the association, and the directors and officers liability coverage at a level as shall be determined to be reasonable by the board of managers, if not otherwise established by the declaration or by laws.

Until one year after the effective date of this amendatory Act of 1985, if a condominium association has reserves plus assessments in excess of \$250,000 and cannot reasonably obtain 100% fidelity bond coverage for such amount, then it must obtain a fidelity bond coverage of \$250,000.

(h) Method of estimating the amount of the annual budget, and the manner of assessing and collecting from the unit owners their respective shares of such estimated expenses, and of any other expenses lawfully agreed upon.

(i) That upon 10 days notice to the manager or board of managers and payment of a reasonable fee, any unit owner shall be furnished a statement of his account setting forth the amount of any unpaid assessments or other charges due and owing from such owner.

(j) Designation and removal of personnel necessary for the maintenance, repair and replacement of the common elements.

(k) Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common elements, not set forth in the declaration, as are designed to prevent unreasonable interference with the use of their respective units and of the common elements by the several unit owners.

(l) Method of adopting and of amending administrative rules and regulations governing the operation and use of the common elements.

(m) The percentage of votes required to modify or amend the bylaws, but each one of the particulars set forth in this section shall always be embodied in the bylaws.

(n) (i) The provisions of this Act, the declaration, bylaws, other condominium instruments, and rules and regulations that relate to the use of the individual unit or the common elements shall be applicable to any person leasing a unit and shall be deemed to be incorporated in any lease executed or renewed on or after the effective date of this amendatory Act of 1984. (ii) With regard to any lease entered into subsequent to the effective date of this amendatory Act of 1989, the unit owner leasing the unit shall deliver a copy of the signed lease to the board or if the lease is oral, a memorandum of the lease, not later than the date of occupancy or 10 days after the lease is signed, whichever occurs first. In addition to any other remedies, by filing an action jointly against the tenant and the unit owner, an association may seek to enjoin a tenant from occupying a unit or seek to evict a tenant under the provisions of Article IX of the Code of Civil Procedure for failure of the lessor-owner to comply with the leasing requirements prescribed by this Section or by the declaration, bylaws, and rules and regulations. The board of managers may proceed directly against a tenant, at law or in equity, or under the provisions of Article IX of the Code of Civil Procedure, for any other breach by tenant of any covenants, rules, regulations or bylaws.

(o) The association shall have no authority to forbear the payment of assessments by any unit owner.

(p) That when 30% or fewer of the units, by number, possess over 50% in the aggregate of the votes in the association, any percentage vote of members specified herein or in the condominium instruments shall require the specified percentage by number of units rather than by percentage of interest in the common elements allocated to units that would otherwise be applicable.

(q) That a unit owner may not assign, delegate, transfer, surrender, or avoid the duties, responsibilities, and liabilities of a unit owner under this Act, the condominium instruments, or the rules and regulations of the Association; and that such an attempted assignment, delegation, transfer, surrender, or avoidance shall be deemed void.

(r) A notice stating how a unit owner can obtain information about persons who are registered as sex offenders under the Sex Offender Registration Act. The notice must include information describing how to access information maintained by local law enforcement agencies or in the Statewide Sex Offender Database that is posted on the Department of State Police Web site.

The provisions of this Section are applicable to all condominium instruments recorded under this Act. Any portion of a condominium instrument which contains provisions contrary to these provisions shall be void as against public policy and ineffective. Any such instrument which fails to contain the provisions required by this Section shall be deemed to incorporate such provisions by operation of law. (Source: P.A. 88-135; 88-417; 88-626, eff. 9-9-94; 88-670, eff. 12-2-94; 89-41, eff. 6-23-95.)".

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 642** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 679** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 685** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 686** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 686 as follows:
on page 8, by replacing lines 6 through 14 with the following:

"(g-5) Subsection 24-1(a)(6) does not apply to or affect persons licensed under federal law to manufacture any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, or ammunition for those firearms equipped with those devices, and actually engaged in the business of manufacturing those devices or ammunition, but only with respect to activities that are within the lawful scope of that business, such as the manufacture, transportation, or testing of those devices or ammunition. This exemption does not authorize the general private possession of any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this subsection (g-5). During transportation, those devices shall be detached from any weapon or not immediately accessible."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 688** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **Senate Bill No. 697** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **Senate Bill No. 698** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 702** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 703** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 704** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 705** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 706** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 707** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 708** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 709** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 710** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 711** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 712** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 714** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 715** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 716** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 717** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 718** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 719** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 720** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 721** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 722** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 723** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 724** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 725** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 726** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 727** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 728** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 729** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 730** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 731** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 732** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 734** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 757** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 758** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 759** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 760** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 761** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 762** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 763** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 764** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 765** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 766** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 767** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 768** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 769** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 770** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 771** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 772** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Lightford, **Senate Bill No. 773** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 774** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 775** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 778** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 779** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 785** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 786** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 787** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 788** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 789** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 790** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 791** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 792** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 793** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 794** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 795** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 796** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 797** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 798** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 799** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 800** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 801** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 802** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 803** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 804** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 805** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **Senate Bill No. 809** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Health and Human Services, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 809 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Administrative Act is amended by adding Section 72 as follows:

(20 ILCS 1705/72 new)

Sec. 72. Intermittent care group homes.

(a) Definitions. In this Section:

"Service provider" means a not-for-profit provider of services for the mentally ill.

"Trustee" means the trustee of a special needs trust (i) established for the benefit of a person with mental illness and (ii) having as one of its purposes the provision of a permanent residence for the person with mental illness.

(b) A trustee may establish a group home housing up to 4 residents with similar diagnoses of mental illness and requiring similar intermittent care. The home may be located in any county in the State. The home must be approved by the United States Department of Housing and Urban Development for Section 8 Project-Based Assistance.

(c) The trustee, on behalf of the special needs trust, shall purchase the home with down-payment moneys provided by (i) the family of one of the home's residents through the special needs trust or (ii) a not-for-profit provider of services for the mentally ill, or a combination of those sources.

(d) The trustee shall rent the home to a service provider at a fair market rental value as determined by the housing authority of the county in which the home is located. The rent must cover payment of principal and interest on the mortgage on the home, as well as payment of taxes and insurance on the property and the cost of reasonably expected repairs and maintenance.

(e) The trustee shall pay all principal and interest under the mortgage on the home as those amounts come due and shall pay the cost of property taxes and insurance on the home and the cost of repairs and maintenance on the home. The trustee shall pay for utility service to the home.

(f) The Department shall contract with the service provider who rents the home to provide all necessary and customary services to the residents of the home. The service provider must ensure that sufficient employees are assigned to the home to meet the needs of the residents and to comply with the level of care necessary for the residents. The service provider shall also provide the residents of the home with transportation to daily programs, social events, counseling, therapy, physician appointments, and places of employment.

(g) The Department and the service provider must take all steps necessary to enroll the residents of the home as recipients of medical assistance under Article V of the Illinois Public Aid Code and to seek reimbursement under that program for services provided to the residents."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 810** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 820** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 821** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 822** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 823** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 824** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 825** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 826** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 827** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 828** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 829** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 830** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 831** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 832** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 833** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 834** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 835** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 836** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 837** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 838** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 839** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 840** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 841** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 842** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 843** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 844** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 845** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 846** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 847** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 848** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 849** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 850** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 851** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 852** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 853** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 854** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 855** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 856** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 857** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 858** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 859** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 860** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 861** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 862** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 863** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 864** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 865** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 866** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 867** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 868** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 869** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 870** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 871** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 872** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 874** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **Senate Bill No. 875** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 877** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 878** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 880** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 881** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 899** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 901** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 901 on page 1, line 13, by replacing "Secretary" with "Department".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 903** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 908** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 916** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 917** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 920** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 921** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 933** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 934** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 935** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 936** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 937** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 938** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 939** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 940** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 942** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 943** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 944** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 945** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 946** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 968** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 969** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 970** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 971** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 972** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 975** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 976** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 977** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 978** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 979** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 980** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 981** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 982** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 983** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 984** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 985** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 986** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 987** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 988** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 989** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 990** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 991** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 992** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 993** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 994** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 995** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 996** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 997** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 998** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 999** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1000** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1002** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1003** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1004** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1005** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1006** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1009** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1010** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1011** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1012** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1013** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1014** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1015** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1016** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1017** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1018** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1019** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1020** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1021** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1022** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1023** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 1030** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Meeks, **Senate Bill No. 1031** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1034** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 1037** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 1038** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 1039** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Schoenberg, **Senate Bill No. 1044** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1046** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1047** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1051** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1051 on page 12, by deleting lines 31 through 34; and on page 13, after line 7, by inserting the following:

"The by-laws may also provide that late fees may be charged for delinquent payment of condominium assessments. If late fees are charged, they may not exceed the greater of \$25 or 10% of the amount due and may not be charged more than once for the same late payment."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1053** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1054** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator D. Sullivan, **Senate Bill No. 1056** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1060** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Environment and Energy, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1060 by deleting all of Sections 5 and 10.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Lauzen, **Senate Bill No. 1069** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Winkel, **Senate Bill No. 1085** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Winkel, **Senate Bill No. 1093** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator D. Sullivan, **Senate Bill No. 1095** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1098** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1101** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 1104** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **Senate Bill No. 1107** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Education, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1107 as follows:
on page 1, by replacing line 10 with the following:

"committing crimes. "Students at risk of committing crimes" shall be limited to those students who have engaged in serious acts of misconduct in violation of the board's policy on discipline."; and on page 1, line 14, after the period, by inserting "The touring of a prison under this Section shall be subject to approval, in writing, of a student's parent or guardian."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Hendon, **Senate Bill No. 1108** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1108 by replacing the title with the following:
"AN ACT in relation to vehicles."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 18a-302 as follows:
(625 ILCS 5/18a-302) (from Ch. 95 1/2, par. 18a-302)

Sec. 18a-302. Owner or other person in lawful possession or control of private property - Right to employ relocation service. It shall be unlawful for an owner or other person in lawful possession or control of private property to remove or employ a commercial relocater to remove an unauthorized vehicle from such property unless written notice is provided to the effect that such vehicles will be removed, including the name, address and telephone number of the appropriate commercial vehicle relocater, if any. Such notice shall consist of a sign, posted in a conspicuous place in the affected area, of a size at least ~~48~~ 24 inches in height by ~~48~~ 36 inches in width. Such sign shall be at least 4 feet from the ground but less than ~~9~~ 8 feet from the ground and shall be either illuminated or brightly painted with reflective paint, or both. Such sign shall state the amount of towing charges to which the person parking may be subject. This provision shall not be construed as prohibiting any unit of local government from imposing additional or greater notice requirements.

No express notice shall be required under this Section upon residential property which, paying due regard to the circumstances and the surrounding area, is clearly reserved or intended exclusively for the use or occupation of residents or their vehicles. (Source: P.A. 81-332.)

