SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

25TH LEGISLATIVE DAY

TUESDAY, MARCH 25, 2003

1:20 O'CLOCK P.M.

The Senate met pursuant to adjournment.
Senator Louis S.Viverito, Burbank, Illinois, presiding.
Prayer by Pastor T. Ray McJunkins, Union Baptist Church, Springfield, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

Senator Woolard moved that reading and approval of the Journals of Wednesday, March 19, 2003, Thursday, March 20, 2003, Friday, March 21, 2003 and Monday, March 24, 2003 be postponed pending arrival of the printed Journals.
The motion prevailed.

MOTION IN WRITING

Senator Cullerton submitted the following Motion in Writing:

Pursuant to Rule 7-15 and having voted on the prevailing side, I hereby move to reconsider the vote by which Senate Bill 1063 passed.

s/Senator John J. Cullerton
Date: March 25, 2003

The foregoing Motion in writing was filed with the Secretary and placed on the Senate Calendar.

REPORT FROM STANDING COMMITTEES

Senator Walsh, Chairperson of the Committee on Agriculture Conservation to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to Senate Bill 1527
Senate Amendment No. 2 to Senate Bill 1527

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator del Valle, Chairperson of the Committee on Education to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 2 to Senate Bill 22
Senate Amendment No. 2 to Senate Bill 890
Senate Amendment No. 2 to Senate Bill 1403

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Clayborne, Chairperson of the Committee on Environment and Energy to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to Senate Bill 222
Senate Amendment No. 2 to Senate Bill 222
Senate Amendment No. 2 to Senate Bill 268
Senate Amendment No. 2 to Senate Bill 609
Senate Amendment No. 1 to Senate Bill 1066
Senate Amendment No. 1 to Senate Bill 1330

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Silverstein, Chairperson of the Committee on Executive to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to Senate Bill 13
Senate Amendment No. 2 to Senate Bill 75
Senate Amendment No. 1 to Senate Bill 383
Senate Amendment No. 2 to Senate Bill 410
Senate Amendment No. 2 to Senate Bill 411
Senate Amendment No. 2 to Senate Bill 873
Senate Amendment No. 1 to Senate Bill 1415
Senate Amendment No. 1 to Senate Bill 1431
Senate Amendment No. 2 to Senate Bill 1601
Senate Amendment No. 1 to Senate Bill 1872
Senate Amendment No. 1 to Senate Bill 1906

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Lightford, Chairperson of the Committee on Financial Institutions to which was referred the following Senate floor amendment reported that the Committee recommends that it be approved for consideration:

Senate Amendment No. 2 to Senate Bill 1500

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Obama, Chairperson of the Committee on Health and Human Services to which was referred the following Senate floor amendments reported that the Committee recommends that they be approved for consideration:

Senate Amendment No. 1 to Senate Bill 130
Senate Amendment No. 1 to Senate Bill 199
Senate Amendment No. 3 to Senate Bill 306
Senate Amendment No. 1 to Senate Bill 633
Senate Amendment No. 2 to Senate Bill 809

Senate Amendment No. 1 to Senate Bill 1081
Senate Amendment No. 2 to Senate Bill 1109
Senate Amendment No. 1 to Senate Bill 1364
Senate Amendment No. 1 to Senate Bill 1543

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 3 to Senate Bill 559
Senate Amendment No. 2 to Senate Bill 601
Senate Amendment No. 2 to Senate Bill 1359

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Cullerton, Co-Chairperson of the Committee on Judiciary to which was referred the following Senate floor amendments reported that the Committee recommends that they be approved for consideration:

Senate Amendment No. 2 to Senate Bill 15
Senate Amendment No. 1 to Senate Bill 30
Senate Amendment No. 4 to Senate Bill 125
Senate Amendment No. 2 to Senate Bill 211
Senate Amendment No. 1 to Senate Bill 265
Senate Amendment No. 2 to Senate Bill 1342
Senate Amendment No. 2 to Senate Bill 1412
Senate Amendment No. 1 to Senate Bill 1869

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Ronen, Chairperson of the Committee on Labor and Commerce to which was referred the following Senate floor amendments reported that the Committee recommends that they be approved for consideration:

Senate Amendment No. 3 to Senate Bill 2
Senate Amendment No. 2 to Senate Bill 90
Senate Amendment No. 1 to Senate Bill 461
Senate Amendment No. 1 to Senate Bill 1360

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Munoz, Chairperson of the Committee on Licensed Activities to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to Senate Bill 332
Senate Amendment No. 2 to Senate Bill 354
Senate Amendment No. 1 to Senate Bill 698

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Haine, Chairperson of the Committee on Local Government to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 2 to Senate Bill 974
Senate Amendment No. 3 to Senate Bill 974
Senate Amendment No. 1 to Senate Bill 1204
Senate Amendment No. 1 to Senate Bill 1384

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Link, Chairperson of the Committee on Revenue to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to Senate Bill 392
Senate Amendment No. 1 to Senate Bill 615
Senate Amendment No. 1 to Senate Bill 1044
Senate Amendment No. 1 to Senate Bill 1102
Senate Amendment No. 3 to Senate Bill 1765
Senate Amendment No. 2 to Senate Bill 1864

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Woolard, Chairperson of the Committee on State Government to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 2 to Senate Bill 232
Senate Amendment No. 1 to Senate Bill 1335

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Shadid, Chairperson of the Committee on Transportation to which was referred the following Senate floor amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 1 to Senate Bill 272
Senate Amendment No. 2 to Senate Bill 330
Senate Amendment No. 2 to Senate Bill 901
Senate Amendment No. 2 to Senate Bill 1108
Senate Amendment No. 1 to Senate Bill 1149

Under the rules, the foregoing floor amendments are eligible for consideration on 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. 6
A bill for AN ACT concerning public health emergencies.
HOUSE BILL NO. 32
A bill for AN ACT concerning State agencies.
HOUSE BILL NO. 39
A bill for AN ACT in relation to Procurement Code penalties.
HOUSE BILL NO. 47
A bill for AN ACT concerning ethics.
HOUSE BILL NO. 59

A bill for AN ACT concerning child care facilities.

HOUSE BILL NO. 62

A bill for AN ACT in relation to property.

HOUSE BILL NO. 79

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

HOUSE BILL NO. 87

A bill for AN ACT in relation to elderly persons and persons with disabilities.

HOUSE BILL NO. 91

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 117

A bill for AN ACT concerning taxes.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 6, 32, 39, 47, 59, 62, 79, 87, 91 and 117** 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 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. 183

A bill for AN ACT concerning quick-take proceedings.

HOUSE BILL NO. 186

A bill for AN ACT concerning condominiums.

HOUSE BILL NO. 263

A bill for AN ACT concerning ports.

HOUSE BILL NO. 407

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

HOUSE BILL NO. 479

A bill for AN ACT in relation to public health.

HOUSE BILL NO. 494

A bill for AN ACT concerning plats.

HOUSE BILL NO. 515

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 527

A bill for AN ACT in relation to local government.

HOUSE BILL NO. 847

A bill for AN ACT in relation to local governments.

HOUSE BILL NO. 1107

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 1194

A bill for AN ACT in relation to fire fighters.

HOUSE BILL NO. 1196

A bill for AN ACT in relation to aging.

HOUSE BILL NO. 1237

A bill for AN ACT in relation to vehicles.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 183, 186, 263, 407, 479, 494, 515, 527, 847, 1107, 1194, 1196 and 1237** 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 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. 1350
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 1359
A bill for AN ACT in relation to crime victims.
HOUSE BILL NO. 1448
A bill for AN ACT regarding higher education.
HOUSE BILL NO. 1452
A bill for AN ACT in relation to public utilities.
HOUSE BILL NO. 1456
A bill for AN ACT concerning administrative hearings.
HOUSE BILL NO. 1486
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 1490
A bill for AN ACT concerning taxes.
HOUSE BILL NO. 1532
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 1535
A bill for AN ACT concerning domestic violence.
HOUSE BILL NO. 1578
A bill for AN ACT concerning open meetings.
HOUSE BILL NO. 1584
A bill for AN ACT in relation to property.
HOUSE BILL NO. 2165
A bill for AN ACT in relation to foreign trade zones.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 1350, 1359, 1448, 1452, 1456, 1486, 1490, 1532, 1535, 1578, 1584 and 2165** 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 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. 2191
A bill for AN ACT with regard to schools.
HOUSE BILL NO. 2205
A bill for AN ACT concerning lobbyists.
HOUSE BILL NO. 2250
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 2262
A bill for AN ACT concerning trust and payable on death accounts.
HOUSE BILL NO. 2291
A bill for AN ACT concerning taxes.
HOUSE BILL NO. 2299
A bill for AN ACT in relation to municipalities.
HOUSE BILL NO. 2301
A bill for AN ACT in relation to highways.
HOUSE BILL NO. 2302
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 2345
A bill for AN ACT in relation to housing.
HOUSE BILL NO. 2348
A bill for AN ACT concerning occupational therapy.

HOUSE BILL NO. 2375
A bill for AN ACT concerning financially troubled schools.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 2191, 2205, 2250, 2262, 2291, 2299, 2301, 2302, 2345, 2348 and 2375** 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 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. 2403
A bill for AN ACT concerning local improvements.
HOUSE BILL NO. 2411
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2446
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2454
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2473
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2493
A bill for AN ACT concerning bonds.
HOUSE BILL NO. 2502
A bill for AN ACT in relation to public aid.
HOUSE BILL NO. 2504
A bill for AN ACT concerning fees.
HOUSE BILL NO. 2510
A bill for AN ACT in relation to municipalities.
HOUSE BILL NO. 2515
A bill for AN ACT in relation to minors.
HOUSE BILL NO. 2523
A bill for AN ACT concerning child support.
HOUSE BILL NO. 2524
A bill for AN ACT in relation to domestic violence.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 2403, 2411, 2446, 2454, 2473, 2493, 2502, 2504, 2510, 2515, 2523 and 2524** 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 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. 2529
A bill for AN ACT in relation to streetgangs.
HOUSE BILL NO. 2550
A bill for AN ACT concerning mortgages.
HOUSE BILL NO. 2653
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2798
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2799

A bill for AN ACT concerning video conferencing.

HOUSE BILL NO. 2836

A bill for AN ACT concerning schools.

HOUSE BILL NO. 2841

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2842

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2844

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2848

A bill for AN ACT in relation to children.

HOUSE BILL NO. 2855

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 2858

A bill for AN ACT concerning criminal actions.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 2529, 2550, 2653, 2798, 2799, 2836, 2841, 2842, 2844, 2848, 2855 and 2858** 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 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. 2864

A bill for AN ACT concerning speech-language pathology.

HOUSE BILL NO. 2889

A bill for AN ACT in relation to agriculture.

HOUSE BILL NO. 2895

A bill for AN ACT in relation to child support.

HOUSE BILL NO. 2902

A bill for AN ACT in relation to children.

HOUSE BILL NO. 2905

A bill for AN ACT concerning taxes.

HOUSE BILL NO. 2910

A bill for AN ACT regarding schools.

HOUSE BILL NO. 2918

A bill for AN ACT concerning wildlife.

HOUSE BILL NO. 2926

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2927

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2931

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2932

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2949

A bill for AN ACT concerning the regulation of professions.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 2864, 2889, 2895, 2902, 2905, 2910, 2918, 2926, 2927, 2931, 2932 and 2949** 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 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. 2950
A bill for AN ACT concerning State parks.
HOUSE BILL NO. 2952
A bill for AN ACT in relation to the transfer of certain real property.
HOUSE BILL NO. 2954
A bill for AN ACT in relation to alcohol liquor.
HOUSE BILL NO. 2966
A bill for AN ACT concerning sex offenders.
HOUSE BILL NO. 2976
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2977
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2985
A bill for AN ACT concerning construction contracts.
HOUSE BILL NO. 2997
A bill for AN ACT concerning the American flag.
HOUSE BILL NO. 3009
A bill for AN ACT concerning commerce.
HOUSE BILL NO. 3020
A bill for AN ACT in relation to civil procedure.
HOUSE BILL NO. 3038
A bill for AN ACT concerning community development.
HOUSE BILL NO. 3045
A bill for AN ACT concerning community revitalization.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 2950, 2952, 2954, 2966, 2976, 2977, 2985, 2997, 3009, 3020, 3038 and 3045** 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 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. 3049
A bill for AN ACT concerning taxes.
HOUSE BILL NO. 3066
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 3079
A bill for AN ACT in relation to taxes.
HOUSE BILL NO. 3080
A bill for AN ACT concerning assessor's compensation.
HOUSE BILL NO. 3085
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 3091
A bill for AN ACT in relation to criminal matters.
HOUSE BILL NO. 3100
A bill for AN ACT concerning counties.
HOUSE BILL NO. 3114
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 3115
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 3134
A bill for AN ACT concerning the Illinois Poison Control System.

HOUSE BILL NO. 3197
A bill for AN ACT in relation to health.
HOUSE BILL NO. 3209
A bill for AN ACT concerning State government.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3049, 3066, 3079, 3080, 3085, 3091, 3100, 3114, 3115, 3134, 3197 and 3209** 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 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. 3210
A bill for AN ACT in relation to the operation of motor vehicles.
HOUSE BILL NO. 3395
A bill for AN ACT in relation to municipalities.
HOUSE BILL NO. 3489
A bill for AN ACT in relation to State finance.
HOUSE BILL NO. 3501
A bill for AN ACT in relation to domestic violence.
HOUSE BILL NO. 3506
A bill for AN ACT in relation to environmental protection.
HOUSE BILL NO. 3507
A bill for AN ACT concerning environmental protection.
HOUSE BILL NO. 3508
A bill for AN ACT in relation to environmental matters.
HOUSE BILL NO. 3517
A bill for AN ACT concerning tobacco.
HOUSE BILL NO. 3526
A bill for AN ACT concerning civil procedure.
HOUSE BILL NO. 3528
A bill for AN ACT in relation to drug and alcohol impairment.
HOUSE BILL NO. 3540
A bill for AN ACT concerning the executive branch.
HOUSE BILL NO. 3556
A bill for AN ACT in relation to sex offenders.
HOUSE BILL NO. 3586
A bill for AN ACT in relation to health care.
HOUSE BILL NO. 3610
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 3612
A bill for AN ACT concerning taxes.
HOUSE BILL NO. 3663
A bill for AN ACT concerning financial institutions.

Passed the House, March 21, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3210, 3395, 3489, 3501, 3506, 3507, 3508, 3517, 3526, 3528, 3540, 3556, 3586, 3610, 3612 and 3663** were taken up, ordered printed and placed on first reading.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator E. Jones, **Senate Bill No. 1** having been printed, was taken up, read by title a second time.

Senator E. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1 on page 2, line 8, by replacing "2004" with "2003".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Halvorson, **Senate Bill No. 3** 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 3 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Senior Citizens and Disabled Persons Prescription Drug Discount Program Act.