Section 99. Effective date. This Act takes effect January 1, 2004."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Hendon, **Senate Bill No. 1110** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **Senate Bill No. 1115** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **Senate Bill No. 1116** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 1117** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 1118** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Burzynski, **Senate Bill No. 1122** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 1124** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1124 on page 2, by replacing lines 10 through 20 with the following:

"(b) The Village of Rockton has the power to dissolve and acquire all of the assets and responsibilities of a sanitary district (i) that is located wholly within Winnebago County and (ii) that has 90% of its service area within the corporate limits of the Village of Rockton. The corporate authorities of the Village of Rockton, after providing at least 60 days' prior written notice to the sanitary district, may vote to dissolve and acquire the existing sanitary district formed pursuant to this Act upon showing:" ; and

on page 2, lines 23, 28, and 32 and on page 3, on line 9 by replacing "municipality" each time it appears with "Village of Rockton"; and

on page 2, by replacing lines 1 through 4 with the following:

"The sanitary district may".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1124 AS AMENDED, with reference to page and line numbers on Senate amendment 1, on page 1, line 16 by replacing "2" with "3".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1149** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1150** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Insurance and Pensions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1150 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Sections 500-10 and 500-135 and adding Section 500-107 as follows:

(215 ILCS 5/500-10)

Sec. 500-10. Definitions. In addition to the definitions in Section 2 of the Code, the following definitions apply to this Article:

"Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

"Car rental limited line licensee" means a person authorized under the provisions of Section 500-105 to sell certain coverages relating to the rental of vehicles.

"Home state" means the District of Columbia and any state or territory of the United States in which an insurance producer maintains his or her principal place of residence or principal place of business and is licensed to act as an insurance producer.

"Insurance" means any of the lines of authority in Section 500-35, any health care plan under the Health Maintenance Organization Act, or any limited health care plan under the Limited Health Service Organization Act.

"Insurance producer" means a person required to be licensed under the laws of this State to sell, solicit, or negotiate insurance.

"Insurer" means a company as defined in subsection (e) of Section 2 of this Code, a health maintenance organization as defined in the Health Maintenance Organization Act, or a limited health service organization as defined in the Limited Health Service Organization Act.

"License" means a document issued by the Director authorizing an individual to act as an

insurance producer for the lines of authority specified in the document or authorizing a business entity to act as an insurance producer. The license itself does not create any authority, actual, apparent, or inherent, in the holder to represent or commit an insurance carrier.

"Limited lines insurance" means those lines of insurance defined in Section 500-100 or any other line of insurance that the Director may deem it necessary to recognize for the purposes of complying with subsection (e) of Section 500-40.

"Limited lines producer" means a person authorized by the Director to sell, solicit, or negotiate limited lines insurance.

"Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms, or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

"Person" means an individual or a business entity.

"Rental agreement" means a written agreement setting forth the terms and conditions governing the use of a vehicle provided by a rental company for rental or lease.

"Rental company" means a person, or a franchisee of the person, in the business of providing primarily private passenger vehicles to the public under a rental agreement for a period not to exceed 30 days.

"Rental period" means the term of the rental agreement.

"Renter" means a person obtaining the use of a vehicle from a rental company under the terms of a rental agreement for a period not to exceed 30 days.

"Self-service storage facility limited line licensee" means a person authorized under the provisions of Section 500-107 to sell certain coverages relating to the rental of self-service storage facilities.

"Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurance company.

"Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular kind of insurance from a particular company.

"Terminate" means the cancellation of the relationship between an insurance producer and the insurer or the termination of a producer's authority to transact insurance.

"Uniform Business Entity Application" means the current version of the National Association of Insurance Commissioners' Uniform Business Entity Application for nonresident business entities.

"Uniform Application" means the current version of the National Association of Insurance Commissioners' Uniform Application for nonresident producer licensing.

"Vehicle" or "rental vehicle" means a motor vehicle of (1) the private passenger type, including passenger vans, mini vans, and sport utility vehicles or (2) the cargo type, including cargo vans, pickup trucks, and trucks with a gross vehicle weight of less than 26,000 pounds the operation of which does not require the operator to possess a commercial driver's license. (Source: P.A. 92-386, eff. 1-1-02.)

(215 ILCS 5/500-107 new)

Sec. 5/500-107. Self-service storage facility limited line license for self-storage facilities.

(a) A self-service storage facility must obtain a producer license or obtain a self-service storage facility limited line license before offering or selling insurance in connection with and incidental to the rental of storage space provided by a self-service storage facility. The sale of insurance may occur at the rental office or by preselection of coverage in a master, corporate, group rental, or individual agreement. The following general categories of coverage may be offered or sold:

(1) insurance that provides hazard insurance coverage to renters for the loss of, or damage to, tangible personal property in storage or in transit during the rental period; or

(2) any other coverage the Director may approve as meaningful and appropriate in connection with the rental of storage space.

(b) Insurance may not be offered by a self-service storage limited line producer pursuant to this Section unless:

(1) the self-service storage facility has applied for and obtained a self-service storage facility limited line license;

(2) at every rental location where rental agreements are executed, brochures or other written materials are readily available to the prospective renter that:

(A) summarize clearly and correctly the material terms of coverage offered to renters, including the identity of the insurer;

(B) disclose that the coverage offered by the self-service storage facility may provide a duplication of coverage already provided by the renter's personal homeowner's insurance policy, automobile insurance policy, personal liability insurance policy, or other source of

coverage;

(C) state that the purchase by the renter of the kinds of coverage specified in this Section is not required in order to rent storage space; and

(D) describe the process for filing a claim in the event the consumer elects to purchase coverage and in the event of a claim; and

(3) evidence of coverage is provided to each renter who elects to purchase the coverage.

(c) A self-service storage facility limited line license issued under this Section shall also authorize any employee of the self-service storage facility limited line licensee to act individually on behalf and under the supervision of the self-service storage facility limited line licensee with respect to the kinds of coverage specified in this Section.

(d) A self-service storage facility licensed pursuant to this Section must conduct a training program in which employees being trained shall receive basic instruction about the kinds of coverage specified in this Section and offered for purchase by prospective renters of storage space.

(e) Notwithstanding any other provision of this Section or any rule adopted by the Director, a self-service storage facility limited line producer pursuant to this Section is not required to treat moneys collected from renters purchasing insurance when renting storage space as funds received in a fiduciary capacity, provided that the charges for coverage shall be itemized and ancillary to a rental transaction.

(f) The sale of insurance not in conjunction with a rental transaction shall not be permitted.

(g) A self-service storage facility limited line producer under this Section may not advertise, represent, or otherwise hold itself or any of its employees out as licensed insurers, insurance producers, insurance agents, or insurance brokers.

(h) Direct commissions may not be paid to self-service storage facility employees by the insurer or the customer purchasing insurance products. The self-service storage facility may include insurance products in an overall employee performance compensation incentive program.

(i) An application for a self-service storage facility limited line license must be made on a form specified by the Director.

(215 ILCS 5/500-135)

Sec. 500-135. Fees. (a) The fees required by this Article are as follows:

(1) a fee of \$150 payable once every 2 years for an insurance producer license;

(2) a fee of \$25 for the issuance of a temporary insurance producer license;

(3) a fee of \$50 payable once every 2 years for a business entity;

(4) an annual \$25 fee for a limited line producer license issued under items (1) through (7) of subsection (a) of Section 500-100;

(5) a \$25 application fee for the processing of a request to take the written examination for an insurance producer license;

(6) an annual registration fee of \$500 for registration of an education provider;

(7) a certification fee of \$25 for each certified pre-licensing or continuing education course and an annual fee of \$10 for renewing the certification of each such course;

(8) a fee of \$50 payable once every 2 years for a car rental limited line license;

(9) a fee of \$150 payable once every 2 years for a limited lines license other than the licenses issued under items (1) through (7) of subsection (a) of Section 500-100, ~~or a car rental limited line license, or a self-service storage facility limited line license;-~~

(10) a fee of \$50 payable once every 2 years for a self-service storage facility limited line license.

(b) Except as otherwise provided, all fees paid to and collected by the Director under this Section shall be paid promptly after receipt thereof, together with a detailed statement of such fees, into a special fund in the State Treasury to be known as the Insurance Producer Administration Fund. The moneys deposited into the Insurance Producer Administration Fund may be used only for payment of the expenses of the Department in the execution, administration, and enforcement of the insurance laws of this State, and shall be appropriated as otherwise provided by law for the payment of those expenses with first priority being any expenses incident to or associated with the administration and enforcement of this Article. (Source: P.A. 92-386, eff. 1-1-02.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1151** having been printed, was taken up and read by title a second time.

Committee Amendment No. 1 was re-referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1152** having been printed, was taken up and read by title a second time.

Committee Amendment No. 1 was re-referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Wojcik, **Senate Bill No. 1133** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 2:06 o'clock p.m., Senator Halvorson presiding.

EXCUSED FROM ATTENDANCE

On motion of Senator Demuzio, Senator Hunter was excused from attendance due to illness.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cullerton, **Senate Bill No. 1156** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was re-referred to the Committee on Rules.

The following amendment was offered in the Committee on Health and Human Services, adopted and ordered printed:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1156 by replacing everything after the enacting clause with the following:

"Section 5. The AIDS Confidentiality Act is amended by changing Sections 5 and 9 and adding Section 5.5 as follows:

(410 ILCS 305/5) (from Ch. 111 1/2, par. 7305)

Sec. 5. No ~~health care provider~~ ~~physician~~ may order an HIV test without making available to the person tested information about the meaning of the test results, the availability of additional or confirmatory testing, if appropriate, and the availability of referrals for further information or counseling. (Source: P.A. 85-677; 85-679.)

(410 ILCS 305/5.5 new)

Sec. 5.5 Rapid testing. The Department shall adopt rules to allow for the implementation of HIV/AIDS rapid testing. The rules must include, but need not be limited to, standards for testing and counseling and dissemination of test results.

(410 ILCS 305/9) (from Ch. 111 1/2, par. 7309)

Sec. 9. No person may disclose or be compelled to disclose the identity of any person upon whom a test is performed, or the results of such a test in a manner which permits identification of the subject of the test, except to the following persons:

(a) The subject of the test or the subject's legally authorized representative. A physician may notify the spouse of the test subject, if the test result is positive and has been confirmed pursuant to guidelines set by the Department ~~by a Western Blot Assay or more reliable test~~, provided that the physician has first sought unsuccessfully to persuade the patient to notify the spouse or that, a reasonable time after the patient has agreed to make the notification, the physician has reason to believe that the patient has not provided the notification. This paragraph shall not create a duty or obligation under which a physician must notify the spouse of the test results, nor shall such duty or obligation be implied. No civil liability or criminal sanction under this Act shall be imposed for any disclosure or non-disclosure of a test result to a spouse by a physician acting in good faith under this paragraph. For the purpose of any proceedings, civil or criminal, the good faith of any physician acting under this paragraph shall be presumed.

(b) Any person designated in a legally effective release of the test results executed by the subject of the test or the subject's legally authorized representative.

(c) An authorized agent or employee of a health facility or health care provider if the health facility or health care provider itself is authorized to obtain the test results, the agent or employee provides patient care or handles or processes specimens of body fluids or tissues, and the agent or employee has a need to know such information.