Section 5. Findings. The General Assembly finds that:

(a) Although senior citizens represent 12% of the population, they use on average 37% of prescription drugs that are dispensed.

(b) Senior citizens in the United States without prescription drug insurance coverage pay the highest prices in the world for needed medications.

(c) High prescription drug prices force many Illinois seniors to go without proper medication or other necessities, thereby affecting their health and safety.

(d) Prescription drug prices in the United States are the world's highest, averaging 32% higher than in Canada, 40% higher than in Mexico, and 60% higher than in Great Britain.

(e) Regardless of household income, seniors without prescription drug coverage are often just one serious illness away from poverty.

(f) Reducing the price of prescription drugs would benefit the health and well-being of all Illinois senior citizens by providing more affordable access to needed drugs.

Section 10. Purpose. The purpose of this Program is to require the Department of Central Management Services to establish and administer a program that will enable eligible senior citizens and disabled persons to purchase prescription drugs at discounted prices.

Section 15. Definitions. As used in this Act:

"Authorized pharmacy" means any pharmacy registered in this State under the Pharmacy Practice Act of 1987 and approved by the Department or its Program administrator.

"AWP" or "Average wholesale price" means the amount determined from the latest publication of the Blue Book, a universally subscribed pharmacist reference guide annually published by the Hearst Corporation. "AWP" or "Average wholesale price" may also be derived electronically from the drug pricing database synonymous with the latest publication of the Blue Book and furnished in the National Drug Data File (NDDF) by First Data Bank (FDB), a service of the Hearst Corporation.

"Department" means the Department of Central Management Services.

"Director" means the Director of Central Management Services.

"Disabled person" means a person unable to engage in any substantial gainful activity by reason of a medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months.

"Drug manufacturer" means any entity (1) that is located within or outside Illinois that is engaged in (i) the production, preparation, propagation, compounding, conversion, or processing of prescription drug products covered under the Program, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis or (ii) the packaging, repackaging, leveling, labeling, or distribution of prescription drug products covered under the Program and (2) that elects to provide prescription drugs either directly or under contract with any entity providing prescription drug services on behalf of the State of Illinois. "Drug manufacturer", however, does not include a wholesale distributor of drugs or a retail pharmacy licensed under Illinois law.

"Eligible senior" means a person who is (i) a resident of Illinois and (ii) 65 years of age or older.

"Preferred drug list" refers to the list of prescription drugs for which the Department or its Program administrator has negotiated a "Manufacturer Rebate Agreement", as defined in Section 30 of this Act.

"Prescription drug" means any prescribed drug that may be legally dispensed by an authorized pharmacy.

"Program" means the Senior Citizens and Disabled Persons Prescription Drug Discount Program created under this Act.

"Program administrator" means the entity that is chosen by the Department to administer the Program. The Program administrator may, in this case, be the Director or a Pharmacy Benefits Manager (PBM) chosen to subcontract with the Director.

"Rules" includes rules adopted and forms prescribed by the Department.

Section 17. Determination of disability. Disabled persons filing applications for participation in the Program shall submit proof of disability in such form and manner as the Department shall by rule prescribe. Proof that a claimant is eligible to receive disability benefits under the Federal Social Security Act shall constitute proof of disability for purposes of this Act. Issuance of an Illinois Disabled Person Identification Card stating that the claimant is under a Class 2 disability, as defined in Section 4A of the Illinois Identification Card Act, shall constitute proof that the person named thereon is a disabled person for purposes of this Act. A disabled person not covered under the Federal Social Security Act and not presenting a Disabled Person Identification Card stating that the he or she is under a Class 2 disability shall be examined by a physician designated by the Department, and his or her status as a disabled person determined using the same standards as used by the Social Security Administration. The costs of any required examination shall be borne by the person claiming a disability.

Section 20. The Senior Citizens and Disabled Persons Prescription Drug Discount Program. The Senior Citizens and Disabled Persons Prescription Drug Discount Program is established to protect the health and safety of senior citizens and disabled persons. The Program shall be administered by the Department. The Department or its Program administrator shall (i) enroll eligible seniors and disabled persons into the Program to qualify them for a discount on the purchase of prescription drugs at an authorized pharmacy, (ii) enter into rebate agreements with drug manufacturers, and (iii) reimburse pharmacies for the cost of providing discounts using the proceeds from the manufacturer rebate agreements.

Section 25. Prescription drug prices.

(a) Ninety days after the effective date of this Act, the Department must issue a request for proposals for bidders interested in administering the Program. Bidders must compete on the basis of the following minimum criteria: (i) discount to seniors and disabled persons separately for brand and generic drugs, (ii) administrative fees, (iii) rebates to the State and (iv) size of the pharmacy network. Other criteria may also be considered.

(b) Beginning on January 1, 2004, the amount paid by eligible seniors and disabled persons enrolled in the Program to authorized pharmacies for prescription drugs may not exceed prices agreed upon between the Department and Program administrator (AWP less a percentage discount plus a dispensing fee). For prescription drugs that are on a preferred drug list, the amount paid by eligible seniors and disabled persons enrolled in the Program to authorized pharmacies may not exceed the AWP less a greater percentage discount plus a dispensing fee agreed upon by the Department and the Program administrator.

(c) Subject to the requirements of the State Prompt Payment Act, the Department shall compensate authorized pharmacies from the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund for the difference in the dispensing fee between the amount paid by eligible seniors and disabled persons for prescription drugs dispensed under the Program and the AWP dispensing fee as provided in Section 3.16 of the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act.

Section 30. Manufacturer rebate agreements.

(a) Taking into consideration the extent to which the State pays for prescription drugs under various State programs, the Department, its agent, or the Program administrator shall negotiate and enter into rebate agreements with drug manufacturers, as defined in this Act, to effect prescription drug price discounts. The rebate agreement shall become effective the first day of the calendar quarter that begins 60 days after the date the agreement is entered into.

(b) Rebate payment procedures. All rebates negotiated under agreements described in this Section shall be paid to the Department in accordance with procedures prescribed by the Department. All rebates must be remitted to the Department not later than 30 days after receipt of a request for payment by the Department.

(c) The receipts from the rebates and moneys transferred under Section 33 shall be deposited into

the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund, a special fund hereby created in the State treasury, and shall be used, subject to appropriation, to cover the cost of reimbursing authorized pharmacies under this Act pursuant to subsection (c) of Section 25.

Section 33. Transfer to Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund.

(a) Within 30 days after the effective date of this Act, the State Comptroller shall direct and the State Treasurer shall transfer $27,000,000 from the General Revenue Fund to the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund to facilitate the payment of reimbursements to authorized pharmacies. Repayment of principal and interest to the General Revenue Fund shall be made so that the balance in the General Revenue Fund will be restored as if the transfer to the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund had not been made. Upon a certification by the Department of Revenue that the obligations under subsection (b) of Section 25 are being met, beginning on July 1, 2004, and on the 1st of each month thereafter until the principal amount transferred from the General Revenue Fund plus interest has been repaid, the State Comptroller shall direct and the State Treasurer shall transfer 1/12th of $27,000,000, or so much of that amount as is necessary, from the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund to the General Revenue Fund plus accrued interest. The balance of the amount transferred from the General Revenue Fund shall bear interest at the rate of 3.5% per annum until the required transfers back into the General Revenue Fund have been completed.

Section 35. Program eligibility.

(a) Any person may apply to the Department or its Program administrator for participation in the Program in the form and manner required by the Department. The Department or its Program administrator shall determine the eligibility of each applicant for the Program within 30 days after the date of application. To participate in the Program an eligible senior or disabled person whose application has been approved must pay $25 upon enrollment and annually thereafter and shall receive a Program identification card. The card may be presented to an authorized pharmacy to assist the pharmacy in verifying eligibility under the Program. The Department shall deposit the enrollment fees collected into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund. The monies collected by the Department for enrollment fees and deposited into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund must be separately accounted for by the Department. If 2 or more persons are eligible for any benefit under this Act and are members of the same household, each participating household member shall apply to the Department and pay the fee required for the purpose of obtaining an identification card.

(b) Proceeds from annual enrollment fees, subject to appropriation, shall be used by the Department to offset the administrative cost of this Act. The Department may reduce the annual enrollment fee by rule if the revenue from the enrollment fees is in excess of the costs to carry out the Program.

(c) Any person who is eligible for pharmaceutical assistance under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is presumed to be eligible for this Program. That person may purchase prescription drugs under this Program that are not covered by the pharmaceutical assistance program under the Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act by using the identification card issued under the pharmaceutical assistance program.

Section 40. Eligible pharmacies.

(a) The Department or its Program administrator shall adopt rules to establish standards and procedures for participation in the Program and approve those pharmacies that apply to participate and meet the requirements for participation. Pharmacies in the Program administrator's network must also comply with the Department's standards and procedures for participation.

(b) The Department shall establish procedures for properly contracting for pharmacy services, validating reimbursement claims, validating compliance of authorized pharmacies with the conditions for participation required under this Act, and otherwise providing for the effective administration of this Act. The Director, in consultation with pharmacists licensed under the Pharmacy Practice Act of 1987, may enter into a written contract with any other State agency, instrumentality, or political subdivision or with a fiscal intermediary for the purpose of making payments to authorized pharmacies pursuant to subsection (c) of Section 25 and coordinating the Program with other programs that provide payments for prescription drugs covered under the Program.

Section 43. Program administrators. Pharmaceutical Benefit Management companies and other similar entities that administer or manage prescription coverage (PBMs) shall at all times discharge their obligations to their clients, including but not limited to all private employee benefit plans,

unions, third party administrators, insurance companies, and state or federal governments (Covered Entities), and to all Covered Entities' members, employees, participants and beneficiaries (Covered Individuals), with the standards of conduct applicable to a fiduciary under the Employee Retirement Income Security Act of 1974 (ERISA), and under any State statute establishing a fiduciary duty. In so doing, PBMs shall, without limitation:

(1) discharge their duties with respect to any and all Covered Entities and Covered Individuals solely in the interest of the Covered Entities and Covered Individuals and for the exclusive purpose of providing benefits to the Covered Entities and Covered Individuals, and defraying reasonable expenses of administering the Covered Entities and Covered Individuals benefits;

(2) discharge their duties with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent fiduciary acting in like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(3) discharge their duties in accordance with the contract governing the Covered Entities prescription coverage, insofar as such contract is consistent with the provisions of this Act and of ERISA;

(4) provide any and all information requested by Covered Entities so as to ensure that Covered Entities are able to ascertain all material activities being undertaken on their behalf or on behalf of Covered Individuals; and

(5) notify Covered Entities in writing of any proposed or ongoing activity that involves, directly or indirectly, any conflict of interest as contemplated by the standards applicable to a fiduciary under ERISA and any relevant State statute. The above obligations shall be applicable for all PBMs residing or operating in, or providing prescription benefit coverage to Covered Entities or Covered Individuals residing or operating in Illinois.

Section 45. Rules. The Department shall adopt rules to implement and administer the Program, which shall include the following:

(1) Execution of contracts with pharmacies to participate in the Program. The contracts shall stipulate terms and conditions for the participation of authorized pharmacies and the rights of the State to terminate participation for breach of the contract or for violation of this Act or rules adopted by the Department under this Act.

(2) Establishment of maximum limits on the size of prescriptions that are eligible for a discount under the Program, up to a 90-day supply, except as may be necessary for utilization control reasons.

(3) Establishment of liens upon any and all causes of action that accrue to a beneficiary as a result of injuries for which prescription drugs covered under the Program are directly or indirectly required and for which the Director made payment or became liable for under this Act.

(4) Inspection of appropriate records and audits of participating authorized pharmacies to ensure contract compliance and to determine any fraudulent transactions or practices under this Act.

Section 50. Report on administration of Program. The Department shall report to the Governor and the General Assembly by March 1st of each year on the administration of the Program under this Act.

Section 990. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund.

Section 999. Effective date. This Act takes effect on July 1, 2003.".

Floor Amendment No. 2 was held in the Committee on Rules.

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. 8** 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. 18** 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 18, on page 1, line 13, after "tax", by inserting ",

except for the motor fuel use tax,"; and
on page 1, by deleting lines 19 through 22; and
on page 1, line 23, by replacing "October" with "September"; and
on page 1, line 24, by replacing "30" with "15"; and
on page 1, by replacing lines 25 through 28 with the following:

"The amnesty program shall provide that, upon payment by a taxpayer of all taxes due from that taxpayer to the State of Illinois for any taxable period ending after June 30, 1983 and prior to July 1, 2002, the"; and
on page 1, line 29, after "shall", by inserting "abate and"; and
on page 2, line 3, after "State", by inserting "for a taxable period"; and
on page 2, lines 5 and 6, by deleting "for only the taxable periods specified in the application and"; and
on page 2, immediately below line 13, by inserting the following:

"Voluntary payments made under this Act shall be made by cash, check, guaranteed remittance, or ACH debit."; and
on page 2, by replacing lines 16 through 21 with the following:

"Except as otherwise provided in this Section, all money collected under this Act that would otherwise be deposited into the General Revenue Fund shall be deposited as follows: (i) one-half into the Common School Fund; (ii) one-half into the General Revenue Fund. Two percent of all money collected under this Act shall be deposited by the State Treasurer into the Tax Compliance and Administration Fund and, subject to appropriation, shall be used by the Department to cover costs associated with the administration of this Act.".

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. 15** 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 15 as follows:
by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 7.5 as follows:

(20 ILCS 3930/7.5 new)

Sec. 7.5. Grants for electronic recording equipment.

(a) The Authority, from appropriations made to it for that purpose, shall make grants to local law enforcement agencies for the purpose of purchasing equipment for electronic recording of interrogations.

(b) The Authority shall promulgate rules to implement this Section.

Section 10. The Illinois Police Training Act is amended by adding Section 10.3 as follows:

(50 ILCS 705/10.3 new)

Sec. 10.3. Training of police officers to conduct electronic interrogations. From appropriations made to it for that purpose, the Board shall initiate, administer, and conduct training programs for permanent police officers, part-time police officers, and recruits on the methods and technical aspects of conducting electronic recordings of interrogations.

Section 15. The Juvenile Court Act of 1987 is amended by adding Section 5-401.5 as follows:

(705 ILCS 405/5-401.5 new)

Sec. 5-401.5. When statements by minor may be used.

(a) In this Section, "custodial interrogation" means any interrogation (i) during which a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "electronic recording" includes motion picture, audiotape, videotape, or digital recording.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons or allegations that those persons are delinquent minors.