(d) The Department, in accordance with rules for reporting and controlling the spread of disease, as otherwise provided by State law. Neither the Department nor its authorized representatives shall

disclose information and records held by them relating to known or suspected cases of AIDS or HIV infection, publicly or in any action of any kind in any court or before any tribunal, board, or agency. AIDS and HIV infection data shall be protected from disclosure in accordance with the provisions of Sections 8-2101 through 8-2105 of the Code of Civil Procedure.

(e) A health facility or health care provider which procures, processes, distributes or uses: (i) a human body part from a deceased person with respect to medical information regarding that person; or (ii) semen provided prior to the effective date of this Act for the purpose of artificial insemination.

(f) Health facility staff committees for the purposes of conducting program monitoring, program evaluation or service reviews.

(g) (Blank).

(h) Any health care provider or employee of a health facility, and any firefighter or EMT-A, EMT-P, or EMT-I, involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment.

(i) Any law enforcement officer, as defined in subsection (c) of Section 7, involved in the line of duty in a direct skin or mucous membrane contact with the blood or bodily fluids of an individual which is of a nature that may transmit HIV, as determined by a physician in his medical judgment.

(j) A temporary caretaker of a child taken into temporary protective custody by the Department of Children and Family Services pursuant to Section 5 of the Abused and Neglected Child Reporting Act, as now or hereafter amended.

(k) In the case of a minor under 18 years of age whose test result is positive and has been confirmed pursuant to guidelines set by the Department by a Western Blot Assay or a more reliable test, the health care provider who ordered the test shall make a reasonable effort to notify the minor's parent or legal guardian if, in the professional judgement of the health care provider, notification would be in the best interest of the child and the health care provider has first sought unsuccessfully to persuade the minor to notify the parent or legal guardian or a reasonable time after the minor has agreed to notify the parent or legal guardian, the health care provider has reason to believe that the minor has not made the notification. This subsection shall not create a duty or obligation under which a health care provider must notify the minor's parent or legal guardian of the test results, nor shall a duty or obligation be implied. No civil liability or criminal sanction under this Act shall be imposed for any notification or non-notification of a minor's test result by a health care provider acting in good faith under this subsection. For the purpose of any proceeding, civil or criminal, the good faith of any health care provider acting under this subsection shall be presumed. (Source: P.A. 88-45; 89-381, eff. 8-18-95.)

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

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1167** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 1168** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 1175** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 1176** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 1193** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Financial Institutions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1193 by replacing the title with the following: "AN ACT in relation to financial regulation."; and by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Installment Loan Act is amended by changing Section 8 as follows:
(205 ILCS 670/8) (from Ch. 17, par. 5408)

Sec. 8. Annual license fee; expenses. Before the 15th day of each December, a licensee must pay to the Director, and the Department must receive, the annual license fee required by Section 2 for the next succeeding calendar year. The license shall expire on the first of January unless the license fee has been paid prior thereto.

In addition to ~~the such~~ license fee, the reasonable expense of any examination, investigation or custody by the Director under any provisions of this Act shall be borne by the licensee.

If a licensee fails to renew his or her license by the 31st day of December, it shall automatically expire and the licensee is not entitled to a hearing; however, the Director, in his or her discretion, may reinstate an expired license upon payment of the annual renewal fee and proof of good cause for failure to renew. (Source: P.A. 92-398, eff. 1-1-02.)."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1198** having been printed, was taken up and read by title a second time.

Committee Amendments numbered 1 and 2 were re-referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1199** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Trotter, **Senate Bill No. 1202** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1204** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1205** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1210** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 1321** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1331** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1332** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1333** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 1337** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Local Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1337 on page 1, line 19, immediately after "means" by inserting "(i)"; and

on page 1, by replacing line 21 with the following:

"Act, that is located in Chicago and (ii) the City of Chicago School District."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Winkel, **Senate Bill No. 1347** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1351** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1351 by replacing everything after the enacting clause with the following:

"Section 5. The Acupuncture Practice Act is amended by changing Section 40 as follows:

(225 ILCS 2/40) (Section scheduled to be repealed on January 1, 2008)

Sec. 40. Application for licensure. Applications for original licensure as an acupuncturist shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be refundable.

Until December 31, 2001, applicants shall submit with the application proof of passing the ~~National Certification Commission for Acupuncture and Oriental Medicine National Commission for the Certification of Acupuncturists~~ examination or a substantially equivalent examination approved by the Department or meeting any other qualifications established by the Department.

On and after January 1, 2002, the Department shall issue a license to an applicant who submits with the application proof of each of the following:

(1)(A) graduation from a school accredited by the ~~Accreditation Commission for Acupuncture and Oriental Medicine National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine~~ or a similar accrediting body approved by the Department; or (B) completion of a comprehensive educational program approved by the Department; and

(2) passing the ~~National Certification Commission for Acupuncture and Oriental Medicine National Commission for the Certification of Acupuncturists'~~ examination or a substantially equivalent examination approved by the Department.

An applicant has 3 years from the date of his or her application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication. (Source: P.A. 89-706, eff. 1-31-97; 90-61, eff. 7-3-97; 90-723, eff. 1-1-99.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1352** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1352 by replacing everything after the enacting clause with the following:

"Section 5. The Condominium Property Act is amended by changing Sections 2 and 3 as follows: (765 ILCS 605/2) (from Ch. 30, par. 302)

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

(a) "Declaration" means the instrument by which the property is submitted to the provisions of this Act, as hereinafter provided, and such declaration as from time to time amended.

(b) "Parcel" means the lot or lots, tract or tracts of land, described in the declaration, submitted to the provisions of this Act.

(c) "Property" means all the land, property and space comprising the parcel, all improvements and structures erected, constructed or contained therein or thereon, including the building and all easements, rights and appurtenances belonging thereto, and all fixtures and equipment intended for the mutual use, benefit or enjoyment of the unit owners, submitted to the provisions of this Act.

(d) "Unit" means a part of the property designed and intended for any type of independent use.

(e) "Common Elements" means all portions of the property except the units, including limited

common elements unless otherwise specified.

(f) "Person" means a natural individual, corporation, partnership, trustee or other legal entity capable of holding title to real property.

(g) "Unit Owner" means the person or persons whose estates or interests, individually or collectively, aggregate fee simple absolute ownership of a unit, or, in the case of a leasehold condominium, the lessee or lessees of a unit whose leasehold ownership of the unit expires simultaneously with the lease described in item (x) of this Section.

(h) "Majority" or "majority of the unit owners" means the owners of more than 50% in the aggregate in interest of the undivided ownership of the common elements. Any specified percentage of the unit owners means such percentage in the aggregate in interest of such undivided ownership. "Majority" or "majority of the members of the board of managers" means more than 50% of the total number of persons constituting such board pursuant to the bylaws. Any specified percentage of the members of the board of managers means that percentage of the total number of persons constituting such board pursuant to the bylaws.

(i) "Plat" means a plat or plats of survey of the parcel and of all units in the property submitted to the provisions of this Act, which may consist of a three-dimensional horizontal and vertical delineation of all such units.

(j) "Record" means to record in the office of the recorder or, whenever required, to file in the office of the Registrar of Titles of the county wherein the property is located.

(k) "Conversion Condominium" means a property which contains structures, excepting those newly constructed and intended for condominium ownership, which are, or have previously been, wholly or partially occupied before recording of condominium instruments by persons other than those who have contracted for the purchase of condominiums.

(l) "Condominium Instruments" means all documents and authorized amendments thereto recorded pursuant to the provisions of the Act, including the declaration, bylaws and plat.

(m) "Common Expenses" means the proposed or actual expenses affecting the property, including reserves, if any, lawfully assessed by the Board of Managers of the Unit Owner's Association.

(n) "Reserves" means those sums paid by unit owners which are separately maintained by the board of managers for purposes specified by the board of managers or the condominium instruments.

(o) "Unit Owners' Association" or "Association" means the association of all the unit owners, acting pursuant to bylaws through its duly elected board of managers.

(p) "Purchaser" means any person or persons other than the Developer who purchase a unit in a bona fide transaction for value.

(q) "Developer" means any person who submits property legally or equitably owned in fee simple by the developer, or leased to the developer under a lease described in item (x) of this Section, to the provisions of this Act, or any person who offers units legally or equitably owned in fee simple by the developer, or leased to the developer under a lease described in item (x) of this Section, for sale in the ordinary course of such person's business, including any successor or successors to such developers' entire interest in the property other than the purchaser of an individual unit.

(r) "Add-on Condominium" means a property to which additional property may be added in accordance with condominium instruments and this Act.

(s) "Limited Common Elements" means a portion of the common elements so designated in the declaration as being reserved for the use of a certain unit or units to the exclusion of other units, including but not limited to balconies, terraces, patios and parking spaces or facilities.

(t) "Building" means all structures, attached or unattached, containing one or more units.

(u) "Master Association" means an organization described in Section 18.5 whether or not it is also an association described in Section 18.3.

(v) "Developer Control" means such control at a time prior to the election of the Board of Managers provided for in Section 18.2(b) of this Act.

(w) "Meeting of Board of Managers or Board of Master Association" means any gathering of a quorum of the members of the Board of Managers or Board of the Master Association held for the purpose of conducting board business.

(x) "Leasehold Condominium" means a property submitted to the provisions of this Act which is subject to a lease, the expiration or termination of which would terminate the condominium and the lessor of which is (i) exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, (ii) a limited liability company whose sole member is exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code of 1986, as amended, or (iii) a Public Housing Authority created pursuant to the Housing Authorities Act that is located in a municipality

having a population in excess of 1,000,000 inhabitants. (Source: P.A. 88-417; 88-626, eff. 9-9-94; 89-89, eff. 6-30-95.)

(765 ILCS 605/3) (from Ch. 30, par. 303)

Sec. 3. Submission of property. Whenever the owner or owners in fee simple, or the sole lessee or all lessees of a lease described in item (x) of Section 2, of a parcel intend to submit such property to the provisions of this Act, they shall do so by recording a declaration, duly executed and acknowledged, expressly stating such intent and setting forth the particulars enumerated in Section 4. If the condominium is a leasehold condominium, then every lessor of the lease creating a leasehold interest as described in item (x) of Section 2 shall also execute the declaration and such lease shall be recorded prior to the recording of the declaration.

The execution of a declaration required under this Section by the lessor under a lease as described in item (x) of Section 2 does not make the lessor a developer for purposes of this Act. (Source: P.A. 89-89, eff. 6-30-95.)

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1353** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **Senate Bill No. 1362** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1370** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1375** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1377** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Syverson, **Senate Bill No. 1382** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1383** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 1401** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1407** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1409** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1412** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1417** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Health and Human Services, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1417 on page 1, line 17, by changing "colorectal" to "all colorectal"; and

on page 1, line 18, by changing "nonsymptomatic" to "asymptomatic".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1418** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1440** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **Senate Bill No. 1441** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1441 as follows:

by replacing lines 28 through 31 on page 1 and lines 1 and 2 on page 2 with the following:

"the petitioner's failure to timely file his or her petition was due to the petitioner's culpable negligence, the petitioner may seek reconsideration within 30 days in order to present facts showing why the late filing was not due to his or her culpable negligence."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1453** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1457** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1458** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Righter, **Senate Bill No. 1468** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **Senate Bill No. 1471** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Transportation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1471, on page 6 by removing lines 32 and 33 and replacing them with the following:

"4-month periods of the year: July through October, November through February and March through June. The owner of" and

on page 7, line 3 by inserting after the period the following:

"A farm truck registered under this subsection (c-1) may not be registered for more than 2 4-month periods in a registration year." and

on page 8, by removing lines 15 and 16 and replacing them with the following:

"4-month periods of the year: July through October, November through February and March through June. The owner of" and

after the period in line 20, by inserting the following:

"A farm trailer registered under this subsection (a-1) may not be registered for more than 2 4-month periods in a registration year."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1479** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1492** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1493** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1493 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by adding Section 6-32 as follows:

(235 ILCS 5/6-32 new)

Sec. 6-32. Safety provisions.