(b) An oral, written, or sign language statement of a minor who, at the time of the commission of

the offense was under the age of 17 years, made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 93rd General Assembly shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the minor's adjudication for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the minor was subjected to a custodial interrogation in violation of this Section, then any statements made by the minor during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding or juvenile court proceeding against the minor except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the minor in open court in any criminal proceeding or juvenile court proceeding, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death or an act of sexual assault or sexual conduct has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

Section 20. The Criminal Code of 1961 is amended by changing Section 14-3 as follows:

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated.

Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissable in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005.

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording; and

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a

conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;

(ii) receiving orders for the sale of goods or services;

(iii) assisting in the use of goods or services; or

(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both.

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963. (Source: P.A. 91-357, eff. 7-29-99; 92-854, eff. 12-5-02.)

Section 25. The Code of Criminal Procedure of 1963 is amended by adding Section 103-2.1 as follows:

(725 ILCS 5/103-2.1 new)

Sec. 103-2.1. When statements by accused may be used.

(a) In this Section, "custodial interrogation" means any interrogation during which (i) a reasonable person in the subject's position, innocent of any crime, would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, not a courthouse, that is owned or operated by a law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons.

In this Section, "electronic recording" includes motion picture, audiotape, or videotape, or digital recording.

(b) An oral, written, or sign language statement of an accused made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible as evidence against the accused in any criminal proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3 of the Criminal Code of 1961 unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the defendant's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the defendant was subjected to a custodial interrogation in violation of this Section prior to the custodial interrogation in violation of this Section, then any statements made by the defendant during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding against the defendant except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the accused in open court at his or her trial, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section, because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous

statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death or an act of sexual assault or sexual conduct has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

Section 95. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

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

Section 99. Effective date. Sections 5, 10, 20, and 95 of this Act and this Section 99 take effect upon becoming law. Sections 15 and 25 of this Act take effect 2 years after becoming law.".

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 15, AS AMENDED, as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Criminal Justice Information Act is amended by adding Section 7.5 as follows:

(20 ILCS 3930/7.5 new)

Sec. 7.5. Grants for electronic recording equipment.

(a) The Authority, from appropriations made to it for that purpose, shall make grants to local law enforcement agencies for the purpose of purchasing equipment for electronic recording of interrogations.

(b) The Authority shall promulgate rules to implement this Section.

Section 10. The Illinois Police Training Act is amended by adding Section 10.3 as follows:

(50 ILCS 705/10.3 new)

Sec. 10.3. Training of police officers to conduct electronic interrogations. From appropriations made to it for that purpose, the Board shall initiate, administer, and conduct training programs for permanent police officers, part-time police officers, and recruits on the methods and technical aspects of conducting electronic recordings of interrogations.

Section 15. The Juvenile Court Act of 1987 is amended by adding Section 5-401.5 as follows:

(705 ILCS 405/5-401.5 new)

Sec. 5-401.5. When statements by minor may be used.

(a) In this Section, "custodial interrogation" means any interrogation (i) during which a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "electronic recording" includes motion picture, audiotape, videotape, or digital recording.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons or allegations that those persons are delinquent minors.

(b) An oral, written, or sign language statement of a minor who, at the time of the commission of the offense was under the age of 17 years, made as a result of a custodial interrogation conducted at a police station or other place of detention on or after the effective date of this amendatory Act of the 93rd General Assembly shall be presumed to be inadmissible as evidence against the minor in any criminal proceeding or juvenile court proceeding, for an act that if committed by an adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961

unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the minor's adjudication for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the minor was subjected to a custodial interrogation in violation of this Section, then any statements made by the minor during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding or juvenile court proceeding against the minor except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the minor in open court in any criminal proceeding or juvenile court proceeding, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by a minor during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

Section 20. The Criminal Code of 1961 is amended by changing Section 14-3 as follows:

(720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

Sec. 14-3. Exemptions. The following activities shall be exempt from the provisions of this Article:

(a) Listening to radio, wireless and television communications of any sort where the same are publicly made;

(b) Hearing conversation when heard by employees of any common carrier by wire incidental to the normal course of their employment in the operation, maintenance or repair of the equipment of such common carrier by wire so long as no information obtained thereby is used or divulged by the hearer;

(c) Any broadcast by radio, television or otherwise whether it be a broadcast or recorded for the purpose of later broadcasts of any function where the public is in attendance and the conversations are overheard incidental to the main purpose for which such broadcasts are then being made;

(d) Recording or listening with the aid of any device to any emergency communication made in the normal course of operations by any federal, state or local law enforcement agency or institutions dealing in emergency services, including, but not limited to, hospitals, clinics, ambulance services, fire fighting agencies, any public utility, emergency repair facility, civilian defense establishment or military installation;

(e) Recording the proceedings of any meeting required to be open by the Open Meetings Act, as amended;

(f) Recording or listening with the aid of any device to incoming telephone calls of phone lines publicly listed or advertised as consumer "hotlines" by manufacturers or retailers of food and drug products. Such recordings must be destroyed, erased or turned over to local law enforcement authorities within 24 hours from the time of such recording and shall not be otherwise disseminated.

Failure on the part of the individual or business operating any such recording or listening device to comply with the requirements of this subsection shall eliminate any civil or criminal immunity conferred upon that individual or business by the operation of this Section;

(g) With prior notification to the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded under circumstances where the use of the device is necessary for the protection of the law enforcement officer or any person acting at the direction of law enforcement, in the course of an investigation of a forcible felony, a felony violation of the Illinois Controlled Substances Act, a felony violation of the Cannabis Control Act, or any "streetgang related" or "gang-related" felony as those terms are defined in the Illinois Streetgang Terrorism Omnibus Prevention Act. Any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil or administrative, except (i) where a party to the conversation suffers great bodily injury or is killed during such conversation, or (ii) when used as direct impeachment of a witness concerning matters contained in the interception or recording. The Director of the Department of State Police shall issue regulations as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use;

(g-5) With approval of the State's Attorney of the county in which it is to occur, recording or listening with the aid of any device to any conversation where a law enforcement officer, or any person acting at the direction of law enforcement, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of any offense defined in Article 29D of this Code. In all such cases, an application for an order approving the previous or continuing use of an eavesdropping device must be made within 48 hours of the commencement of such use. In the absence of such an order, or upon its denial, any continuing use shall immediately terminate. The Director of State Police shall issue rules as are necessary concerning the use of devices, retention of tape recordings, and reports regarding their use.

Any recording or evidence obtained or derived in the course of an investigation of any offense defined in Article 29D of this Code shall, upon motion of the State's Attorney or Attorney General prosecuting any violation of Article 29D, be reviewed in camera with notice to all parties present by the court presiding over the criminal case, and, if ruled by the court to be relevant and otherwise admissible, it shall be admissible at the trial of the criminal case.

This subsection (g-5) is inoperative on and after January 1, 2005. No conversations recorded or monitored pursuant to this subsection (g-5) shall be inadmissable in a court of law by virtue of the repeal of this subsection (g-5) on January 1, 2005.

(h) Recordings made simultaneously with a video recording of an oral conversation between a peace officer, who has identified his or her office, and a person stopped for an investigation of an offense under the Illinois Vehicle Code;

(i) Recording of a conversation made by or at the request of a person, not a law enforcement officer or agent of a law enforcement officer, who is a party to the conversation, under reasonable suspicion that another party to the conversation is committing, is about to commit, or has committed a criminal offense against the person or a member of his or her immediate household, and there is reason to believe that evidence of the criminal offense may be obtained by the recording; and

(j) The use of a telephone monitoring device by either (1) a corporation or other business entity engaged in marketing or opinion research or (2) a corporation or other business entity engaged in telephone solicitation, as defined in this subsection, to record or listen to oral telephone solicitation conversations or marketing or opinion research conversations by an employee of the corporation or other business entity when:

(i) the monitoring is used for the purpose of service quality control of marketing or opinion research or telephone solicitation, the education or training of employees or contractors engaged in marketing or opinion research or telephone solicitation, or internal research related to marketing or opinion research or telephone solicitation; and

(ii) the monitoring is used with the consent of at least one person who is an active party to the marketing or opinion research conversation or telephone solicitation conversation being monitored.

No communication or conversation or any part, portion, or aspect of the communication or conversation made, acquired, or obtained, directly or indirectly, under this exemption (j), may be, directly or indirectly, furnished to any law enforcement officer, agency, or official for any purpose or used in any inquiry or investigation, or used, directly or indirectly, in any administrative, judicial, or other proceeding, or divulged to any third party.

When recording or listening authorized by this subsection (j) on telephone lines used for marketing or opinion research or telephone solicitation purposes results in recording or listening to a

conversation that does not relate to marketing or opinion research or telephone solicitation; the person recording or listening shall, immediately upon determining that the conversation does not relate to marketing or opinion research or telephone solicitation, terminate the recording or listening and destroy any such recording as soon as is practicable.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide current and prospective employees with notice that the monitoring or recordings may occur during the course of their employment. The notice shall include prominent signage notification within the workplace.

Business entities that use a telephone monitoring or telephone recording system pursuant to this exemption (j) shall provide their employees or agents with access to personal-only telephone lines which may be pay telephones, that are not subject to telephone monitoring or telephone recording.

For the purposes of this subsection (j), "telephone solicitation" means a communication through the use of a telephone by live operators:

(i) soliciting the sale of goods or services;

(ii) receiving orders for the sale of goods or services;

(iii) assisting in the use of goods or services; or

(iv) engaging in the solicitation, administration, or collection of bank or retail credit accounts.

For the purposes of this subsection (j), "marketing or opinion research" means a marketing or opinion research interview conducted by a live telephone interviewer engaged by a corporation or other business entity whose principal business is the design, conduct, and analysis of polls and surveys measuring the opinions, attitudes, and responses of respondents toward products and services, or social or political issues, or both.

(k) Electronic recordings, including but not limited to, a motion picture, videotape, digital, or other visual or audio recording, made of a custodial interrogation of an individual at a police station or other place of detention by a law enforcement officer under Section 5-401.5 of the Juvenile Court Act of 1987 or Section 103-2.1 of the Code of Criminal Procedure of 1963. (Source: P.A. 91-357, eff. 7-29-99; 92-854, eff. 12-5-02.)

Section 25. The Code of Criminal Procedure of 1963 is amended by adding Section 103-2.1 as follows:

(725 ILCS 5/103-2.1 new)

Sec. 103-2.1. When statements by accused may be used.

(a) In this Section, "custodial interrogation" means any interrogation during which (i) a reasonable person in the subject's position would consider himself or herself to be in custody and (ii) during which a question is asked that is reasonably likely to elicit an incriminating response.

In this Section, "place of detention" means a building or a police station that is a place of operation for a municipal police department or county sheriff department or other law enforcement agency, not a courthouse, that is owned or operated by a law enforcement agency at which persons are or may be held in detention in connection with criminal charges against those persons.

In this Section, "electronic recording" includes motion picture, audiotape, or videotape, or digital recording.

(b) An oral, written, or sign language statement of an accused made as a result of a custodial interrogation at a police station or other place of detention shall be presumed to be inadmissible as evidence against the accused in any criminal proceeding brought under Section 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, or 9-3.3 of the Criminal Code of 1961 unless:

(1) an electronic recording is made of the custodial interrogation; and

(2) the recording is substantially accurate and not intentionally altered.

(c) Every electronic recording required under this Section must be preserved until such time as the defendant's conviction for any offense relating to the statement is final and all direct and habeas corpus appeals are exhausted, or the prosecution of such offenses is barred by law.

(d) If the court finds, by a preponderance of the evidence, that the defendant was subjected to a custodial interrogation in violation of this Section, then any statements made by the defendant during or following that non-recorded custodial interrogation, even if otherwise in compliance with this Section, are presumed to be inadmissible in any criminal proceeding against the defendant except for the purposes of impeachment.

(e) Nothing in this Section precludes the admission (i) of a statement made by the accused in open court at his or her trial, before a grand jury, or at a preliminary hearing, (ii) of a statement made during a custodial interrogation that was not recorded as required by this Section, because electronic recording was not feasible, (iii) of a voluntary statement, whether or not the result of a custodial interrogation, that has a bearing on the credibility of the accused as a witness, (iv) of a spontaneous statement that is not made in response to a question, (v) of a statement made after questioning that is routinely asked during the processing of the arrest of the suspect, (vi) of a statement made during a

custodial interrogation by a suspect who requests, prior to making the statement, to respond to the interrogator's questions only if an electronic recording is not made of the statement, provided that an electronic recording is made of the statement of agreeing to respond to the interrogator's question, only if a recording is not made of the statement, (vii) of a statement made during a custodial interrogation that is conducted out-of-state, (viii) of a statement given at a time when the interrogators are unaware that a death has in fact occurred, or (ix) of any other statement that may be admissible under law. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions described in this subsection (e) is applicable. Nothing in this Section precludes the admission of a statement, otherwise inadmissible under this Section, that is used only for impeachment and not as substantive evidence.

(f) The presumption of inadmissibility of a statement made by a suspect at a custodial interrogation may be overcome by a preponderance of the evidence that the statement was voluntarily given and is reliable, based on the totality of the circumstances.

(g) Any electronic recording of any statement made by an accused during a custodial interrogation that is compiled by any law enforcement agency as required by this Section for the purposes of fulfilling the requirements of this Section shall be confidential and exempt from public inspection and copying, as provided under Section 7 of the Freedom of Information Act, and the information shall not be transmitted to anyone except as needed to comply with this Section.

Section 95. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

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

Section 99. Effective date. Sections 5, 10, 20, and 95 of this Act and this Section 99 take effect upon becoming law. Sections 15 and 25 of this Act take effect 2 years after becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 2 were ordered engrossed; and the bill, as amended, was held on the order on second reading.

On motion of Senator E. Jones, **Senate Bill No. 20** 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. 25** having been printed, was taken up, 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 E. Jones, **Senate Bill No. 31** 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. 32** 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. 33** 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. 34** 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. 35** 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. 36** 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. 37** 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. 38** 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. 39** 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. 42** 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. 46** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Agriculture and Conservation.

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

On motion of Senator del Valle, **Senate Bill No. 61** 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 61 by replacing everything after the enacting clause with the following:

"Section 5. The Language Assistance Services Act is amended by changing Sections 10 and 15 and adding Sections 16, 17, and 18 as follows:

(210 ILCS 87/10)

Sec. 10. Definitions. As used in this Act:

"Department" means the Department of Public Health.

"Interpreter" means a person fluent in English and in the necessary language of the patient who can accurately speak, read, and readily interpret the necessary second language, or a person who can accurately sign and read sign language. Interpreters shall have the ability to translate the names of body parts and to describe completely symptoms and injuries in both languages. Interpreters may include members of the medical or professional staff.

"Language or communication barriers" means either of the following:

(1) With respect to spoken language, barriers that are experienced by limited-English-speaking or non-English-speaking individuals who speak the same primary language, if those individuals constitute at least 5% of the patients served by the health facility annually.

(2) With respect to sign language, barriers that are experienced by individuals who are deaf and whose primary language is sign language.