(a) A retailers on premise consumption licensee may not permit the use of any pyrotechnic device within its licensed premises without the prior authorization of the Illinois State Fire Marshal. A retailers on premise consumption licensee, or any agent or employee of that licensee, may not use mace, pepper spray, or any other toxic air-released compound within its licensed premises. Violation of this subsection (a) by any licensee or any employee or agent of a licensee is a Class 4 felony.

(b) No person may impede any person who is attempting to exit the premises of a retailers on premise consumption licensee due to an emergency that constitutes a threat to the health or safety of persons within the licensed premises. For the purpose of this Section, the term "impede a person who is attempting to exit" includes physically restraining the person or blocking or locking an exit while the licensed premises is open to the public. Violation of this subsection (b) is a Class 4 felony.

(c) A retailers on premise consumption licensee with an authorized capacity of at least 250 persons must place a panic bar on each exit of its licensed premises. A retailers on premise consumption licensee with an authorized capacity of at least 500 persons that conducts live entertainment within its licensed premises must, before the commencement of the live entertainment, make an announcement to the patrons of the licensed premises that informs those patrons of the locations of all exits and fire escapes at the licensed premises.

(d) Upon the request of a retailers on premise consumption licensee, local fire department personnel shall review fire safety practices with the licensee and the agents and employees of the licensee.

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

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1497** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1497, on page 1, immediately below line 5, by inserting the following:

"Section 5. Legislative policy. It is the intent of the General Assembly that State agencies be allowed to use the design-build delivery method for public projects. It shall be the policy of State agencies in the procurement of design-build services to publicly announce all requirements for design-build services and to procure these services on the basis of demonstrated competence and qualifications and with due regard for the principles of competitive selection.

The State agency shall, prior to issuing requests for proposals, promulgate and publish procedures for the solicitation and award of contracts pursuant to this Act.

The State agency shall, for each public project or projects permitted under this Act, make a written determination, including a description as to the particular advantages of the design-build procurement method, that it is in the best interests of this State to enter into a design-build contract for the project or projects. In making that determination, the following factors shall be considered:

(1) The probability that the design-build procurement method will be in the best interests of

the State by providing a material savings of time or cost over the design-bid-build or other delivery system.

(2) The type and size of the project and its suitability to the design-build procurement method.

(3) The ability of the State agency to define and provide comprehensive scope and performance criteria for the project.

Section 10. Definitions. As used in this Act:

"State agency" means and includes all officers, departments, boards, commissions, councils, bureaus, committees, institutions, agencies, universities, government corporations or bodies politic, authorities, administrative units, or other establishment or official of this State.

"Delivery system" means the design and construction approach used to develop and construct a project.

"Design-bid-build" means the traditional delivery system used on public projects in this State that incorporates the Architectural, Engineering, and Land Surveying Qualification Based Selection Act (30 ILCS 535/) and the principles of competitive selection in the Illinois Procurement Code (30 ILCS 500/).

"Design-build" means a delivery system that provides responsibility within a single contract for the furnishing of architecture, engineering, land surveying and related services as required, and the labor, materials, equipment, and other construction services for the project.

"Design-build contract" means a contract for a public project under this Act between a State agency and a design-build firm to furnish architecture, engineering, land surveying, and related services as required, and to furnish the labor, materials, equipment, and other construction services for the project. The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the State agency to make modifications in the project scope without invalidating the design-build contract.

"Design-build firm" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build firm must conduct itself in accordance with the laws of this State with respect to the solicitation and contracting of design-build services.

"Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act (225 ILCS 305/), Professional Engineering Practice Act (225 ILCS 325/), Structural Engineering Licensing Act (225 ILCS 340/), or the Illinois Professional Land Surveyor Act (225 ILCS 330/).

"Evaluation criteria" means the requirements for the separate phases of the selection process as defined in this Act and may include the specialized experience, technical qualifications and competence, capacity to perform, past performance, experience with similar projects, assignment of personnel to the project, and other appropriate factors. Price may not be used as a factor in the evaluation of Phase I proposals.

"Proposal" means the offer to enter into a design-build contract as submitted by a design-build firm in accordance with this Act.

"Request for proposal" means the document used by a State agency to solicit proposals for a design-build contract.

"Scope and performance criteria" means the requirements for the public project, including but not limited to, the intended usage, capacity, size, scope, quality and performance standards, life-cycle costs, and other programmatic criteria that are expressed in performance-oriented and quantifiable specifications and drawings that can be reasonably inferred and are suited to allow a design-build firm to develop a proposal.

Section 15. Solicitation of proposals.

(a) A State agency that elects to use the design-build delivery method must issue a notice of intent to receive requests for proposals for the project at least 14 days before issuing the request for the proposal. The State agency must publish the advance notice in the official procurement bulletin of the State or the professional services bulletin of the State agency, if any. The agency is encouraged to use publication of the notice in related construction industry service publications. A brief description of the proposed procurement must be included in the notice. The State agency must provide a copy of the request for proposal to any party requesting a copy.

(b) The request for proposal shall be prepared for each project and must contain, without limitation, the following information:

- (1) The State agency that will award the design-build contract.
- (2) A preliminary schedule for the completion of the contract.
- (3) The proposed budget for the project, the source of funds and the currently available funds.

(4) Prequalification criteria for design-build firms wishing to submit proposals.

(5) Material requirements of the contract, including but not limited to, the proposed terms and conditions, required performance and payment bonds, insurance, affirmative action, and workforce requirements, if any.

(6) The performance criteria.

(7) The evaluation criteria for each phase of the solicitation.

(8) The number of firms that will be considered for the technical and cost evaluation phase.

(c) The State agency may include any other relevant information that it chooses to supply. The design-build firm shall be entitled to rely upon the accuracy of this documentation in the development of its proposal.

(d) The date that proposals are due must be at least 21 calendar days after the date of the issuance of the request for proposal. In the event the cost of the project is estimated to exceed \$10 million, then the proposal due date must be at least 28 calendar days after the date of the issuance of the request for proposal. The State agency shall include in the request for proposal the amount of time to be provided to develop the Phase II submissions after the selection of firms from the Phase I evaluation is completed.

(e) Each design-build firm whose proposal proceeds to the technical and cost evaluation phase may be reimbursed by the State agency to defray costs associated with the proposal preparation. If the State agency elects to provide reimbursement, it shall specify in the request for proposal the basis or overall reimbursement to be provided.

Section 20. Development of scope and performance criteria.

(a) Each request for proposal shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build firms of the State agency's overall programmatic needs and goals.

(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the State agency to be produced by the design-build firms.

(c) The scope and performance criteria shall be prepared by a design professional who is an employee of the State agency, or the State agency may contract with an independent design professional selected under the Architectural, Engineering and Land Surveying Qualification Based Selection Act (30 ILCS 535/) to provide these services.

(d) The design professional that prepares the scope and performance criteria is prohibited from participating in any design-build firm proposal for the project.

Section 25. Selection Committee.

(a) Each State agency that elects to use the design-build delivery method shall establish a committee to evaluate and select the design-build firm. The committee, under the discretion of the State Agency, shall consist of 3, 5, or 7 members and shall include at least one member of the public. The public member may not be employed or associated with any firm holding a contract with the State agency. The selection committee may be designated for a set term or for the particular project subject to the request for proposal.

(b) The members of the selection committee must certify for each request for proposal that no conflict of interest exists between the members and the design-build firms submitting proposals. If a conflict exists, the member must be replaced before any review of proposals.

Section 30. Procedures for Selection.

(a) The State agency must use a two-phase procedure for the selection of the successful design-build firm. Phase I of the procedure will evaluate and shortlist the design-build firms based on qualifications, and the Phase II will evaluate the technical and cost proposals.

(b) The State agency shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build firms that the agency has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the State agency. The State agency must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The State agency shall include the following criteria in every Phase I evaluation of design-build firms: (1) experience of personnel; (2) successful experience with similar project types; (3) financial capability; (4) timeliness of past performance; (5) experience with similarly sized projects; (6) successful reference checks of the firm; and (7) commitment to assign personnel for the duration of the project and qualifications of the firm's consultants. The State agency may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The State agency may not consider any design-build firm for evaluation or award if the firm has

any pecuniary interest in the project or has other relationships or circumstances, including but not limited to, long term leasehold, mutual performance, or development contracts with the State agency, that may give the design-build firm a financial or tangible advantage over other design-build firms in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety.

Upon completion of the qualifications evaluation, the State agency shall create a shortlist of the most highly qualified design-build firms. The State agency, in its discretion, is not required to shortlist the maximum number of firms as identified for Phase II evaluation, provided however, no less than 2 design-build firms are selected to submit Phase II proposals.

The State agency shall notify the firms selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The State agency must allow sufficient time for the shortlist firms to prepare their Phase II submittals considering the scope and detail requested by the State agency.

(c) The State agency shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the State agency. The State agency must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The State agency shall include the following criteria in every Phase II technical evaluation of design-build firms: (1) compliance with objectives of the project; (2) compliance of proposed services to the request for proposal requirements; (3) quality of products or materials proposed; (4) quality of design parameters; (5) design concepts; (6) innovation in meeting the scope and performance criteria; and (7) constructability of the proposed project. The State agency may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The State agency shall include the following criteria in every Phase II cost evaluation the total project cost, the construction costs, and the time of completion. The State agency may include any additional relevant technical evaluation factors it deems necessary for proper selection. In no event may any criteria in this subsection be assigned a higher importance or weighting than total cost.

Upon completion of the technical submissions and cost submissions evaluation, the State Agency may award the design-build contract to highest overall ranked firm.

Section 35. Small projects. In any case where the total overall cost of the project is estimated to be less than \$5 million, the State agency may combine the two-phase procedure for selection described in Section 30 into one combined step, provided that all the requirements of evaluation are performed in accordance with Section 30.

Section 40. Submission of proposals. Proposals must be properly identified and sealed. Proposals may not be reviewed until after the deadline for submission has passed as set forth in the request for proposals. All design-build firms submitting proposals shall be disclosed after the deadline for submission, and all design-build firms who are selected for Phase II evaluation shall also be disclosed at the time of that determination.

Proposals shall include a bid bond in the form and security as designated in the request for proposals. Proposals shall also contain a separate sealed envelope with the cost information within the overall proposal submission. Proposals shall include a list of all design professionals and other entities to which any work may be subcontracted during the performance of the contract. In the event the request for proposal so designates, these firms must meet prequalification standards of the State agency.

Proposals must meet all material requirements of the request for proposal or they may be rejected as non-responsive. The State agency shall have the right to reject any and all proposals.

The drawings and specifications of the proposal shall remain the property of the design-build firm.

The State agency shall review the proposals for compliance with the performance criteria and evaluation factors.

Proposals may be withdrawn prior to evaluation for any cause. After evaluation begins by the State agency, clear and convincing evidence of error is required for withdrawal.

Section 45. Award. The State agency may award the contract to the highest overall ranked firm. Notice of award shall be made in writing. Unsuccessful firms shall also be notified in writing. The State agency may not request a best and final offer after the receipt of proposals. The State agency may negotiate with the selected design-build firm after award but prior to contract execution for the purpose of securing better terms than originally proposed, provided that the salient features of the request for proposal are not diminished.

Section 50. Administrative Procedure Act. The Illinois Administrative Procedure Act (5 ILCS

100/) applies to all administrative rules and procedures of the State agency under this Act.

Section 55. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1497, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 14, after "State", by inserting ", but does not mean the Illinois Department of Transportation".

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1499** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1500** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Financial Institutions, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1500 on page 1, line 26, by changing "Section" to "subsection (6) of Section".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1503** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1505** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1510** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1510, on page 1, line 5, by changing "Section 7" to "Sections 2 and 7"; and on page 1, immediately below line 5, by inserting the following:

"(5 ILCS 140/2) (from Ch. 116, par. 202)

Sec. 2. Definitions. As used in this Act:

(a) "Public body" means any legislative, executive, administrative, or advisory bodies of the State, state universities and colleges, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, and a School Finance Authority created under Article 1E of the School Code. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act.

(b) "Person" means any individual, corporation, partnership, firm, organization or association, acting individually or as a group.

(c) "Public records" means all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, recorded information and all other documentary materials, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed or under the control of any public body. "Public records" includes, but is expressly not limited to: (i) administrative manuals, procedural rules, and instructions to staff, unless exempted by Section 7(p)

of this Act; (ii) final opinions and orders made in the adjudication of cases, except an educational institution's adjudication of student or employee grievance or disciplinary cases; (iii) substantive rules; (iv) statements and interpretations of policy which have been adopted by a public body; (v) final planning policies, recommendations, and decisions; (vi) factual reports, inspection reports, and studies whether prepared by or for the public body; (vii) all information in any account, voucher, or contract dealing with the receipt or expenditure of public or other funds of public bodies; (viii) the names, salaries, titles, and dates of employment of all employees and officers of public bodies; (ix) materials containing opinions concerning the rights of the state, the public, a subdivision of state or a local government, or of any private persons; (x) the name of every official and the final records of voting in all proceedings of public bodies; (xi) applications for any contract, permit, grant, or agreement except as exempted from disclosure by subsection (g) of Section 7 of this Act; (xii) each report, document, study, or publication prepared by independent consultants or other independent contractors for the public body; (xiii) all other information required by law to be made available for public inspection or copying; (xiv) information relating to any grant or contract made by or between a public body and another public body or private organization; (xv) waiver documents filed with the State Superintendent of Education or the president of the University of Illinois under Section 30-12.5 of the School Code, concerning nominees for General Assembly scholarships under Sections 30-9, 30-10, and 30-11 of the School Code; (xvi) complaints, results of complaints, and Department of Children and Family Services staff findings of licensing violations at day care facilities, provided that personal and identifying information is not released; and (xvii) records, reports, forms, writings, letters, memoranda, books, papers, and other documentary information, regardless of physical form or characteristics, having been prepared, or having been or being used, received, possessed, or under the control of the Illinois Sports Facilities Authority dealing with the receipt or expenditure of public funds or other funds of the Authority in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of an existing "facility" as that term is defined in the Illinois Sports Facilities Authority Act. Venture capital and private equity portfolio information and data held by a public body, including public pension funds, shall be considered confidential and not a public record.

(d) "Copying" means the reproduction of any public record by means of any photographic, electronic, mechanical or other process, device or means.

(e) "Head of the public body" means the president, mayor, chairman, presiding officer, director, superintendent, manager, supervisor or individual otherwise holding primary executive and administrative authority for the public body, or such person's duly authorized designee.

(f) "News media" means a newspaper or other periodical issued at regular intervals whether in print or electronic format, a news service whether in print or electronic format, a radio station, a television station, a television network, a community antenna television service, or a person or corporation engaged in making news reels or other motion picture news for public showing. (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01; 92-468, eff. 8-22-01; 92-547, eff. 6-13-02; 92-651, eff. 7-11-02.)

"; and

on page 9, by replacing lines 14 through 19 with the following:

"(l) Venture capital and private equity portfolio information and data held by any public body, including public pension funds, which under subsection (c) of Section 2 of this Act is confidential and not a public record. Nothing in this subsection, however, shall be construed to include the aggregate financial performance of a venture capital or private equity firm."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1521** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **Senate Bill No. 1542** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1545** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1545 on page 2, line 8, after "who", by inserting "applies on or before December 31, 2006 and".

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1546** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 1548** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1549** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1550** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1551** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1552** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 1553** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1554** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1555** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1556** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1557** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1558** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1559** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1560** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1561** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1562** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1563** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1564** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1565** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1566** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1567** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1568** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Bomke, **Senate Bill No. 1577** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on Judiciary.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1577 as follows:

by replacing all of page 2 and lines 1 through 12 on page 3 with the following:

"court shall direct the clerk of the court to cause a copy of the application to be sent to the Director of Corrections. The Director shall then cause to be prepared and sent to the court a socio-psychiatric report concerning the applicant. The report shall be prepared by the psychiatrist, social worker, psychologist, and warden of, or assigned to, the institution where the applicant is confined.

(d) Upon receipt of the socio-psychiatric report, the court shall appoint counsel for the applicant if he or she is not already represented. If the applicant has refused to participate in the socio-psychiatric evaluation, the court shall set a probable cause hearing as soon as practical and shall conduct the probable cause hearing using the Department of Corrections report and witnesses. If the applicant has participated in the socio-psychiatric evaluation, the court, within 30 days after receipt of the socio-psychiatric report, shall appoint an examiner having the specialized knowledge determined by the court to be appropriate, who shall examine the mental condition of the person and furnish a written report of the examination to the court within 45 days after appointment. The examiner shall have reasonable access to the person for purposes of examination and to the person's past and present treatment records and other Department of Corrections records. If any such examiner believes that the person is appropriate for conditional release, the examiner shall report on the type of treatment and services that the person will need while in the community on conditional release. The State has the right to have the person evaluated by experts chosen by the State. The court shall set a probable cause hearing as soon as practical after the examiner's report is filed. If the court determines at the probable cause hearing that cause exists to believe that the applicant has recovered and is no longer a sexually dangerous person or that while he or she remains a sexually dangerous person, he or she can safely be released under appropriate conditions and supervision, the court shall set a hearing on the issue. If the court does not find probable cause to believe that the applicant has recovered or that he or she can safely be conditionally released, the court shall deny the application for recovery.

(e) The court, with or without a jury, at the applicant's election, shall set for trial those applications for recovery that have been timely filed in accordance with the provisions of subsection (a) and in which the court has determined at the probable cause hearing that cause exists to believe that the applicant has recovered and is no longer a sexually dangerous person or that while he or she remains a sexually dangerous person, the applicant can safely be released under appropriate conditions and supervision, in accordance with the speedy trial provisions under Section 103-5 of the Code of Criminal Procedure of 1963. However, the speedy trial provisions do not commence until the court at the probable cause hearing has determined that cause exists to believe that the applicant has recovered or can safely be conditionally released.

(f) A jury, or the court without a jury if the applicant has waived a jury, shall make one of 3 findings following a trial:

(1) If the State proves by clear and convincing evidence that the person has not recovered and is still a sexually dangerous person, the petition shall be denied.

(2) If the State proves by clear and convincing evidence that the person has only recovered substantially and that he can be allowed safely to go at large only if he or she is subject to conditions and supervision, then the petition shall be granted subject to such conditions and

supervision as are imposed by the court following the finding of substantial recovery.

(3) If the State fails to prove by clear and convincing evidence that the person has not recovered and is still a sexually dangerous person and also fails to prove by clear and convincing evidence that the person has only recovered substantially and requires conditions and supervision, the petition shall be granted and the person discharged.

In making a decision under this subsection (f), the court or jury may consider the nature and circumstances of the behavior that was the basis for the original commitment as a sexually dangerous person, the person's mental history and present mental condition, the person's participation and progress in treatment while in the custody of the Department of Corrections, the results of psychological actuarial instruments normally used with sex offenders, where the person will live, how the person will support himself or herself, the necessity of additional treatment and the availability of that treatment, the likelihood that the person will participate in necessary treatment, and any other relevant evidence.

(g) In the event that a person conditionally released is alleged to have violated any of the conditions of his or her order of conditional release, the State's Attorney shall file a petition to revoke the conditional release. The court shall issue a warrant and place the sexually dangerous person in the custody of the county sheriff pending a hearing on the petition to revoke, which hearing shall be conducted under Section 5-6-4 of the Unified Code of Corrections. If the court finds by a preponderance of the evidence that the person has violated any of the conditions of his or her order of conditional release, the court shall revoke such conditional release and recommit the person to the Department of Corrections."; and on page 3, line 13, by deleting "relevant evidence."

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1578** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on Judiciary.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1578 as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by adding Section 411.3 as follows:

(720 ILCS 570/411.3 new)

Sec. 411.3. Methamphetamine restitution. If a person is convicted of a violation of clause (6.5) or (6.6) of subsection (a), subsection (c)(6.5), subsection (c-5), clause (d)(iii), or subsection (d-5) of Section 401, and the offense involves the manufacture of methamphetamine or the possession of a methamphetamine manufacturing chemical as defined in paragraph (z-1) of Section 102, and the manufacture of methamphetamine or possession of one or more methamphetamine manufacturing chemicals requires an emergency response, the person convicted shall be required to make restitution to all public entities involved in the emergency response, to cover the reasonable cost of their participation in the emergency response. The convicted person shall make this restitution in addition to any other fine or penalty required by law. In this Section, "emergency response" includes, but is not limited to, collecting evidence, securing the site, and cleaning up the site where the relevant offense or offenses took place, whether these actions are performed by the public entities themselves or by private contractors paid by the public entities."