"Health facility" means a hospital licensed under the Hospital Licensing Act or a long-term care facility licensed under the Nursing Home Care Act. (Source: P.A. 88-244.)

(210 ILCS 87/15)

Sec. 15. Language assistance services ~~authorized~~. To insure access to health care information and services for limited-English-speaking or non-English-speaking residents and deaf residents, a health facility must ~~may~~ do one or more of the following:

(1) Review existing policies regarding interpreters for patients with limited English proficiency and for patients who are deaf, including the availability of staff to act as interpreters.

(2) Adopt and review annually a policy for providing language assistance services to patients with language or communication barriers. The policy shall include procedures for providing, to the extent possible as determined by the facility, the use of an interpreter whenever a language or communication barrier exists, except where the patient, after being informed of the availability of the interpreter service, chooses to use a family member or friend who volunteers to interpret. The procedures shall be designed to maximize efficient use of interpreters and minimize delays in providing interpreters to patients. The procedures shall insure, to the extent possible as determined by the facility, that interpreters are available, either on the premises or accessible by telephone, 24 hours a day. The facility shall annually transmit to the Department of Public Health a copy of the updated policy and shall include a description of the facility's efforts to insure adequate and speedy communication between patients with language or communication barriers and staff.

(3) Develop, and post in conspicuous locations, notices that advise patients and their families of the availability of interpreters, the procedure for obtaining an interpreter, and the telephone numbers to call for filing complaints concerning interpreter service problems, including, but not limited to, a T.D.D. number for the hearing impaired. The notices shall be posted, at a minimum, in the

emergency room, the admitting area, the facility entrance, and the outpatient area. Notices shall inform patients that interpreter services are available on request, shall list the languages for which interpreter services are available, and shall instruct patients to direct complaints regarding interpreter services to the Department of Public Health, including the telephone numbers to call for that purpose.

(4) Identify and record a patient's primary language and dialect on one or more of the following: a patient medical chart, hospital bracelet, bedside notice, or nursing card.

(5) Prepare and maintain, as needed, a list of interpreters who have been identified as proficient in sign language and in the languages of the population of the geographical area served by the facility who have the ability to translate the names of body parts, injuries, and symptoms.

(6) Notify the facility's employees of the facility's commitment to provide interpreters to all patients who request them.

(7) Review all standardized written forms, waivers, documents, and informational materials available to patients on admission to determine which to translate into languages other than English.

(8) Consider providing its nonbilingual staff with standardized picture and phrase sheets for use in routine communications with patients who have language or communication barriers.

(9) Develop community liaison groups to enable the facility and the limited-English-speaking, non-English-speaking, and deaf communities to insure the adequacy of the interpreter services. (Source: P.A. 90-655, eff. 7-30-98.)

(210 ILCS 87/16 new)

Sec. 16. Complaint system. The Department shall develop and implement a complaint system through which the Department may receive complaints related to violations of this Act.

(210 ILCS 87/17 new)

Sec. 17. Penalty for violation. A person who violates this Act shall be guilty of a business offense punishable by a fine of $10,000 and each day's violation shall constitute a separate offense.

(210 ILCS 87/18 new)

Sec. 18. Rules. The Department shall adopt any rules necessary for the administration and enforcement of this Act.".

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. 75** 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 75 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-7 and 7-8 as follows:

(10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

Sec. 7-7. For the purpose of making nominations in certain instances as provided in this Article and this Act, the following committees are authorized and shall constitute the central or managing committees of each political party, viz: A State central committee, a congressional committee for each congressional district, a county central committee for each county, a municipal central committee for each city, incorporated town or village, a ward committeeman for each ward in cities containing a population of 500,000 or more; a township committeeman for each township or part of a township that lies outside of cities having a population of 200,000 or more, in counties having a population of 2,000,000 or more; a precinct committeeman for each precinct in counties having a population of less than 2,000,000; a county board district committee for each county board district created under Division 2-3 of the Counties Code; a State's Attorney committee for each group of 2 or more counties which jointly elect a State's Attorney; a Superintendent of Multi-County Educational Service Region committee for each group of 2 or more counties which jointly elect a Superintendent of a Multi-County Educational Service Region; and a judicial subcircuit committee in a judicial circuit divided into subcircuits ~~Cook County~~ for each judicial subcircuit in that circuit ~~Cook County~~. (Source: P.A. 87-1052.)

(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in

the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election held on the third Tuesday in March, 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and every 2 years thereafter, each primary elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct

committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits ~~Cook County~~ shall be composed of (i) the ward and township committeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township

committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects it members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section. (Source: P.A. 90-627, eff. 7-10-98; 91-426, eff. 8-6-99.)

Section 10. The Circuit Courts Act is amended by changing Sections 1, 2, 2a, and 2b and by adding Sections 2f-1, 2f-2, 2f-3, 2f-4, and 2f-5 as follows:

(705 ILCS 35/1) (from Ch. 37, par. 72.1)

Sec. 1. Judicial circuits created. The county of Cook shall be one judicial circuit and the State of Illinois, exclusive of the county of Cook, shall be and is divided into judicial circuits as follows:

First Circuit--The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.

Second Circuit--The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.

Third Circuit--The counties of Madison and Bond.

Fourth Circuit--The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

Fifth Circuit--The counties of Vermilion, Edgar, Clark, Cumberland and Coles.

Sixth Circuit--The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.

Seventh Circuit--The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.

Eighth Circuit--The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.

Ninth Circuit--The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.

Tenth Circuit--The counties of Peoria, Marshall, Putnam, Stark and Tazewell.

Eleventh Circuit--The counties of McLean, Livingston, Logan, Ford and Woodford.

Twelfth Circuit--The county of Will.

Thirteenth Circuit--The counties of Bureau, LaSalle and Grundy.

Fourteenth Circuit--The counties of Rock Island, Mercer, Whiteside and Henry.

Fifteenth Circuit--The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.

Sixteenth Circuit--The counties of Kane, DeKalb and Kendall.

Seventeenth Circuit--The counties of Winnebago and Boone.

Eighteenth Circuit--The county of DuPage.

Nineteenth Circuit--Before December 4, 2006, the counties of Lake and McHenry. On and after December 4, 2006, the County of Lake.

Twentieth Circuit--The counties of Randolph, Monroe, St. Clair, Washington and Perry.

Twenty-first Circuit--The counties of Iroquois and Kankakee.

Twenty-second Circuit--On and after December 4, 2006, the County of McHenry. (Source: P.A. 84-1030.)

(705 ILCS 35/2) (from Ch. 37, par. 72.2)

Sec. 2. Circuit judges elected at large. (a) Circuit judges shall be elected at the general elections and for terms as provided in Article VI of the Illinois Constitution. Ninety-four circuit judges shall be elected in the Circuit of Cook County. Notwithstanding any other provision of this Act or any other law, (i) no circuit judges shall be elected at large in the 12th, 18th, or 19th judicial circuit beginning with the 2006 general election and (ii) 3 circuit judges, including the judgeship authorized under Section 2f-3, shall be elected at large in the 22nd judicial circuit beginning with the 2006 general election.

(b) Three ~~and 3~~ circuit judges shall be elected in each of the other circuits, but in circuits ~~other than Cook County~~ containing a population of 230,000 or more inhabitants and in which there is included a county containing a population of 200,000 or more inhabitants, or in circuits ~~other than Cook County~~ containing a population of 270,000 or more inhabitants, according to the last preceding federal census and in the circuit where the seat of State government is situated at the time fixed by law for the nomination of judges of the Circuit Court in such circuit and in any circuit which meets the requirements set out in Section 2a of this Act, 4 circuit judges shall be elected in the manner provided by law. In circuits ~~other than Cook County~~ in which each county in the circuit has a population of 475,000 or more, 4 circuit judges shall be elected in addition to the 4 circuit judges provided for in this Section. In any circuit composed of 2 counties having a total population of 350,000 or more, one circuit judge shall be elected in addition to the 4 circuit judges provided for in this Section. This subsection (b) does not apply to the circuit of Cook County or, on and after December 4, 2006, to the 12th, 18th, 19th, and 22nd circuits.

(c) The several judges of the circuit courts of this State, before entering upon the duties of their office, shall take and subscribe the following oath or affirmation, which shall be filed in the office of the Secretary of State:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of judge of.... court, according to the best of my ability."

(d) One of the 3 additional circuit judgeships authorized by this amendatory Act in circuits other than Cook County in which each county in the circuit has a population of 475,000 or more may be filled when this Act becomes law. The 2 remaining circuit judgeships in such circuits shall not be filled until on or after July 1, 1977. (Source: P.A. 86-786; 86-1478.)

(705 ILCS 35/2a) (from Ch. 37, par. 72.2a)

Sec. 2a. Additional judges; State institutions. In any circuit, other than Cook County and, on and after December 4, 2006, other than the 12th, 18th, 19th, and 22nd circuits, in which is situated any State institution providing educational or welfare facilities for more than 25,000 persons, 4 circuit judges shall be elected unless that circuit is entitled to a greater number under Section 2. (Source: P. A. 76-2067.)

(705 ILCS 35/2b) (from Ch. 37, par. 72.2b)

Sec. 2b. Additional judges; universities and other State facilities. In addition to the number of circuit judges authorized under Section 2 or Section 2a, whichever number is greater, one additional circuit judge shall be elected in each circuit, other than Cook County and, on and after December 4, 2006, other than the 12th, 18th, 19th, and 22nd circuits, having a population of 230,000 or more inhabitants in which there is included a county containing a population of 200,000 or more

inhabitants and in which circuit there is situated one or more State colleges or universities and one or more State Mental Health Institutions and two or more State Institutions for Juvenile Offenders under the authority of the Illinois Department of Corrections, each of which institutions has been in existence for more than 20 years on the effective date of this amendatory Act of 1970. (Source: P. A. 76-2022.)

(705 ILCS 35/2f-1 new)

Sec. 2f-1. 19th and 22nd judicial circuits.

(a) On December 4, 2006, the 19th judicial circuit is divided into the 19th and 22nd judicial circuits as provided in Section 1 of the Circuit Courts Act. This division does not invalidate any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006. This division does not affect any person's rights, obligations, or duties, including applicable civil and criminal penalties, arising out of any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006.

(b) Of the 7 circuit judgeships elected at large in the 19th circuit before the general election in 2006, the Supreme Court shall assign 5 to the 19th circuit and 2 to the 22nd circuit, based on residency of the circuit judges then holding those judgeships. The 5 assigned to the 19th circuit shall become resident judges as provided in Section 2f-2. The 2 assigned to the 22nd circuit shall continue to be elected at large.

(c) The 6 resident judgeships elected from Lake County before the general election in 2006 shall become resident judgeships in the 19th circuit on December 4, 2006, and the 3 resident judgeships elected from McHenry County before the general election in 2006 shall become resident judgeships in the 22nd circuit on December 4, 2006.

(d) On December 4, 2006, the Supreme Court shall allocate the associate judgeships of the 19th circuit before that date between the 19th and 22nd circuits based on the population of those circuits.

(e) On December 4, 2006, the Supreme Court shall allocate personnel, books, records, documents, property (real and personal), funds, assets, liabilities, and pending matters concerning the 19th circuit before that date between the 19th and 22nd circuits based on the population and staffing needs of those circuits and the efficient and proper administration of the judicial system. The rights of employees under applicable collective bargaining agreements are not affected by this amendatory Act of the 93rd General Assembly.

(f) The judgeships set forth in this Section include the judgeships authorized under Sections 2g, 2h, and 2j. The judgeships authorized in those Sections are not in addition to those set forth in this Section.

(705 ILCS 35/2f-2 new)

Sec. 2f-2. 19th judicial circuit; subcircuits; additional judges.

(a) The 19th circuit shall be divided into 4 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(b) The 19th circuit shall have 5 additional resident judgeships, the 5 at large circuit judgeships shall become resident judgeships, which together with 6 other resident judgeships will total 16 resident judgeships. The 5 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall each be filled by election beginning at the general election in 2006. The 5 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall not be filled by appointment before the 2006 general election.

(c) The Supreme Court shall allot (i) the additional 5 resident judgeships created by this amendatory Act of the 93rd General Assembly, (ii) all vacancies in resident and circuit at large judgeships existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, with respect to the other resident and the circuit at large judgeships of the nineteenth circuit, and (iii) the resident and circuit at large judgeships of the nineteenth circuit filled at the 2004 general election as those judgeships thereafter become vacant, for election from the various subcircuits until there are 4 resident judges to be elected from each of 4 subcircuits.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 4 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. After the first round of assignments, the second and all later rounds shall be based on the same numerical order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 19th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-3 new)

Sec. 2f-3. Additional circuit judge; 22nd judicial circuit.

(a) In addition to the number of circuit judges otherwise authorized by this Act, there shall be one additional judge in the 22nd circuit who shall be a resident of and elected from the circuit at large.

(b) The additional judgeship created by this Section shall be filled beginning with the 2006 general election and shall not be filled by appointment before then.

(705 ILCS 35/2f-4 new)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(a-5) The 12th circuit's 4 at large circuit judgeships shall be allotted as 12th circuit resident judgeships under subsection (c) as each at large judgeship becomes vacant on or after the effective date of this amendatory Act of the 93rd General Assembly or upon the conclusion of the term of an at large judge elected before the 2006 general election.

(b) The 12th circuit shall have 4 additional resident judgeships, as well as its 2 existing resident judgeships and 4 former at large judgeships, for a total of 10 resident judgeships. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall each be filled by election beginning at the general election in 2006. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall not be filled by appointment before the 2006 general election.

(c) The Supreme Court shall allot (i) the additional 4 resident judgeships created by this amendatory Act of the 93rd General Assembly, (ii) all vacancies in resident judgeships existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, with respect to the other resident judgeships of the 12th circuit, (iii) the resident judgeships of the 12th circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iv) the at large judgeships of the 12th circuit as they become resident judgeships in accordance with subsection (a-5), for election from the various subcircuits until there are 2 resident judges to be elected from each of the 5 subcircuits.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. After the first round of assignments, the second round shall be based on the same numerical order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-5 new)

Sec. 2f-5. 18th circuit; subcircuits; additional judges.

(a) The 18th circuit shall be divided into 6 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(a-5) The 18th circuit's 12 at large circuit judgeships shall be allotted as 18th circuit resident judgeships under subsection (c) as each at large judgeship becomes vacant after the effective date of this amendatory Act of the 93rd General Assembly or upon the conclusion of the term of an at large judge elected before the 2006 general election.

(b) The 18th circuit shall have 4 additional resident judgeships, as well as its 2 existing resident judgeships and 12 former at large judgeships, for a total of 18 resident judgeships. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall each be filled by election beginning at the general election in 2006. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall not be filled by appointment before the 2006 general election.