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Peterson, **Senate Bill No. 1581** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1611** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1612** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1618** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1619** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1620** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1621** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1622** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1623** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1624** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1625** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1626** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1627** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1628** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1629** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1630** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1631** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1632** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1633** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1634** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1635** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1636** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1637** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1638** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Jacobs, **Senate Bill No. 1639** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 1640** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 1641** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1642** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1643** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1644** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1645** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1646** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **Senate Bill No. 1647** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **Senate Bill No. 1648** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Executive, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1648 on page 1, line 11, by changing "design" to "pre-construction"; and on page 1, line 15, by changing "registered landscape architect" to "licensed land surveyor"; and on page 7, by replacing lines 14 and 15 with the following:

(6) the Public Contract Fraud Act;

(7) the Illinois Construction Evaluation Act; and

(8) the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, the Illinois Professional Land Surveyor Act of 1989, and the Structural Engineering Practice Act of 1989."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1650** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1651** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1652** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1653** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1654** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1657** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1658** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1664** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1665** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1666** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1667** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1668** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1669** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1670** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 1671** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1672** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1673** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1674** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1675** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1676** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1684** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1685** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1686** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1687** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1688** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1689** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1690** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1695** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1696** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1697** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 1698** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1699** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1700** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1701** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1702** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1703** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1704** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1705** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1706** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1707** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1708** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1709** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1710** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1711** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1712** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1713** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1714** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1715** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1716** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1717** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1718** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1719** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1720** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1721** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1722** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1723** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1724** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1725** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1726** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1727** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1728** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 1729** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1730** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1731** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1732** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1733** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1734** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1735** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 1736** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1737** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1738** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1739** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1740** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1741** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1742** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **Senate Bill No. 1743** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **Senate Bill No. 1744** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1745** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1746** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 1747** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1749** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **Senate Bill No. 1750** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1751** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1765** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Revenue, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1765 on page 2, immediately before "Any", by inserting the following:

"The Tax Expenditures Commission shall also include 2 non-voting members as follows: (i) the Treasurer, or his or her designee; and (ii) the Comptroller, or his or her designee."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Harmon, **Senate Bill No. 1785** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1785 by replacing everything after the enacting clause with the following:

"Section 5. The Whistleblower Reward and Protection Act is amended by changing Section 6 as follows:

(740 ILCS 175/6) (from Ch. 127, par. 4106)

Sec. 6. ~~Subpoenas. Civil investigative demands.~~

(a) In general.

(1) Issuance and service. Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material or information relevant to an investigation, the Attorney General may, before commencing a civil proceeding under this Act, issue in writing and cause to be served upon such person, a ~~subpoena civil investigative demand~~ subpoena requiring such person:

(A) to produce such documentary material for inspection and copying,

(B) to answer, in writing, written interrogatories with respect to such documentary material or information,

(C) to give oral testimony concerning such documentary material or information, or

(D) to furnish any combination of such material, answers, or testimony.

The Attorney General ~~may shall~~ may delegate the authority to issue ~~subpoenas civil investigative demands~~ subpoenas under this subsection (a) to the Department of State Police subject to conditions as the Attorney General deems appropriate. Whenever a ~~subpoena civil investigative demand~~ subpoena is an express demand for any product of discovery, the Attorney General ~~or his or her delegate, an Assistant Attorney General or the delegate of the Department of State Police~~ shall cause to be served, in any manner authorized by this Section, a copy of such demand upon the person from whom the discovery was obtained and shall notify the person to whom such demand is issued of the date on which such copy was served.

(2) Contents and deadlines. ~~(A)~~ Each ~~subpoena civil investigative demand~~ subpoena issued under paragraph (1):

(A) Shall state the nature of the conduct constituting an alleged violation that is under investigation and the applicable provision of law alleged to be violated.

(B) Shall identify the individual causing the subpoena to be served and to whom communications regarding the subpoena should be directed.

(C) Shall state the date, place, and time at which the person is required to appear, produce written answers to interrogatories, produce documentary material or give oral testimony. The date shall not be less than 10 days from the date of service of the subpoena. Compliance with the subpoena shall be at the Office of the Attorney General in either the Springfield or Chicago location or at other location by agreement.

(D) If the subpoena is for documentary material or interrogatories, shall describe the documents or information requested with specificity.

(E) Shall notify the person of the right to be assisted by counsel.

(F) Shall advise that the person has 20 days from the date of service or up until the return date specified in the demand, whichever date is earlier, to move, modify, or set aside the

~~subpoena pursuant to subparagraph (j)(2)(A) of this Section, shall state the nature of the conduct constituting and alleged violation which is under investigation, and the applicable provision of law alleged to be violated.~~

~~(B) If such demand is for the production of documentary material, the demand shall:~~

~~(i) describe each class of documentary material to be produced with such definiteness and certainty as to permit such material to be fairly identified;~~

~~(ii) prescribe a return date for each such class which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying; and~~

~~(iii) identify the investigator to whom such material shall be made available.~~

~~(C) If such demand is for answers to written interrogatories, the demand shall:~~

~~(i) set forth with specificity the written interrogatories to be answered;~~

~~(ii) prescribe dates at which time answers to written interrogatories shall be submitted; and~~

~~(iii) identify the investigator to whom such answers shall be submitted.~~

~~(D) If such demand is for the giving of oral testimony, the demand shall:~~

~~(i) prescribe a date, time, and place at which oral testimony shall be commenced;~~

~~(ii) identify an investigator who shall conduct the examination and the custodian to whom the transcript of such examination shall be submitted;~~

~~(iii) specify that such attendance and testimony are necessary to the conduct of the investigation;~~

~~(iv) notify the person receiving the demand of the right to be accompanied by an attorney and any other representative; and~~

~~(v) describe the general purpose for which the demand is being issued and the general nature of the testimony, including the primary areas of inquiry, which will be taken pursuant to the demand.~~

~~(E) Any civil investigative demand issued under this Section which is an express demand for any product of discovery shall not be returned or returnable until 20 days after a copy of such demand has been served upon the person from whom the discovery was obtained.~~

~~(F) The date prescribed for the commencement of oral testimony pursuant to a civil investigative demand issued under this Section shall be a date which is not less than 7 days after the date on which demand is received, unless the Attorney General or an Assistant Attorney General designated by the Attorney General or the delegate of the Department of State Police determines that exceptional circumstances are present which warrant the commencement of such testimony within a lesser period of time.~~

~~(G) The Attorney General or the delegate of the Department of State Police shall not authorize the issuance under this Section of more than one civil investigative demand for oral testimony by the same person unless the person requests otherwise or unless the Attorney General or the delegate of the Department of State Police, after investigation, notifies that person in writing that an additional demand for oral testimony is necessary. The Attorney General shall authorize the performance by the delegate of the Department of State Police of any function vested in the Attorney General under this subparagraph (G).~~

(b) Protected material or information.

(1) In general. A subpoena ~~civil investigative demand~~ issued under subsection (a) may not require the production of any documentary material, the submission of any answers to written interrogatories, or the giving of any oral testimony if such material, answers, or testimony would be protected from disclosure under:

(A) the standards applicable to subpoenas or subpoenas duces tecum issued by a court of this State to aid in a grand jury investigation; or

(B) the standards applicable to discovery requests under the Code of Civil Procedure, to the extent that the application of such standards to any such subpoena demand is appropriate and consistent with the provisions and purposes of this Section.

(2) Effect on other orders, rules, and laws. Any such subpoena demand which is an express demand for any product of discovery supersedes any inconsistent order, rule, or provision of law (other than this Section) preventing or restraining disclosure of such product of discovery to any person. Disclosure of any product of discovery pursuant to any such subpoena express demand does not constitute a waiver of any right or privilege which the person making such disclosure may be entitled to invoke to resist discovery of trial preparation materials.

(c) Service in general; jurisdiction. ~~(1) By whom served.~~ Any subpoena civil investigative demand issued under subsection (a) may be served by any person so authorized by the Attorney General an investigator, or by any person authorized to serve process on individuals within Illinois,

through any method prescribed in the Code of Civil Procedure or as otherwise set forth in this Act.

(2) ~~Service in foreign countries. Any such demand or any petition filed under subsection (j) may be served upon any person who is not found within Illinois in such manner as the Code of Civil Procedure prescribes for service of process outside Illinois. To the extent that the courts of this State can assert jurisdiction over any such person consistent with due process, the courts of this State shall have the same jurisdiction to take any action respecting compliance with this Section by any such person that such court would have if such person were personally within the jurisdiction of such court.~~

(d) Service upon legal entities and natural persons.

(1) Legal entities. Service of any ~~subpoena civil investigative demand~~ issued under subsection (a) or of any petition filed under subsection (j) may be made upon a partnership, corporation, association, or other legal entity by:

(A) delivering an executed copy of such ~~subpoena demand~~ or petition to any partner, executive officer, managing agent, general agent, or registered agent of the partnership, corporation, association or entity;

(B) delivering an executed copy of such ~~subpoena demand~~ or petition to the principal office or place of business of the partnership, corporation, association, or entity; or

(C) depositing an executed copy of such ~~subpoena demand~~ or petition in the United States mails by registered or certified mail, with a return receipt requested, addressed to such partnership, corporation, association, or entity as its principal office or place of business.

(2) Natural person. Service of any such ~~subpoena demand~~ or petition may be made upon any natural person by:

(A) delivering an executed copy of such ~~subpoena demand~~ or petition to the person; or

(B) depositing an executed copy of such ~~subpoena demand~~ or petition in the United States mails by registered or certified mail, with a return receipt requested, addressed to the person at the person's residence or principal office or place of business.

(e) Proof of service. A verified return by the individual serving any ~~subpoena civil investigative demand~~ issued under subsection (a) or any petition filed under subsection (j) setting forth the manner of such service shall be proof of such service. In the case of service by registered or certified mail, such return shall be accompanied by the return post office receipt of delivery of such ~~subpoena demand~~.

(f) Documentary material.

(1) Sworn certificates. The production of documentary material in response to a ~~subpoena civil investigative demand~~ served under this Section shall be made under a sworn certificate, in such form as the ~~subpoena demand~~ designates, by:

(A) in the case of a natural person, the person to whom the ~~subpoena demand~~ is directed, or

(B) in the case of a person other than a natural person, a person having knowledge of the facts and circumstances relating to such production and authorized to act on behalf of such person.

The certificate shall state that all of the documentary material required by the demand and in the possession, custody, or control of the person to whom the ~~subpoena demand~~ is directed has been produced and made available to the ~~Attorney General investigator identified in the demand~~.

(2) Production of materials. Any person upon whom any ~~subpoena civil investigative demand~~ for the production of documentary material has been served under this Section shall make such material available for inspection and copying to the ~~Attorney General investigator identified in such demand~~ at the place designated in the ~~subpoena principal place of business of such person~~, or at such other place as the ~~Attorney General investigator~~ and the person thereafter may agree and prescribe in writing, or as the court may direct under subsection (j)(1). Such material shall be made so available on the return date specified in such ~~subpoena demand~~, or on such later date as the ~~Attorney General investigator~~ may prescribe in writing. Such person may, upon written agreement between the person and the ~~Attorney General investigator~~, substitute copies for originals of all or any part of such material.

(g) Interrogatories. Each interrogatory in a ~~subpoena civil investigative demand~~ served under this Section shall be answered separately and fully in writing under oath and shall be submitted under a sworn certificate, in such form as the ~~subpoena demand~~ designates by:

(1) in the case of a natural person, the person to whom the ~~subpoena demand~~ is directed, or

(2) in the case of a person other than a natural person, the person or persons responsible for answering each interrogatory.

If any interrogatory is objected to, the reasons for the objection shall be stated in the certificate instead of an answer. The certificate shall state that all information required by the ~~subpoena~~

~~demand~~ and in the possession, custody, control, or knowledge of the person to whom the demand is directed has been submitted. To the extent that any information is not furnished, the information shall be identified and reasons set forth with particularity regarding the reasons why the information was not furnished.