(c) The Supreme Court shall allot (i) the additional 4 resident judgeships created by this amendatory Act of the 93rd General Assembly, (ii) all vacancies in resident judgeships existing on

or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, with respect to the other resident judgeships of the 18th circuit, (iii) the resident judgeships of the 18th circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iv) all at large judgeships of the 18th circuit as they become resident judgeships in accordance with subsection (a-5), for election from the various subcircuits until there are 3 resident judges to be elected from each of 6 subcircuits.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 6 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. After the first round of assignments, the second and third rounds shall be based on the same numerical order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 18th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

Section 15. The Judicial Vacancies Act is amended by changing Section 2 as follows:

(705 ILCS 40/2) (from Ch. 37, par. 72.42)

Sec. 2. (a) Except as provided in paragraphs (1), (2), (3), ~~and~~ (4), and (5) of this subsection (a), vacancies in the office of a resident circuit judge in any county or in any unit or subcircuit of any circuit shall not be filled.

(1) If in any county of less than 45,000 inhabitants there remains in office no other resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(2) If in any county of 45,000 or more but less than 60,000 inhabitants there remains in office only one resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(3) If in any county of 60,000 or more inhabitants, other than the County of Cook or as provided in paragraph (5), there remain in office no more than 2 resident judges following the occurrence of a vacancy, such vacancy shall be filled.

(4) The County of Cook shall have 165 resident judges on and after the effective date of this amendatory Act of 1990. Of those resident judgeships, (i) 56 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County within Chicago, (ii) 27 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County outside Chicago, (iii) 12 shall be additional resident judgeships first elected at the general election in November of 1992, (iv) 10 shall be additional resident judgeships first elected at the general election in November of 1994, and (v) 60 shall be additional resident judgeships to be authorized one each for each reduction upon vacancy in the office of associate judge in the Circuit of Cook County as those vacancies exist or occur on and after the effective date of this amendatory Act of 1990 and as those vacancies are determined under subsection (b) of Section 2 of the Associate Judges Act until the total resident judgeships authorized under this item (v) is 60. Seven of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning on the effective date of this amendatory Act of 1990 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning July 1, 1991 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1992 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December of 1994. The remaining 5 of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1993 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December 1994. The additional resident judgeships created upon vacancy in the office of associate judge provided in item (v) may be filled by appointment by the Supreme Court beginning on the effective date of this amendatory Act of 1990; but no additional resident judgeships created upon vacancy in the office of associate judge provided in item (v) shall be filled during the 59 day period before the next primary election to nominate judges. The Circuit of Cook County shall be divided into units to be known as subcircuits as provided in Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the effective date of this amendatory Act of 1990, but before the date the subcircuits are created by

law, shall be filled by appointment by the Supreme Court from the unit within Chicago or the unit outside Chicago, as the case may be, in which the vacancy occurs and filled by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the date the subcircuits are created by law shall be filled by appointment by the Supreme Court and by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act.

(5) Resident judges in the 12th, 18th, 19th, and 22nd judicial circuits are as provided in Sections 2, 2f-1, 2f-2, 2f-3, 2f-4, and 2f-5 of the Circuit Courts Act.

(b) Nothing in paragraphs (2) or (3) of subsection (a) of this Section shall be construed to require or permit in any county a greater number of resident judges than there were resident associate judges on January 1, 1967.

(c) Vacancies authorized to be filled by this Section 2 shall be filled in the manner provided in Article VI of the Constitution.

(d) A person appointed to fill a vacancy in the office of circuit judge shall be, at the time of appointment, a resident of the subcircuit from which the person whose vacancy is being filled was elected if the vacancy occurred in a circuit divided into subcircuits ~~Cook County~~. If a vacancy in the office of circuit judge occurred in a circuit not divided into subcircuits ~~other than Cook County~~, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the circuit from which the person whose vacancy is being filled was elected. Except as provided in Sections 2, 2f-1, 2f-2, 2f-3, 2f-4, and 2f-5 of the Circuit Courts Act, if a vacancy occurred in the office of a resident circuit judge, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the county from which the person whose vacancy is being filled was elected. (Source: P.A. 90-342, eff. 8-8-97.)

Section 20. The Associate Judges Act is amended by changing Section 2 as follows:

(705 ILCS 45/2) (from Ch. 37, par. 160.2)

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14, except that the minimum in the 22nd circuit shall be 8. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than 309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 335,000 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 173,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists on or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed. (Source: P.A. 92-17, eff. 6-28-01.)

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

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 75, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-7 and 7-8 as follows:

(10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

Sec. 7-7. For the purpose of making nominations in certain instances as provided in this Article and this Act, the following committees are authorized and shall constitute the central or managing committees of each political party, viz: A State central committee, a congressional committee for each congressional district, a county central committee for each county, a municipal central committee for each city, incorporated town or village, a ward committeeman for each ward in cities containing a population of 500,000 or more; a township committeeman for each township or part of a township that lies outside of cities having a population of 200,000 or more, in counties having a population of 2,000,000 or more; a precinct committeeman for each precinct in counties having a population of less than 2,000,000; a county board district committee for each county board district created under Division 2-3 of the Counties Code; a State's Attorney committee for each group of 2 or more counties which jointly elect a State's Attorney; a Superintendent of Multi-County Educational Service Region committee for each group of 2 or more counties which jointly elect a Superintendent of a Multi-County Educational Service Region; and a judicial subcircuit committee in a judicial circuit divided into subcircuits ~~Cook County~~ for each judicial subcircuit in that circuit ~~Cook County~~. (Source: P.A. 87-1052.)

(10 ILCS 5/7-8) (from Ch. 46, par. 7-8)

Sec. 7-8. The State central committee shall be composed of one or two members from each congressional district in the State and shall be elected as follows:

State Central Committee

(a) Within 30 days after the effective date of this amendatory Act of 1983 the State central committee of each political party shall certify to the State Board of Elections which of the following alternatives it wishes to apply to the State central committee of that party.

Alternative A. At the primary held on the third Tuesday in March 1970, and at the primary held every 4 years thereafter, each primary elector may vote for one candidate of his party for member of the State central committee for the congressional district in which he resides. The candidate receiving the highest number of votes shall be declared elected State central committeeman from the district. A political party may, in lieu of the foregoing, by a majority vote of delegates at any State convention of such party, determine to thereafter elect the State central committeemen in the manner following:

At the county convention held by such political party State central committeemen shall be elected in the same manner as provided in this Article for the election of officers of the county central committee, and such election shall follow the election of officers of the county central committee. Each elected ward, township or precinct committeeman shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party. In the case of a county lying partially within one congressional district and partially within another congressional district, each ward, township or precinct committeeman shall vote only with respect to the congressional district in which his ward, township, part of a township or precinct is located. In the case of a congressional district which encompasses more than one county, each ward, township or precinct committeeman residing within the congressional district shall cast as his vote one vote for each ballot voted in his ward, township, part of a township or precinct in the last preceding primary election of his political party for one candidate of his party for member of the State central committee for the congressional district in which he resides and the Chairman of the county central committee shall report the results of the election to the State Board of Elections. The State Board of Elections shall certify the candidate receiving the highest number of votes elected State central committeeman for that congressional district.

The State central committee shall adopt rules to provide for and govern the procedures to be followed in the election of members of the State central committee.

After the effective date of this amendatory Act of the 91st General Assembly, whenever a vacancy occurs in the office of Chairman of a State central committee, or at the end of the term of office of Chairman, the State central committee of each political party that has selected Alternative A shall elect a Chairman who shall not be required to be a member of the State Central Committee. The Chairman shall be a registered voter in this State and of the same political party as the State central committee.

Alternative B. Each congressional committee shall, within 30 days after the adoption of this alternative, appoint a person of the sex opposite that of the incumbent member for that congressional district to serve as an additional member of the State central committee until his or her successor is elected at the general primary election in 1986. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section. In each congressional district at the general primary election held in 1986 and every 4 years thereafter, the male candidate receiving the highest number of votes of the party's male candidates for State central committeeman, and the female candidate receiving the highest number of votes of the party's female candidates for

State central committeewoman, shall be declared elected State central committeeman and State central committeewoman from the district. At the general primary election held in 1986 and every 4 years thereafter, if all a party's candidates for State central committeemen or State central committeewomen from a congressional district are of the same sex, the candidate receiving the highest number of votes shall be declared elected a State central committeeman or State central committeewoman from the district, and, because of a failure to elect one male and one female to the committee, a vacancy shall be declared to exist in the office of the second member of the State central committee from the district. This vacancy shall be filled by appointment by the congressional committee of the political party, and the person appointed to fill the vacancy shall be a resident of the congressional district and of the sex opposite that of the committeeman or committeewoman elected at the general primary election. Each congressional committee shall make this appointment by voting on the basis set forth in paragraph (e) of this Section.

The Chairman of a State central committee composed as provided in this Alternative B must be selected from the committee's members.

Except as provided for in Alternative A with respect to the selection of the Chairman of the State central committee, under both of the foregoing alternatives, the State central committee of each political party shall be composed of members elected or appointed from the several congressional districts of the State, and of no other person or persons whomsoever. The members of the State central committee shall, within 30 days after each quadrennial election of the full committee, meet in the city of Springfield and organize by electing a chairman, and may at such time elect such officers from among their own number (or otherwise), as they may deem necessary or expedient. The outgoing chairman of the State central committee of the party shall, 10 days before the meeting, notify each member of the State central committee elected at the primary of the time and place of such meeting. In the organization and proceedings of the State central committee, each State central committeeman and State central committeewoman shall have one vote for each ballot voted in his or her congressional district by the primary electors of his or her party at the primary election immediately preceding the meeting of the State central committee. Whenever a vacancy occurs in the State central committee of any political party, the vacancy shall be filled by appointment of the chairmen of the county central committees of the political party of the counties located within the congressional district in which the vacancy occurs and, if applicable, the ward and township committeemen of the political party in counties of 2,000,000 or more inhabitants located within the congressional district. If the congressional district in which the vacancy occurs lies wholly within a county of 2,000,000 or more inhabitants, the ward and township committeemen of the political party in that congressional district shall vote to fill the vacancy. In voting to fill the vacancy, each chairman of a county central committee and each ward and township committeeman in counties of 2,000,000 or more inhabitants shall have one vote for each ballot voted in each precinct of the congressional district in which the vacancy exists of his or her county, township, or ward cast by the primary electors of his or her party at the primary election immediately preceding the meeting to fill the vacancy in the State central committee. The person appointed to fill the vacancy shall be a resident of the congressional district in which the vacancy occurs, shall be a qualified voter, and, in a committee composed as provided in Alternative B, shall be of the same sex as his or her predecessor. A political party may, by a majority vote of the delegates of any State convention of such party, determine to return to the election of State central committeeman and State central committeewoman by the vote of primary electors. Any action taken by a political party at a State convention in accordance with this Section shall be reported to the State Board of Elections by the chairman and secretary of such convention within 10 days after such action.

Ward, Township and Precinct Committeemen

(b) At the primary held on the third Tuesday in March, 1972, and every 4 years thereafter, each primary elector in cities having a population of 200,000 or over may vote for one candidate of his party in his ward for ward committeeman. Each candidate for ward committeeman must be a resident of and in the ward where he seeks to be elected ward committeeman. The one having the highest number of votes shall be such ward committeeman of such party for such ward. At the primary election held on the third Tuesday in March, 1970, and every 4 years thereafter, each primary elector in counties containing a population of 2,000,000 or more, outside of cities containing a population of 200,000 or more, may vote for one candidate of his party for township committeeman. Each candidate for township committeeman must be a resident of and in the township or part of a township (which lies outside of a city having a population of 200,000 or more, in counties containing a population of 2,000,000 or more), and in which township or part of a township he seeks to be elected township committeeman. The one having the highest number of votes shall be such township committeeman of such party for such township or part of a township. At the primary held on the third Tuesday in March, 1970 and every 2 years thereafter, each primary

elector, except in counties having a population of 2,000,000 or over, may vote for one candidate of his party in his precinct for precinct committeeman. Each candidate for precinct committeeman must be a bona fide resident of the precinct where he seeks to be elected precinct committeeman. The one having the highest number of votes shall be such precinct committeeman of such party for such precinct. The official returns of the primary shall show the name of the committeeman of each political party.

Terms of Committeemen. All precinct committeemen elected under the provisions of this Article shall continue as such committeemen until the date of the primary to be held in the second year after their election. Except as otherwise provided in this Section for certain State central committeemen who have 2 year terms, all State central committeemen, township committeemen and ward committeemen shall continue as such committeemen until the date of primary to be held in the fourth year after their election. However, a vacancy exists in the office of precinct committeeman when a precinct committeeman ceases to reside in the precinct in which he was elected and such precinct committeeman shall thereafter neither have nor exercise any rights, powers or duties as committeeman in that precinct, even if a successor has not been elected or appointed.

(c) The Multi-Township Central Committee shall consist of the precinct committeemen of such party, in the multi-township assessing district formed pursuant to Section 2-10 of the Property Tax Code and shall be organized for the purposes set forth in Section 45-25 of the Township Code. In the organization and proceedings of the Multi-Township Central Committee each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected.

County Central Committee

(d) The county central committee of each political party in each county shall consist of the various township committeemen, precinct committeemen and ward committeemen, if any, of such party in the county. In the organization and proceedings of the county central committee, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected; each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee; and in the organization and proceedings of the county central committee, each ward committeeman shall have one vote for each ballot voted in his ward by the primary electors of his party at the primary election for the nomination of candidates for election to the General Assembly immediately preceding the meeting of the county central committee.

Congressional Committee

(e) The congressional committee of each party in each congressional district shall be composed of the chairmen of the county central committees of the counties composing the congressional district, except that in congressional districts wholly within the territorial limits of one county, or partly within 2 or more counties, but not coterminous with the county lines of all of such counties, the precinct committeemen, township committeemen and ward committeemen, if any, of the party representing the precincts within the limits of the congressional district, shall compose the congressional committee. A State central committeeman in each district shall be a member and the chairman or, when a district has 2 State central committeemen, a co-chairman of the congressional committee, but shall not have the right to vote except in case of a tie.

In the organization and proceedings of congressional committees composed of precinct committeemen or township committeemen or ward committeemen, or any combination thereof, each precinct committeeman shall have one vote for each ballot voted in his precinct by the primary electors of his party at the primary at which he was elected, each township committeeman shall have one vote for each ballot voted in his township or part of a township as the case may be by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee, and each ward committeeman shall have one vote for each ballot voted in each precinct of his ward located in such congressional district by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee; and in the organization and proceedings of congressional committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the congressional committee.

Judicial District Committee

(f) The judicial district committee of each political party in each judicial district shall be composed of the chairman of the county central committees of the counties composing the judicial district.

In the organization and proceedings of judicial district committees composed of the chairmen of the county central committees of the counties within such district, each chairman of such county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the judicial district committee.

Circuit Court Committee

(g) The circuit court committee of each political party in each judicial circuit outside Cook County shall be composed of the chairmen of the county central committees of the counties composing the judicial circuit.

In the organization and proceedings of circuit court committees, each chairman of a county central committee shall have one vote for each ballot voted in his county by the primary electors of his party at the primary election immediately preceding the meeting of the circuit court committee.

Judicial Subcircuit Committee

(g-1) The judicial subcircuit committee of each political party in each judicial subcircuit in a judicial circuit divided into subcircuits ~~Cook County~~ shall be composed of (i) the ward and township committeemen of the townships and wards composing the judicial subcircuit in Cook County and (ii) the precinct committeemen of the precincts composing the judicial subcircuit in any county other than Cook County.

In the organization and proceedings of each judicial subcircuit committee, each township committeeman shall have one vote for each ballot voted in his township or part of a township, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee; and each ward committeeman shall have one vote for each ballot voted in his ward or part of a ward, as the case may be, in the judicial subcircuit by the primary electors of his party at the primary election immediately preceding the meeting of the judicial subcircuit committee.

Municipal Central Committee

(h) The municipal central committee of each political party shall be composed of the precinct, township or ward committeemen, as the case may be, of such party representing the precincts or wards, embraced in such city, incorporated town or village. The voting strength of each precinct, township or ward committeeman on the municipal central committee shall be the same as his voting strength on the county central committee.

For political parties, other than a statewide political party, established only within a municipality or township, the municipal or township managing committee shall be composed of the party officers of the local established party. The party officers of a local established party shall be as follows: the chairman and secretary of the caucus for those municipalities and townships authorized by statute to nominate candidates by caucus shall serve as party officers for the purpose of filling vacancies in nomination under Section 7-61; for municipalities and townships authorized by statute or ordinance to nominate candidates by petition and primary election, the party officers shall be the party's candidates who are nominated at the primary. If no party primary was held because of the provisions of Section 7-5, vacancies in nomination shall be filled by the party's remaining candidates who shall serve as the party's officers.

Powers

(i) Each committee and its officers shall have the powers usually exercised by such committees and by the officers thereof, not inconsistent with the provisions of this Article. The several committees herein provided for shall not have power to delegate any of their powers, or functions to any other person, officer or committee, but this shall not be construed to prevent a committee from appointing from its own membership proper and necessary subcommittees.

(j) The State central committee of a political party which elects it members by Alternative B under paragraph (a) of this Section shall adopt a plan to give effect to the delegate selection rules of the national political party and file a copy of such plan with the State Board of Elections when approved by a national political party.

(k) For the purpose of the designation of a proxy by a Congressional Committee to vote in place of an absent State central committeeman or committeewoman at meetings of the State central committee of a political party which elects its members by Alternative B under paragraph (a) of this Section, the proxy shall be appointed by the vote of the ward and township committeemen, if any, of the wards and townships which lie entirely or partially within the Congressional District from which the absent State central committeeman or committeewoman was elected and the vote of the chairmen of the county central committees of those counties which lie entirely or partially within that Congressional District and in which there are no ward or township committeemen. When voting for such proxy the county chairman, ward committeeman or township committeeman, as the case may be shall have one vote for each ballot voted in his county, ward or township, or portion thereof

within the Congressional District, by the primary electors of his party at the primary at which he was elected. However, the absent State central committeeman or committeewoman may designate a proxy when permitted by the rules of a political party which elects its members by Alternative B under paragraph (a) of this Section. (Source: P.A. 90-627, eff. 7-10-98; 91-426, eff. 8-6-99.)

Section 10. The Circuit Courts Act is amended by changing Sections 1, 2, 2a, and 2b and by adding Sections 2f-1, 2f-2, 2f-3, 2f-4, 2f-5, 2f-6, and 2f-7 as follows:

(705 ILCS 35/1) (from Ch. 37, par. 72.1)

Sec. 1. Judicial circuits created. The county of Cook shall be one judicial circuit and the State of Illinois, exclusive of the county of Cook, shall be and is divided into judicial circuits as follows:

First Circuit--The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.

Second Circuit--The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.

Third Circuit--The counties of Madison and Bond.

Fourth Circuit--The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

Fifth Circuit--The counties of Vermilion, Edgar, Clark, Cumberland and Coles.

Sixth Circuit--The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.

Seventh Circuit--The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.

Eighth Circuit--The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.

Ninth Circuit--The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.

Tenth Circuit--The counties of Peoria, Marshall, Putnam, Stark and Tazewell.

Eleventh Circuit--The counties of McLean, Livingston, Logan, Ford and Woodford.

Twelfth Circuit--The county of Will.

Thirteenth Circuit--The counties of Bureau, LaSalle and Grundy.

Fourteenth Circuit--The counties of Rock Island, Mercer, Whiteside and Henry.

Fifteenth Circuit--The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.

Sixteenth Circuit--The counties of Kane, DeKalb and Kendall.

Seventeenth Circuit--The counties of Winnebago and Boone.

Eighteenth Circuit--The county of DuPage.

Nineteenth Circuit--Before December 4, 2006, the counties of Lake and McHenry. On and after December 4, 2006, the County of Lake.

Twentieth Circuit--The counties of Randolph, Monroe, St. Clair, Washington and Perry.

Twenty-first Circuit--The counties of Iroquois and Kankakee.

Twenty-second Circuit--On and after December 4, 2006, the County of McHenry. (Source: P.A. 84-1030.)

(705 ILCS 35/2) (from Ch. 37, par. 72.2)

Sec. 2. Circuit judges elected at large. (a) Circuit judges shall be elected at the general elections and for terms as provided in Article VI of the Illinois Constitution. Ninety-four circuit judges shall be elected in the Circuit of Cook County. Notwithstanding any other provision of this Act or any other law, (i) no circuit judges shall be elected at large in the 3rd, 18th, or 20th judicial circuit beginning with the 2006 general election, (ii) 3 circuit judges, including the judgeship authorized under Section 2f-3, shall be elected at large in the 22nd judicial circuit beginning with the 2006 general election, (iii) 4 circuit judges shall be elected at large in the 12th judicial circuit beginning with the 2006 general election, and (iv) 4 circuit judges shall be elected at large in the 19th judicial circuit beginning with the 2006 general election.

(b) Three ~~and 3~~ circuit judges shall be elected in each of the other circuits, but in circuits ~~other than Cook County~~ containing a population of 230,000 or more inhabitants and in which there is included a county containing a population of 200,000 or more inhabitants, or in circuits ~~other than Cook County~~ containing a population of 270,000 or more inhabitants, according to the last preceding federal census and in the circuit where the seat of State government is situated at the time fixed by law for the nomination of judges of the Circuit Court in such circuit and in any circuit which meets the requirements set out in Section 2a of this Act, 4 circuit judges shall be elected in the manner provided by law. In circuits ~~other than Cook County~~ in which each county in the circuit has a population of 475,000 or more, 4 circuit judges shall be elected in addition to the 4 circuit judges provided for in this Section. In any circuit composed of 2 counties having a total population of 350,000 or more, one circuit judge shall be elected in addition to the 4 circuit judges provided for in this Section. This subsection (b) does not apply to the circuit of Cook County or, on and after December 4, 2006, to the 3rd, 12th, 18th, 19th, 20th, and 22nd circuits.

(c) The several judges of the circuit courts of this State, before entering upon the duties of their

office, shall take and subscribe the following oath or affirmation, which shall be filed in the office of the Secretary of State:

"I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of judge of.... court, according to the best of my ability."

(d) One of the 3 additional circuit judgeships authorized by this amendatory Act in circuits other than Cook County in which each county in the circuit has a population of 475,000 or more may be filled when this Act becomes law. The 2 remaining circuit judgeships in such circuits shall not be filled until on or after July 1, 1977. (Source: P.A. 86-786; 86-1478.)

(705 ILCS 35/2a) (from Ch. 37, par. 72.2a)

Sec. 2a. Additional judges; State institutions. In any circuit, other than Cook County and, on and after December 4, 2006, other than the 3rd, 12th, 18th, 19th, 20th, and 22nd circuits, in which is situated any State institution providing educational or welfare facilities for more than 25,000 persons, 4 circuit judges shall be elected unless that circuit is entitled to a greater number under Section 2. (Source: P. A. 76-2067.)

(705 ILCS 35/2b) (from Ch. 37, par. 72.2b)

Sec. 2b. Additional judges; universities and other State facilities. In addition to the number of circuit judges authorized under Section 2 or Section 2a, whichever number is greater, one additional circuit judge shall be elected in each circuit, other than Cook County and, on and after December 4, 2006, other than the 3rd, 12th, 18th, 19th, 20th, and 22nd circuits, having a population of 230,000 or more inhabitants in which there is included a county containing a population of 200,000 or more inhabitants and in which circuit there is situated one or more State colleges or universities and one or more State Mental Health Institutions and two or more State Institutions for Juvenile Offenders under the authority of the Illinois Department of Corrections, each of which institutions has been in existence for more than 20 years on the effective date of this amendatory Act of 1970. (Source: P. A. 76-2022.)

(705 ILCS 35/2f-1 new)

Sec. 2f-1. 19th and 22nd judicial circuits.

(a) On December 4, 2006, the 19th judicial circuit is divided into the 19th and 22nd judicial circuits as provided in Section 1 of the Circuit Courts Act. This division does not invalidate any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006. This division does not affect any person's rights, obligations, or duties, including applicable civil and criminal penalties, arising out of any action taken by the 19th judicial circuit or any of its judges, officers, employees, or agents before December 4, 2006.

(b) Of the 7 circuit judgeships elected at large in the 19th circuit before the general election in 2006, the Supreme Court shall assign 5 to the 19th circuit and 2 to the 22nd circuit, based on residency of the circuit judges then holding those judgeships. The 5 assigned to the 19th circuit shall become at large or resident judges as provided in Section 2f-2. The 2 assigned to the 22nd circuit shall continue to be elected at large.

(c) The 6 resident judgeships elected from Lake County before the general election in 2006 shall become resident judgeships in the 19th circuit on December 4, 2006, and the 3 resident judgeships elected from McHenry County before the general election in 2006 shall become resident judgeships in the 22nd circuit on December 4, 2006.

(d) On December 4, 2006, the Supreme Court shall allocate the associate judgeships of the 19th circuit before that date between the 19th and 22nd circuits based on the population of those circuits.

(e) On December 4, 2006, the Supreme Court shall allocate personnel, books, records, documents, property (real and personal), funds, assets, liabilities, and pending matters concerning the 19th circuit before that date between the 19th and 22nd circuits based on the population and staffing needs of those circuits and the efficient and proper administration of the judicial system. The rights of employees under applicable collective bargaining agreements are not affected by this amendatory Act of the 93rd General Assembly.

(f) The judgeships set forth in this Section include the judgeships authorized under Sections 2g, 2h, and 2j. The judgeships authorized in those Sections are not in addition to those set forth in this Section.

(705 ILCS 35/2f-2 new)

Sec. 2f-2. 19th judicial circuit; subcircuits; additional judges.

(a) The 19th circuit shall be divided into 4 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(a-5) One of the 19th circuit's 5 at large circuit judgeships shall be allotted as a 19th circuit

resident judgeship under subsection (c) as the first at large judgeship becomes vacant on or after the effective date of this amendatory Act of the 93rd General Assembly. As used in this subsection, a vacancy does not include the expiration of a term of an at large judge who seeks retention in that office at the next term.

(b) The 19th circuit shall have 5 additional resident judgeships, as well as one former at large circuit judgeship and its 6 existing resident judgeships, for a total of 12 resident judgeships. The 5 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall each be filled by election beginning at the general election in 2006. The 5 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall not be filled by appointment before the 2006 general election.

(c) The Supreme Court shall allot (i) the additional 5 resident judgeships created by this amendatory Act of the 93rd General Assembly, (ii) all vacancies in resident judgeships existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, with respect to the other resident judgeships of the nineteenth circuit, (iii) the resident judgeships of the 19th circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iv) one at large judgeship of the 19th circuit as it becomes a resident judgeship in accordance with subsection (a-5), for election from the various subcircuits until there are 3 resident judges to be elected from each of 4 subcircuits. No resident or at large judge of the 19th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 4 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. After the first round of assignments, the second and all later rounds shall be based on the same numerical order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 19th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-3 new)

Sec. 2f-3. Additional circuit judge; 22nd judicial circuit.

(a) In addition to the number of circuit judges otherwise authorized by this Act, there shall be one additional judge in the 22nd circuit who shall be a resident of and elected from the circuit at large.

(b) The additional judgeship created by this Section shall be filled beginning with the 2006 general election and shall not be filled by appointment before then.

(705 ILCS 35/2f-4 new)

Sec. 2f-4. 12th circuit; subcircuits; additional judges.

(a) The 12th circuit shall be divided into 5 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(a-5) Four of the 12th circuit's 8 at large circuit judgeships shall be allotted as 12th circuit resident judgeships under subsection (c) as the first 4 at large judgeships become vacant on or after the effective date of this amendatory Act of the 93rd General Assembly. As used in this subsection, a vacancy does not include the expiration of a term of an at large judge who seeks retention in that office at the next term.

(b) The 12th circuit shall have 4 additional resident judgeships, as well as its 2 existing resident judgeships and 4 former at large judgeships, for a total of 10 resident judgeships. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall each be filled by election beginning at the general election in 2006. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall not be filled by appointment before the 2006 general election.

(c) The Supreme Court shall allot (i) the additional 4 resident judgeships created by this amendatory Act of the 93rd General Assembly, (ii) all vacancies in resident judgeships existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, with respect to the other resident judgeships of the 12th circuit, (iii) the resident judgeships of the 12th circuit filled at the 2004 general election as those

judgeships thereafter become vacant, and (iv) 4 at large judgeships of the 12th circuit as they become resident judgeships in accordance with subsection (a-5), for election from the various subcircuits until there are 2 resident judges to be elected from each of the 5 subcircuits. No resident or at large judge of the 12th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 5 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. After the first round of assignments, the second round shall be based on the same numerical order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 12th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-5 new)

Sec. 2f-5. 18th circuit; subcircuits; additional judges.

(a) The 18th circuit shall be divided into 6 subcircuits. The subcircuits shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(a-5) The 18th circuit's 12 at large circuit judgeships shall be allotted as 18th circuit resident judgeships under subsection (c) as each at large judgeship becomes vacant after the effective date of this amendatory Act of the 93rd General Assembly. As used in this subsection, a vacancy does not include the expiration of a term of an at large judge who seeks retention in that office at the next term.

(b) The 18th circuit shall have 4 additional resident judgeships, as well as its 2 existing resident judgeships and 12 former at large judgeships, for a total of 18 resident judgeships. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall each be filled by election beginning at the general election in 2006. The 4 additional resident judgeships created by this amendatory Act of the 93rd General Assembly shall not be filled by appointment before the 2006 general election.