(h) Oral examinations.

(1) Procedures. The examination of any person pursuant to a subpoena civil investigative demand for oral testimony served under this Section shall be taken before an officer authorized to administer oaths and affirmations by the laws of this State or of the place where the examination is held. The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall, personally or by someone acting under the direction of the officer and in the officer's presence, record the testimony of the witness. The testimony shall be taken stenographically and shall be transcribed. When the testimony is fully transcribed, the officer before whom the testimony is taken shall promptly transmit a certified copy of the transcript of the testimony in accordance with the instructions of the Attorney General to the custodian. This subsection shall not preclude the taking of testimony by any means authorized by, and in a manner consistent with, the Code of Civil Procedure.

(2) Persons present. ~~The Attorney General may investigator conducting the examination shall~~ exclude from the place where the examination is held all persons except the person giving the testimony, the attorney for the person and any other representative of the person giving the testimony, the attorney for the State, any person who may be agreed upon by the attorney for the State and the person giving the testimony, the officer before whom the testimony is to be taken, and any other persons as the Attorney General determines are necessary for enforcement of the laws of this State and any stenographer taking such testimony.

(3) Where testimony taken. The oral testimony of any person taken pursuant to a subpoena civil investigative demand served under this Section shall be taken at the place designated in the subpoena in the county within which such person resides, is found, or transacts business, or in such other place as may be agreed upon by the Attorney General investigator conducting the examination and such person.

(4) Transcript of testimony. When the testimony is fully transcribed, the Attorney General investigator or the officer before whom the testimony is taken shall afford the witness, who may be accompanied by counsel, a reasonable opportunity to review and correct examine and read the transcript, in accordance with the rules applicable to deposition witnesses in civil cases. Upon payment of reasonable charges, the Attorney General shall furnish a copy of the transcript to the witness, except that the Attorney General may, for good cause, limit the witness to inspection of the official transcript of the witness' testimony, unless such examination and reading are waived by the witness. Any changes in form or substance which the witness desires to make shall be entered and identified upon the transcript by the officer or the investigator, with a statement of the reasons given by the witness for making such changes. The transcript shall then be signed by the witness, unless the witness in writing waives the signing, is ill, cannot be found, or refuses to sign. If the transcript is not signed by the witness within 30 days after being afforded a reasonable opportunity to examine it, the officer of investigator shall sign it and state on the record the fact of the waiver, illness, absence of the witness, or the refusal to sign, together with the reasons, if any, given therefor.

(5) Certification and delivery to custodian. The officer before whom the testimony is taken shall certify on the transcript that the witness was sworn by the officer and that the transcript is a true record of the testimony given by the witness, and the officer or investigator shall promptly deliver the transcript, or send the transcript by registered or certified mail, to the custodian.

(6) Furnishing or inspection of transcript by witness. Upon payment of reasonable charges therefor, the investigator shall furnish a copy of the transcript to the witness only, except that the Attorney General, an Assistant Attorney General or employee of the Department of State Police may, for good cause, limit such witness to inspection of the official transcript of the witness' testimony.

~~(5)~~ (7) Conduct of oral testimony.

(A) Any person compelled to appear for oral testimony under a subpoena civil investigative demand issued under subsection (a) may be accompanied, represented, and advised by counsel, who may raise objections based on matters of privilege in accordance with the rules applicable to depositions in civil cases. Counsel may advise such person, in confidence, with respect to any question asked of such person. Such person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection. An objection may be made, received, and entered upon the record when it is claimed that such person is entitled to refuse to answer the question on the grounds

~~of any constitutional or other legal right or privilege, including the privilege against self-incrimination. If such person refuses to answer any question, a petition may be filed in circuit court under subsection (j)(1) for an order compelling such person to answer such question.~~

(B) If such person refuses any question on the grounds of the privilege against self-incrimination, the testimony of such person may be compelled in accordance with Article 106 of the Code of Criminal Procedure of 1963.

~~(6) (8) Witness fees and allowances. Any person appearing for oral testimony under a subpoena civil investigative demand issued under subsection (a) shall be entitled to the same fees and allowances which are paid to witnesses in the circuit court.~~

(i) Custodians of documents, answers, and transcripts.

~~(1) Designation. The Attorney General or his or her delegate shall designate the Department of State Police to serve as custodian of documentary material, answers to interrogatories, and transcripts of oral testimony received under this Section, and shall designate additional employees of the Department of State Police as the Attorney General determines from time to time to be necessary to serve as deputies to the custodian.~~

~~(2) Responsibility for materials; disclosure.~~

~~(A) An investigator who receives any documentary material, answers to interrogatories, or transcripts of oral testimony under this Section shall transmit them to the custodian. The custodian shall take physical possession of such material, answers, or transcripts and shall be responsible for the use made of them and for the return of documentary material under paragraph (4).~~

~~(B) The custodian may cause the preparation of such copies of such documentary material, answers to interrogatories, or transcripts of oral testimony as may be required for official use by any investigator, or other officer or employee of the Attorney General or employee of the Department of State Police who is authorized for such use under regulations which the Attorney General shall issue. Such material, answers, and transcripts may be used by any such authorized investigator or other officer or employee in connection with the taking of oral testimony under this Section.~~

~~(2) (C) Except as otherwise provided in this Section subsection (i), no documentary material, answers to interrogatories, or transcripts of oral testimony, or copies thereof, while in the possession of the custodian, shall be available for examination by any individual, except as determined necessary by the Attorney General and subject to the conditions imposed by him or her for effective enforcement of the laws of this State, or as otherwise provided by court order, other than an investigator or other officer or employee of the Attorney General or employee of the Department of State Police authorized under subparagraph (B). The prohibition in the preceding sentence on the availability of material, answers, or transcripts shall not apply if consent is given by the person who produced such material, answers, or transcripts, or, in the case of any product of discovery produced pursuant to an express demand for such material, consent is given by the person from whom the discovery was obtained. Nothing in this subparagraph is intended to prevent disclosure to the General Assembly, including any committee or subcommittee of the General Assembly, or to any other State agency for use by such agency in furtherance of its statutory responsibilities. Disclosure of information to any such other agency shall be allowed only upon application, made by the Attorney General to a circuit court, showing substantial need for the use of the information by such agency in furtherance of its statutory responsibilities.~~

~~(D) While in the possession of the custodian and under such reasonable terms and conditions as the Attorney General shall prescribe:~~

~~(i) documentary material and answers to interrogatories shall be available for examination by the person who produced such material or answers, or by a representative for that person authorized by that person to examine such material and answers; and~~

~~(ii) transcripts of oral testimony shall be available for examination by the person who produced such testimony, or by a representative of that person authorized by that person to examine such transcripts.~~

~~(3) Use of material, answers, or transcripts in other proceedings. Whenever any attorney of the office of the Attorney General, or State's Attorney upon a referral, has been designated to appear before any court, grand jury, or State agency in any case or proceeding, the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony received under this Section may deliver to such attorney such material, answers, or transcripts for official use in connection with any such case or proceeding as such attorney determines to be required. Upon the completion of any such case or proceeding, such attorney shall return to the custodian any such material, answers, or transcripts so delivered which have not passed into the control of~~

such court, grand jury, or agency through introduction into the record of such case or proceeding.

(3) (4) Conditions for return of material. If any documentary material has been produced by any person in the course of any investigation pursuant to a subpoena civil investigative demand under this Section and:

(A) any case or proceeding before the court or grand jury arising out of such investigation, or any proceeding before any State agency involving such material, has been completed, or

(B) no case or proceeding in which such material may be used has been commenced within a reasonable time after completion of the examination and analysis of all documentary material and other information assembled in the course of such investigation, the custodian shall, upon written request of the person who produced such material, return to such person any such material ~~(other than copies furnished to the investigator under subsection (f)(2) or made for the Attorney General or employee of the Department of State Police under paragraph (2)(B))~~ which has not passed into the control of any court, grand jury, or agency through introduction into the record of such case or proceeding.

(5) ~~Appointment of successor custodians. In the event of the death, disability, or separation from service in the Department of State Police of the custodian of any documentary material, answers to interrogatories, or transcripts of oral testimony produced pursuant to a civil investigative demand under this Section, or in the event of the official relief of such custodian from responsibility for the custody and control of such material, answers, or transcripts, the Attorney General shall promptly:~~

~~(A) designate another employee of the Department of State Police to serve as custodian of such material, answers, or transcripts, and~~

~~(B) transmit in writing to the person who produced such material, answers, or testimony notice of the identity and address of the successor so designated.~~
 Any person who is designated to be a successor under this paragraph (5) shall have, with regard to such material, answers, or transcripts, the same duties and responsibilities as were imposed by this Section upon that person's predecessor in office, except that the successor shall not be held responsible for any default or dereliction which occurred before that designation.

(j) Judicial proceedings.

(1) Petition for enforcement. Whenever any person fails to comply with any subpoena civil investigative demand issued under subsection (a), or whenever satisfactory copying or reproduction of any material requested in such demand cannot be done and such person refuses to surrender such material, the Attorney General may file, in the circuit court of any county in which such person resides, is found, or transacts business, or the circuit court of the county in which an action filed pursuant to Section 4 of this Act is pending if the action relates to the subject matter of the subpoena and serve upon such person a petition for an order of such court for the enforcement of the subpoena civil investigative demand.

(2) Petition to modify or set aside subpoena demand.

(A) Any person who has received a subpoena civil investigative demand issued under subsection (a) may file, in the circuit court of any county within which such person resides, is found, or transacts business, and serve upon the Attorney General investigator identified in such demand a petition for an order of the court to modify or set aside such subpoena demand. In the case of a petition addressed to an express demand for any product of discovery, a petition to modify or set aside such demand may be brought only in the circuit court of the county in which the proceeding in which such discovery was obtained is or was last pending. Any petition under this subparagraph (A) must be filed:

(i) within 20 days after the date of service of the subpoena civil investigative demand, or at any time before the return date specified in the subpoena demand, whichever date is earlier, or

(ii) within such longer period as may be prescribed in writing by the Attorney General any investigator identified in the demand.

(B) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A), and may be based upon any failure of the subpoena demand to comply with the provisions of this Section or upon any constitutional or other legal right or privilege of such person. During the pendency of the petition in the court, the court may stay, as it deems proper, the running of the time allowed for compliance with the subpoena demand, in whole or in part, except that the person filing the petition shall comply with any portion of the subpoena demand not sought to be modified or set aside.