(c) The Supreme Court shall allot (i) the additional 4 resident judgeships created by this amendatory Act of the 93rd General Assembly, (ii) all vacancies in resident judgeships existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, with respect to the other resident judgeships of the 18th circuit, (iii) the resident judgeships of the 18th circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iv) all at large judgeships of the 18th circuit as they become resident judgeships in accordance with subsection (a-5), for election from the various subcircuits until there are 3 resident judges to be elected from each of 6 subcircuits. No resident or at large judge of the 18th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 6 subcircuits. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits. After the first round of assignments, the second and third rounds shall be based on the same numerical order. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 18th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-6 new)

Sec. 2f-6. 3rd circuit; subcircuits.

(a) The 3rd circuit shall be divided into 9 subcircuits. Bond County shall be a subcircuit. Madison County shall contain 8 subcircuits. The subcircuits in Madison County shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits

in Madison County by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(a-5) The 3rd circuit's 5 at large circuit judgeships shall be allotted as 3rd circuit resident judgeships under subsection (c) as each at large judgeship becomes vacant on or after the effective date of this amendatory Act of the 93rd General Assembly. As used in this subsection, a vacancy does not include the expiration of a term of an at large judge who seeks retention in that office at the next term.

(b) The 3rd circuit shall have its 4 existing resident judgeships and 5 former at large judgeships, for a total of 9 resident judgeships.

(c) When the existing resident judgeship in Bond County becomes vacant, that judgeship shall be allotted for election from the Bond County subcircuit. With respect to the 8 subcircuits in Madison County, the Supreme Court shall allot (i) all vacancies in resident judgeships existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, (ii) the resident judgeships of the 3rd circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iii) the at large judgeships of the 3rd circuit as they become resident judgeships in accordance with subsection (a-5), for election from the various subcircuits in Madison County until there is one resident judge to be elected from each of the 8 subcircuits in Madison County. No resident or at large judge of the 3rd circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 8 subcircuits in Madison County. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits in Madison County. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 3rd circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

(705 ILCS 35/2f-7 new)

Sec. 2f-7. 20th circuit; subcircuits.

(a) The 20th circuit shall be divided into 12 subcircuits. Monroe County, Randolph County, Perry County, and Washington County shall each be a subcircuit. St. Clair County shall contain 8 subcircuits. The subcircuits in St. Clair County shall be compact, contiguous, and substantially equal in population. The General Assembly shall create the subcircuits in St. Clair County by law on or before January 1, 2005, using population data as determined by the 2000 federal census.

(a-5) The 20th circuit's 5 at large circuit judgeships shall be allotted as 20th circuit resident judgeships under subsection (c) as each at large judgeship becomes vacant after the effective date of this amendatory Act of the 93rd General Assembly. As used in this subsection, a vacancy does not include the expiration of a term of an at large judge who seeks retention in that office at the next term.

(b) The 20th circuit shall have its 7 existing resident judgeships and 5 former at large judgeships, for a total of 12 resident judgeships.

(c) When an existing resident judgeship in Monroe County, Randolph County, Perry County, or Washington County becomes vacant, that judgeship shall be allotted for election from the subcircuit of the county in which the vacancy occurs. With respect to the 8 subcircuits in St. Clair County, the Supreme Court shall allot (i) all vacancies in resident judgeships existing on or occurring on or after the effective date of this amendatory Act of the 93rd General Assembly and not filled at the 2004 general election, (iii) the resident judgeships of the 20th circuit filled at the 2004 general election as those judgeships thereafter become vacant, and (iii) all at large judgeships of the 20th circuit as they become resident judgeships in accordance with subsection (a-5), for election from the various subcircuits in St. Clair County until there is one resident judge to be elected from each of the 8 subcircuits in St. Clair County. No resident or at large judge of the 20th circuit serving on the effective date of this amendatory Act of the 93rd General Assembly shall be required to change his or her residency in order to continue serving in office or to seek retention in office as resident judgeships are allotted by the Supreme Court in accordance with this Section.

(d) As soon as possible after the subcircuits are created by law, the Supreme Court shall determine by lot a numerical order for the 8 subcircuits in St. Clair County. That numerical order shall be the basis for the order in which resident judgeships are assigned to the subcircuits in St. Clair County. Once a resident judgeship is assigned to a subcircuit, it shall continue to be assigned

to that subcircuit for all purposes.

(e) A resident judge of a subcircuit must reside in the subcircuit and must continue to reside in that subcircuit as long as he or she holds that office.

(f) Vacancies in resident judgeships of the 20th circuit shall be filled in the manner provided in Article VI of the Illinois Constitution.

Section 15. The Judicial Vacancies Act is amended by changing Section 2 as follows:

(705 ILCS 40/2) (from Ch. 37, par. 72.42)

Sec. 2. (a) Except as provided in paragraphs (1), (2), (3), ~~and~~ (4), and (5) of this subsection (a), vacancies in the office of a resident circuit judge in any county or in any unit or subcircuit of any circuit shall not be filled.

(1) If in any county of less than 45,000 inhabitants there remains in office no other resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(2) If in any county of 45,000 or more but less than 60,000 inhabitants there remains in office only one resident judge following the occurrence of a vacancy, such vacancy shall be filled.

(3) If in any county of 60,000 or more inhabitants, other than the County of Cook or as provided in paragraph (5), there remain in office no more than 2 resident judges following the occurrence of a vacancy, such vacancy shall be filled.

(4) The County of Cook shall have 165 resident judges on and after the effective date of this amendatory Act of 1990. Of those resident judgeships, (i) 56 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County within Chicago, (ii) 27 shall be those authorized before the effective date of this amendatory Act of 1990 from the unit of the Circuit of Cook County outside Chicago, (iii) 12 shall be additional resident judgeships first elected at the general election in November of 1992, (iv) 10 shall be additional resident judgeships first elected at the general election in November of 1994, and (v) 60 shall be additional resident judgeships to be authorized one each for each reduction upon vacancy in the office of associate judge in the Circuit of Cook County as those vacancies exist or occur on and after the effective date of this amendatory Act of 1990 and as those vacancies are determined under subsection (b) of Section 2 of the Associate Judges Act until the total resident judgeships authorized under this item (v) is 60. Seven of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning on the effective date of this amendatory Act of 1990 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 12 additional resident judgeships provided in item (iii) may be filled by appointment by the Supreme Court during the period beginning July 1, 1991 and ending 60 days before the primary election in March of 1992; those judicial appointees shall serve until the first Monday in December of 1992. Five of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1992 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December of 1994. The remaining 5 of the 10 additional resident judgeships provided in item (iv) may be filled by appointment by the Supreme Court during the period beginning July 1, 1993 and ending 60 days before the primary election in March of 1994; those judicial appointees shall serve until the first Monday in December 1994. The additional resident judgeships created upon vacancy in the office of associate judge provided in item (v) may be filled by appointment by the Supreme Court beginning on the effective date of this amendatory Act of 1990; but no additional resident judgeships created upon vacancy in the office of associate judge provided in item (v) shall be filled during the 59 day period before the next primary election to nominate judges. The Circuit of Cook County shall be divided into units to be known as subcircuits as provided in Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the effective date of this amendatory Act of 1990, but before the date the subcircuits are created by law, shall be filled by appointment by the Supreme Court from the unit within Chicago or the unit outside Chicago, as the case may be, in which the vacancy occurs and filled by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act. A vacancy in the office of resident judge of the Circuit of Cook County existing on or occurring on or after the date the subcircuits are created by law shall be filled by appointment by the Supreme Court and by election from the subcircuit to which it is allotted under Section 2f of the Circuit Courts Act.

(5) Resident judges in the 3rd, 12th, 18th, 19th, 20th, and 22nd judicial circuits are as provided in Sections 2, 2f-1, 2f-2, 2f-3, 2f-4, 2f-5, 2f-6, and 2f-7 of the Circuit Courts Act.

(b) Nothing in paragraphs (2) or (3) of subsection (a) of this Section shall be construed to require or permit in any county a greater number of resident judges than there were resident associate judges on January 1, 1967.

(c) Vacancies authorized to be filled by this Section 2 shall be filled in the manner provided in Article VI of the Constitution.

(d) A person appointed to fill a vacancy in the office of circuit judge shall be, at the time of appointment, a resident of the subcircuit from which the person whose vacancy is being filled was elected if the vacancy occurred in a circuit divided into subcircuits ~~Cook County~~. If a vacancy in the office of circuit judge occurred in a circuit not divided into subcircuits ~~other than Cook County~~, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the circuit from which the person whose vacancy is being filled was elected. Except as provided in Sections 2, 2f-1, 2f-2, 2f-3, 2f-4, 2f-5, 2f-6, and 2f-7 of the Circuit Courts Act, if a vacancy occurred in the office of a resident circuit judge, a person appointed to fill the vacancy shall be, at the time of appointment, a resident of the county from which the person whose vacancy is being filled was elected. (Source: P.A. 90-342, eff. 8-8-97.)

Section 20. The Associate Judges Act is amended by changing Section 2 as follows:

(705 ILCS 45/2) (from Ch. 37, par. 160.2)

Sec. 2. (a) The maximum number of associate judges authorized for each circuit is the greater of the applicable minimum number specified in this Section or one for each 35,000 or fraction thereof in population as determined by the last preceding Federal census, except for circuits with a population of more than 3,000,000 where the maximum number of associate judges is one for each 29,000 or fraction thereof in population as determined by the last preceding federal census, reduced in circuits of less than 200,000 inhabitants by the number of resident circuit judges elected in the circuit in excess of one per county. In addition, in circuits of 1,000,000 or more inhabitants, there shall be one additional associate judge authorized for each municipal district of the circuit court. The number of associate judges to be appointed in each circuit, not to exceed the maximum authorized, shall be determined from time to time by the Circuit Court. The minimum number of associate judges authorized for any circuit consisting of a single county shall be 14, except that the minimum in the 22nd circuit shall be 8. The minimum number of associate judges authorized for any circuit consisting of 2 counties with a combined population of at least 275,000 but less than 300,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 303,000 but not more than 309,000 shall be 10. The minimum number of associate judges authorized for any circuit with a population of at least 329,000, but not more than 335,000 shall be 11. The minimum number of associate judges authorized for any circuit with a population of at least 173,000 shall be 5. As used in this Section, the term "resident circuit judge" has the meaning given it in the Judicial Vacancies Act.

(b) The maximum number of associate judges authorized under subsection (a) for a circuit with a population of more than 3,000,000 shall be reduced as provided in this subsection (b). For each vacancy that exists on or occurs on or after the effective date of this amendatory Act of 1990, that maximum number shall be reduced by one until the total number of associate judges authorized under subsection (a) is reduced by 60. A vacancy exists or occurs when an associate judge dies, resigns, retires, is removed, or is not reappointed upon expiration of his or her term; a vacancy does not exist or occur at the expiration of a term if the associate judge is reappointed. (Source: P.A. 92-17, eff. 6-28-01.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 3 was held in the Committee on Rules.

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 del Valle, **Senate Bill No. 84** 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. 85** 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. 86** 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. 87** 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. 88** 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. 89** having been printed, was taken up, read by title a second time.

Committee 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 Cullerton, **Senate Bill No. 105** 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 105 by replacing everything after the enacting clause with the following:

"Section 5. The Medical Practice Act of 1987 is amended by changing Section 6 as follows:

(225 ILCS 60/6) (from Ch. 111, par. 4400-6) (Section scheduled to be repealed on January 1, 2007)

Sec. 6. Exclusive State power or function. It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act. (Source: P.A. 85-4.)".

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. 113** 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. 118** 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 118 by replacing everything after the enacting clause with the following:

"Section 5. The Adoption Act is amended by changing Section 18.2 as follows:

(750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

Sec. 18.2. Forms. (a) The form of the Birth Parent Registration Identification Form shall be substantially as follows:

BIRTH PARENT REGISTRATION IDENTIFICATION

(Insert all known information)

I, ..., state that I am the ..... (mother or father) of the following child:

Child's original name: ..... (first) ..... (middle) ..... (last), ... (hour of birth), ... (date of birth), ... (city and state of birth), ... (name of hospital).

Father's full name: ..... (first) ..... (middle) ..... (last), ... (date of birth), ... (city and state of birth).

Name of mother inserted on birth certificate: ..... (first) ..... (middle) ..... (last), ... (race), ... (date of birth), ... (city and state of birth).

That I surrendered my child to: ..... (name of agency), ... (city and state of agency), ... (approximate date child surrendered).

That I placed my child by private adoption: ..... (date), ... (city and state).

Name of adoptive parents, if known: .....

Other identifying information: .....

.....

(Signature of parent)

....
(date) (printed name of parent)

(b) The form of the Adopted Person Registration Identification shall be substantially as follows:

ADOPTED PERSON
REGISTRATION IDENTIFICATION
(Insert all known information)

I, ..., state the following:

Adopted Person's present name: ..... (first) ..... (middle) ..... (last).

Adopted Person's name at birth (if known): ..... (first) ..... (middle) ..... (last), ... (birth date), ... (city and state of birth), ... (sex), ... (race).

Name of adoptive father: ..... (first) ..... (middle) ..... (last), ... (race).

Maiden name of adoptive mother: ..... (first) ..... (middle) ..... (last), ... (race).

Name of birth mother (if known): ..... (first) ..... (middle) ..... (last), ... (race).

Name of birth father (if known): ..... (first) ..... (middle) ..... (last), ... (race).

Name(s) at birth of sibling(s) having a common birth parent with adoptee (if known): ..... (first) ..... (middle) ..... (last), ... (race), and name of common birth parent: ..... (first) ..... (middle) ..... (last), ... (race).

I was adopted through: ..... (name of agency).

I was adopted privately: ..... (state "yes" if known).

I was adopted in ..... (city and state), ... (approximate date).

Other identifying information: .....

.....
(signature of adoptee)

....
(date) (printed name of adoptee)

(c) The form of the Surrendered Person Registration Identification shall be substantially as follows:

SURRENDERED PERSON REGISTRATION
IDENTIFICATION
(Insert all known information)

I, ..., state the following:

Surrendered Person's present name: ..... (first) ..... (middle) ..... (last).

Surrendered Person's name at birth (if known): ..... (first) ..... (middle) ..... (last), ...(birth date), ... (city and state of birth), ... (sex), ... (race).

Name of guardian father: ..... (first) ..... (middle) ..... (last), ... (race).

Maiden name of guardian mother: ..... (first) ..... (middle) ..... (last), ... (race).

Name of birth mother (if known): ..... (first) ..... (middle) ..... (last) ..... (race).

Name of birth father (if known): ..... (first) ..... (middle) ..... (last), ...(race).