(3) Petition to modify or set aside demand for product of discovery. ~~(A)~~ In the case of any subpoena civil investigative demand issued under subsection (a) which is an express demand for any product of discovery, the person from whom such discovery was obtained may file, in the

circuit court of the county in which the proceeding in which such discovery was obtained is or was last pending, ~~and serve upon any investigator identified in the demand and upon the recipient of the demand,~~ a petition for an order of such court to modify or set aside those portions of the subpoena demand requiring production of any such product of discovery, subject to the same terms, conditions, and limitations set forth in subparagraph (j)(2) of this Section. ~~Any petition under this subparagraph (A) must be filed:~~

~~(i) within 20 days after the date of service of the civil investigative demand, or at any time before the return date specified in the demand, whichever date is earlier, or~~

~~(ii) within such longer period as may be prescribed in writing by any investigator identified in the demand.~~

~~(B) The petition shall specify each ground upon which the petitioner relies in seeking relief under subparagraph (A), and may be based upon any failure of the portions of the demand from which relief is sought to comply with the provisions of this Section, or upon any constitutional or other legal right or privilege of the petitioner. During the pendency of the petition, the court may stay, as it deems proper, compliance with the demand and the running of the time allowed from compliance with the demand.~~

~~(4) Petition to require performance by custodian of duties. At any time during which any custodian is in custody or control of any documentary material or answers to interrogatories produced, or transcripts of oral testimony given, by any person in compliance with any civil investigative demand issued under subsection (a), such person, and in the case of an express demand for any product of discovery, the person from whom such discovery was obtained, may file, in the circuit court of the county within which the office of such custodian is situated, and serve upon such custodian, a petition for an order of such court to require the performance by the custodian of any duty imposed upon the custodian by this Section.~~

~~(4) (S) Jurisdiction. Whenever any petition is filed in any circuit court under this subsection (j), such court shall have jurisdiction to hear and determine the matter so presented, and to enter such orders as may be required to carry out the provisions of this Section. Any final order so entered shall be subject to appeal in the same manner as appeals of other final orders in civil matters. Any disobedience of any final order entered under this Section by any court shall be punished as a contempt of the court.~~

~~(k) Disclosure exemption. Any documentary material, answers to written interrogatories, or oral testimony provided under any subpoena civil investigative demand issued under subsection (a) shall be exempt from disclosure under the Illinois Administrative Procedure Act. (Source: P.A. 92-651, eff. 7-11-02.)"~~

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1789** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 1793** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Judiciary, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1793 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Controlled Substances Act is amended by changing Section 407 as follows:

(720 ILCS 570/407) (from Ch. 56 1/2, par. 1407)

Sec. 407. (a) (1) ~~(A)~~ Any person 18 years of age or over who violates any subsection of Section 401 or subsection (b) of Section 404 by delivering a controlled, counterfeit or look-alike substance to a person under 18 years of age may be sentenced to imprisonment for a term up to twice the maximum term and fined an amount up to twice that amount otherwise authorized by the pertinent subsection of Section 401 and Subsection (b) of Section 404.

(B) Any person 18 years of age or over who violates subdivision (a)(6.5), subdivision (a)(6.6), subdivision (c)(6.5), subsection (c-5), subsection (d), or subsection (d-5) of Section 401 by manufacturing methamphetamine, preparing to manufacture methamphetamine, or storing methamphetamine, methamphetamine ingredients, or methamphetamine waste in any vehicle or real

property where a child under 18 years of age resides, is present, or is otherwise endangered by exposure to the methamphetamine, methamphetamine ingredients, methamphetamine waste, or methamphetamine manufacturing process may be sentenced to imprisonment for a term up to twice the maximum term and fined an amount up to twice that amount otherwise authorized by the pertinent subsection of Section 401 and subsection (b) of Section 404.

(2) Except as provided in paragraph (3) of this subsection, any person who violates:

(A) subsection (c) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 1 felony, the fine for which shall not exceed \$250,000;

(B) subsection (d) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 2 felony, the fine for which shall not exceed \$200,000;

(C) subsection (e) of Section 401 or subsection (b) of Section 404 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$150,000;

(D) subsection (f) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$125,000;

(E) subsection (g) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$100,000;

(F) subsection (h) of Section 401 by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of, a truck stop or safety rest area, is guilty of a Class 3 felony, the fine for which shall not exceed \$75,000;

(3) Any person who violates paragraph (2) of this subsection (a) by delivering or possessing with intent to deliver a controlled, counterfeit, or look-alike substance in or on, or within 1,000 feet of a truck stop or a safety rest area, following a prior conviction or convictions of paragraph (2) of this subsection (a) may be sentenced to a term of imprisonment up to 2 times the maximum term and fined an amount up to 2 times the amount otherwise authorized by Section 401.

(4) For the purposes of this subsection (a):

(A) "Safety rest area" means a roadside facility removed from the roadway with parking and facilities designed for motorists' rest, comfort, and information needs; and

(B) "Truck stop" means any facility (and its parking areas) used to provide fuel or service, or both, to any commercial motor vehicle as defined in Section 18b-101 of the Illinois Vehicle Code.

(b) Any person who violates:

(1) subsection (c) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class X felony, the fine for which shall not exceed \$500,000;

(2) subsection (d) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park,

on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 1 felony, the fine for which shall not exceed \$250,000;

(3) subsection (e) of Section 401 or Subsection (b) of Section 404 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed \$200,000;

(4) subsection (f) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed \$150,000;

(5) subsection (g) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed

by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed \$125,000;

(6) subsection (h) of Section 401 in any school, or any conveyance owned, leased or contracted by a school to transport students to or from school or a school related activity, or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park or within 1,000 feet of the real property comprising any school or residential property owned, operated or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, or public park, on the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, or within 1,000 feet of the real property comprising any church, synagogue, or other building, structure, or place used primarily for religious worship, on the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities, or within 1,000 feet of the real property comprising any of the following places, buildings, or structures used primarily for housing or providing space for activities for senior citizens: nursing homes, assisted-living centers, senior citizen housing complexes, or senior centers oriented toward daytime activities is guilty of a Class 2 felony, the fine for which shall not exceed \$100,000.

(c) Regarding penalties prescribed in subsection (b) for violations committed in a school or on or within 1,000 feet of school property, the time of day, time of year and whether classes were currently in session at the time of the offense is irrelevant. (Source: P.A. 91-353, eff. 1-1-00; 91-673, eff. 12-22-99; 92-16, eff. 6-28-01)."

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator E. Jones, **Senate Bill No. 1803** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **Senate Bill No. 1804** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1848** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 1853** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1869** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 1872** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1992** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1993** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1994** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1995** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1996** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 1997** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was filed earlier today and referred to the Committee on Rules.

There being no further amendments the bill was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2003** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2004** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2005** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2006** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2007** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2008** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2009** having been printed, was taken up, read by title a second time and ordered to a third reading.

LEGISLATIVE MEASURES FILED

The following Floor amendments to the Senate Bills listed below have been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 2 to Senate Bill 100
Senate Floor Amendment No. 1 to Senate Bill 199
Senate Floor Amendment No. 2 to Senate Bill 222
Senate Floor Amendment No. 2 to Senate Bill 291
Senate Floor Amendment No. 3 to Senate Bill 306
Senate Floor Amendment No. 2 to Senate Bill 328
Senate Floor Amendment No. 1 to Senate Bill 332
Senate Floor Amendment No. 1 to Senate Bill 383
Senate Floor Amendment No. 1 to Senate Bill 737
Senate Floor Amendment No. 1 to Senate Bill 747
Senate Floor Amendment No. 2 to Senate Bill 890
Senate Floor Amendment No. 2 to Senate Bill 1134
Senate Floor Amendment No. 2 to Senate Bill 1151
Senate Floor Amendment No. 2 to Senate Bill 1152

Senate Floor Amendment No. 2 to Senate Bill 1359
 Senate Floor Amendment No. 1 to Senate Bill 1380
 Senate Floor Amendment No. 1 to Senate Bill 1415
 Senate Floor Amendment No. 2 to Senate Bill 1601

MESSAGE FROM THE HOUSE

A message from the House by
 Mr. Rossi, Clerk:
 Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 102
 A bill for AN ACT concerning forced labor.
 HOUSE BILL NO. 116
 A bill for AN ACT concerning fire protection districts.
 HOUSE BILL NO. 264
 A bill for AN ACT concerning agriculture.
 HOUSE BILL NO. 298
 A bill for AN ACT concerning vehicles.
 HOUSE BILL NO. 538
 A bill for AN ACT in relation to criminal law.
 HOUSE BILL NO. 1249
 A bill for AN ACT concerning fire protection.
 HOUSE BILL NO. 1585
 A bill for AN ACT in relation to veterans.
 HOUSE BILL NO. 2235
 A bill for AN ACT regarding education.
 HOUSE BILL NO. 2279
 A bill for AN ACT concerning education.
 HOUSE BILL NO. 2525
 A bill for AN ACT in relation to criminal law.

Passed the House, March 18, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 102, 116, 264, 298, 538, 1249, 1585, 2235, 2279 and 2525** were taken up, ordered printed and placed on first reading.

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 2 to Senate Bill 289
Senate Floor Amendment No. 1 to Senate Bill 607
Senate Floor Amendment No. 1 to Senate Bill 1037
Senate Floor Amendment No. 1 to Senate Bill 1401

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on Rules, during its March 18, 2003 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Floor Amendment No. 1 to Senate Bill 46; Senate Floor Amendment No. 1 to Senate Bill 1527.**

Education: **Senate Amendment No. 2 to Senate Bill 22; Senate Amendment No. 2 to Senate Bill 1403.**

Environment and Energy: **Senate Floor Amendment No. 1 to Senate Bill 222; Senate Floor Amendment No. 2 to Senate Bill 268; Senate Floor Amendment No. 2 to Senate Bill 1518.**

Executive: **Senate Floor Amendment No. 1 to Senate Bill 1; Senate Floor Amendment No. 2 to Senate Bill 291; Senate Floor Amendment No. 1 to Senate Bill 737; Senate Floor Amendment No. 1 to Senate Bill 1865; Senate Floor Amendment No. 1 to Senate Bill 1997.**

Health and Human Services: **Senate Amendment No. 1 to Senate Bill 99; Senate Floor Amendment No. 1 to Senate Bill 199; Senate Amendment No. 3 to Senate Bill 306.**

Insurance and Pensions: **Senate Floor Amendment No. 2 to Senate Bill 601.**

Judiciary: **Senate Floor Amendment No. 1 to Senate Bill 58; Senate Floor Amendment No. 3 to Senate Bill 108; Senate Floor Amendment No. 2 to Senate Bill 123; Senate Floor Amendment No. 1 to Senate Bill 149; Senate Floor Amendment No. 1 to Senate Bill 256; Senate Floor Amendment No. 1 to Senate Bill 265; Senate Floor Amendment No. 1 to Senate Bill 387; Senate Floor Amendment No. 1 to Senate Bill 406; Senate Floor Amendment No. 1 to Senate Bill 883; Senate Floor Amendment No. 1 to Senate Bill 1053.**

Labor and Commerce: **Senate Floor Amendment No. 2 to Senate Bill 90.**

Licensed Activities: **Senate Floor Amendment No. 1 to Senate Bill 698.**

Revenue: **Senate Floor Amendment No. 2 to Senate Bill 179; Senate Floor Amendment No. 2 to Senate Bill 334; Senate Floor Amendment No. 1 to Senate Bill 362; Senate Floor Amendment No. 1 to Senate Bill 1864.**

State Government: **Senate Floor Amendment No. 1 to Senate Bill 1335.**

At the hour of 3:38 o'clock p.m., on motion of Senator Demuzio, the Senate stood adjourned until Wednesday, March 19, 2003, at 10:00 o'clock a.m.