Name(s) at birth of sibling(s) having a common birth parent with surrendered person (if known): ..... (first) ..... (middle) ..... (last), ... (race), and name of common birth parent: ..... (first) ..... (middle) ..... (last), ... (race).

I was surrendered for adoption to: ..... (name of agency).

I was surrendered for adoption in ..... (city and state), ... (approximate date).

Other identifying information: .....

.....
(signature of surrendered person)

....
(date) (printed name of person surrendered for adoption)

(d) The form of the Information Exchange Authorization shall be substantially as follows:

INFORMATION EXCHANGE AUTHORIZATION

I, ..., state that I am the person who completed the Registration Identification; that I am of the age of ..... years; that I hereby authorize the Department of Public Health to give to my (birth parent) (birth sibling) (surrendered child) the following (please check the information authorized for exchange):

[ ] 1. Only my name and last known address.

[ ] 2. A copy of my Illinois Adoption Registry Application.

[ ] 3. A copy of the original certificate of live birth.

I am fully aware that I can only be supplied with any information about my (birth parent) (birth sibling) (surrendered child) if such person has duly executed an Information Exchange Authorization for such information which has not been revoked; that I can be contacted by writing

to: ..... (own name or name of person to contact) (address) (phone number).

Dated (insert date).

~~.....~~ .....

~~(witness)~~ (signature)

(e) The form of the Denial of Information Exchange shall be substantially as follows:

DENIAL OF INFORMATION EXCHANGE

I, ..., state that I am the person who completed the Registration Identification; that I am of the age of ..... years; that I hereby instruct the Department of Public Health not to give any identifying information about me to my (birth parent) (birth sibling) (surrendered child); that I do not wish to be contacted.

Dated (insert date).

~~.....~~ .....

~~(witness)~~

(signature)

(f) The Information Exchange Authorization and the Denial of Information Exchange shall be acknowledged by the birth parent, birth sibling, adopted or surrendered person, adoptive parent, or legal guardian before a notary public, in form substantially as follows:

State of .....

County of .....

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that ..... personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....

(signature)

(g) When the execution of an Information Exchange Authorization or a Denial of Information Exchange is acknowledged before a representative of an agency, such representative shall have his signature on said Certificate acknowledged before a notary public, in form substantially as follows:

State of.....

County of.....

I, a Notary Public, in and for the said County, in the State aforesaid, do hereby certify that ..... personally known to me to be the same person whose name is subscribed to the foregoing certificate of acknowledgement, appeared before me in person and acknowledged that (he or she) signed such certificate as (his or her) free and voluntary act and that the statements in such certificate are true.

Given under my hand and notarial seal on (insert date).

.....

(signature)

(h) When an Illinois Adoption Registry Application, Information Exchange Authorization or a Denial of Information Exchange is executed in a foreign country, the execution of such document shall be acknowledged or affirmed before an officer of the United States consular services.

(i) If the person signing an Information Exchange Authorization or a Denial of Information is in the military service of the United States, the execution of such document may be acknowledged before a commissioned officer and the signature of such officer on such certificate shall be verified or acknowledged before a notary public or by such other procedure as is then in effect for such division or branch of the armed forces.

(j) The Department shall modify these forms as necessary to implement the provisions of this amendatory Act of 1999 including creating Registration Identification Forms for non-surrendered birth siblings, adoptive parents and legal guardians. (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)

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 Obama, **Senate Bill No. 125** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 125 as follows:
on page 7, line 17, by inserting after "offense" the following:
"that is not a crime of violence as defined in Section 2 of the Crime Victims Compensation Act"; and
on page 12, line 25, by replacing "individual" with "eligible offender"; and
on page 13, line 16, by replacing "person" with "eligible offender".

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 125 as follows:
on page 7, by replacing lines 7 and 8 with the following:

"(h) No application for any license or privileges granted under the authority of this State shall be denied by reason of an eligible offender, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license or the granting of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license or employment being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, included a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only to restore a license or certification issued under the following Acts:

(1) the Animal Welfare Act;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Professional Boxing Act;

(6) the Illinois Certified Shorthand Reporters Act of 1984;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Interior Design Title Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Illinois Landscape Architecture Act of 1989;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing Act;

(14) the Real Estate License Act of 2000; and

(15) the Illinois Roofing Industry Licensing Act."; and

on page 16, by inserting between lines 17 and 18 the following:

"(730 ILCS 5/5-5.5-50 new)

Sec. 5-5.5-50. Report. The Department of Professional Regulation shall report to the General Assembly by November 30 of each year, for each occupational licensure category, the number of licensure applicants with felony convictions, the number of applicants with certificates of relief from disabilities, the number of licenses awarded to applicants with felony convictions, the number of

licenses awarded to applicants with certificates of relief from disabilities, the number of applicants with felony convictions denied licenses, and the number of applicants with certificates of relief from disabilities denied licenses.".

Floor Amendment No. 3 was held in the Committee on Judiciary.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 125, AS AMENDED, as follows:

by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Sections 3-3-2 and 5-5-5 and adding Article 5.5 to Chapter V as follows:

(730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

Sec. 3-3-2. Powers and Duties. (a) The Parole and Pardon Board is abolished and the term "Parole and Pardon Board" as used in any law of Illinois, shall read "Prisoner Review Board." After the effective date of this amendatory Act of 1977, the Prisoner Review Board shall provide by rule for the orderly transition of all files, records, and documents of the Parole and Pardon Board and for such other steps as may be necessary to effect an orderly transition and shall:

(1) hear by at least one member and through a panel of at least 3 members decide, cases of prisoners who were sentenced under the law in effect prior to the effective date of this amendatory Act of 1977, and who are eligible for parole;

(2) hear by at least one member and through a panel of at least 3 members decide, the conditions of parole and the time of discharge from parole, impose sanctions for violations of parole, and revoke parole for those sentenced under the law in effect prior to this amendatory Act of 1977; provided that the decision to parole and the conditions of parole for all prisoners who were sentenced for first degree murder or who received a minimum sentence of 20 years or more under the law in effect prior to February 1, 1978 shall be determined by a majority vote of the Prisoner Review Board;

(3) hear by at least one member and through a panel of at least 3 members decide, the conditions of mandatory supervised release and the time of discharge from mandatory supervised release, impose sanctions for violations of mandatory supervised release, and revoke mandatory supervised release for those sentenced under the law in effect after the effective date of this amendatory Act of 1977;

(4) hear by at least 1 member and through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for alleged violation of Department rules with respect to good conduct credits pursuant to Section 3-6-3 of this Code in which the Department seeks to revoke good conduct credits, if the amount of time at issue exceeds 30 days or when, during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In such cases, the Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of thirty days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit for any prisoner or to increase any penalty beyond the length requested by the Department;

(5) hear by at least one member and through a panel of at least 3 members decide, the release dates for certain prisoners sentenced under the law in existence prior to the effective date of this amendatory Act of 1977, in accordance with Section 3-3-2.1 of this Code;

(6) hear by at least one member and through a panel of at least 3 members decide, all requests for pardon, reprieve or commutation, and make confidential recommendations to the Governor;

(7) comply with the requirements of the Open Parole Hearings Act; ~~and~~

(8) hear by at least one member and, through a panel of at least 3 members, decide cases brought by the Department of Corrections against a prisoner in the custody of the Department for court dismissal of a frivolous lawsuit pursuant to Section 3-6-3(d) of this Code in which the Department seeks to revoke up to 180 days of good conduct credit, and if the prisoner has not accumulated 180 days of good conduct credit at the time of the dismissal, then all good conduct credit accumulated by the prisoner shall be revoked; and~~.~~

(9) hear by at least 3 members, and through a panel of at least 3 members, decide as to whether to grant certificates of relief from disabilities or certificates of good conduct as provided in Article 5.5 of Chapter V.

(a-5) The Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall implement a pilot project in 3 correctional institutions providing for the conduct of hearings under paragraphs (1) and (4) of subsection (a) of this Section through interactive video conferences. The project shall be implemented within 6 months after the effective date of this amendatory Act of 1996. Within 6 months after the implementation of the pilot project, the Prisoner Review Board, with the cooperation of and in coordination with the Department of Corrections and the Department of Central Management Services, shall report to the Governor and the General Assembly regarding the use, costs, effectiveness, and future viability of interactive video conferences for Prisoner Review Board hearings.

(b) Upon recommendation of the Department the Board may restore good conduct credit previously revoked.

(c) The Board shall cooperate with the Department in promoting an effective system of parole and mandatory supervised release.

(d) The Board shall promulgate rules for the conduct of its work, and the Chairman shall file a copy of such rules and any amendments thereto with the Director and with the Secretary of State.

(e) The Board shall keep records of all of its official actions and shall make them accessible in accordance with law and the rules of the Board.

(f) The Board or one who has allegedly violated the conditions of his parole or mandatory supervised release may require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under investigation or hearing. The Chairman of the Board may sign subpoenas which shall be served by any agent or public official authorized by the Chairman of the Board, or by any person lawfully authorized to serve a subpoena under the laws of the State of Illinois. The attendance of witnesses, and the production of documentary evidence, may be required from any place in the State to a hearing location in the State before the Chairman of the Board or his designated agent or agents or any duly constituted Committee or Subcommittee of the Board. Witnesses so summoned shall be paid the same fees and mileage that are paid witnesses in the circuit courts of the State, and witnesses whose depositions are taken and the persons taking those depositions are each entitled to the same fees as are paid for like services in actions in the circuit courts of the State. Fees and mileage shall be vouchered for payment when the witness is discharged from further attendance.

In case of disobedience to a subpoena, the Board may petition any circuit court of the State for an order requiring the attendance and testimony of witnesses or the production of documentary evidence or both. A copy of such petition shall be served by personal service or by registered or certified mail upon the person who has failed to obey the subpoena, and such person shall be advised in writing that a hearing upon the petition will be requested in a court room to be designated in such notice before the judge hearing motions or extraordinary remedies at a specified time, on a specified date, not less than 10 nor more than 15 days after the deposit of the copy of the written notice and petition in the U.S. mails addressed to the person at his last known address or after the personal service of the copy of the notice and petition upon such person. The court upon the filing of such a petition, may order the person refusing to obey the subpoena to appear at an investigation or hearing, or to there produce documentary evidence, if so ordered, or to give evidence relative to the subject matter of that investigation or hearing. Any failure to obey such order of the circuit court may be punished by that court as a contempt of court.

Each member of the Board and any hearing officer designated by the Board shall have the power to administer oaths and to take the testimony of persons under oath.

(g) Except under subsection (a) of this Section, a majority of the members then appointed to the Prisoner Review Board shall constitute a quorum for the transaction of all business of the Board.

(h) The Prisoner Review Board shall annually transmit to the Director a detailed report of its work for the preceding calendar year. The annual report shall also be transmitted to the Governor for submission to the Legislature. (Source: P.A. 90-14, eff. 7-1-97; 91-798, eff. 7-9-00; 91-946, eff. 2-9-01.)

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

Sec. 5-5-5. Loss and Restoration of Rights. (a) Conviction and disposition shall not entail the loss by the defendant of any civil rights, except under this Section and Sections 29-6 and 29-10 of The Election Code, as now or hereafter amended.

(b) A person convicted of a felony shall be ineligible to hold an office created by the Constitution of this State until the completion of his sentence.

(c) A person sentenced to imprisonment shall lose his right to vote until released from imprisonment.

(d) On completion of sentence of imprisonment or upon discharge from probation, conditional

discharge or periodic imprisonment, or at any time thereafter, all license rights and privileges granted under the authority of this State which have been revoked or suspended because of conviction of an offense shall be restored unless the authority having jurisdiction of such license rights finds after investigation and hearing that restoration is not in the public interest. This paragraph (d) shall not apply to the suspension or revocation of a license to operate a motor vehicle under the Illinois Vehicle Code.

(e) Upon a person's discharge from incarceration or parole, or upon a person's discharge from probation or at any time thereafter, the committing court may enter an order certifying that the sentence has been satisfactorily completed when the court believes it would assist in the rehabilitation of the person and be consistent with the public welfare. Such order may be entered upon the motion of the defendant or the State or upon the court's own motion.

(f) Upon entry of the order, the court shall issue to the person in whose favor the order has been entered a certificate stating that his behavior after conviction has warranted the issuance of the order.

(g) This Section shall not affect the right of a defendant to collaterally attack his conviction or to rely on it in bar of subsequent proceedings for the same offense.

(h) No application for any license or privileges granted under the authority of this State shall be denied by reason of an eligible offender, as defined in Article 5.5 of this Chapter, having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when the finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses, unless:

(1) there is a direct relationship between one or more of the previous criminal offenses and the specific license sought; or

(2) the issuance of the license or the granting of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

In making such a determination, the licensing agency shall consider the following factors:

(1) the public policy of this State, as expressed in Article 5.5 of this Chapter, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses;

(2) the specific duties and responsibilities necessarily related to the license or employment being sought;

(3) the bearing, if any, the criminal offenses or offenses for which the person was previously convicted will have on his or her fitness or ability to perform one or more such duties and responsibilities;

(4) the time which has elapsed since the occurrence of the criminal offense or offenses;

(5) the age of the person at the time of occurrence of the criminal offense or offenses;

(6) the seriousness of the offense or offenses;

(7) any information produced by the person or produced on his or her behalf in regard to his or her rehabilitation and good conduct, including a certificate of relief from disabilities issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified in the certificate; and

(8) the legitimate interest of the licensing agency in protecting property, and the safety and welfare of specific individuals or the general public.

(i) A certificate of relief from disabilities shall be issued only to restore a license or certification issued under the following Acts:

(1) the Animal Welfare Act;

(2) the Illinois Athletic Trainers Practice Act;

(3) the Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985;

(4) the Boiler and Pressure Vessel Repairer Regulation Act;

(5) the Professional Boxing Act;

(6) the Illinois Certified Shorthand Reporters Act of 1984;

(7) the Illinois Farm Labor Contractor Certification Act;

(8) the Interior Design Title Act;

(9) the Illinois Professional Land Surveyor Act of 1989;

(10) the Illinois Landscape Architecture Act of 1989;

(11) the Marriage and Family Therapy Licensing Act;

(12) the Private Employment Agency Act;

(13) the Professional Counselor and Clinical Professional Counselor Licensing Act;

(14) the Real Estate License Act of 2000; and

(15) the Illinois Roofing Industry Licensing Act.

(Source: P.A. 86-558.)

(730 ILCS 5/Chap. V, Art. 5.5 heading new) ARTICLE 5.5. DISCRETIONARY RELIEF

FROM FORFEITURES AND DISABILITIES AUTOMATICALLY IMPOSED BY LAW

(730 ILCS 5/5-5.5-5 new)

Sec. 5-5.5-5. Definitions and rules of construction. In this Article:

"Eligible offender" shall mean a person who has been convicted of a crime or of an offense that is not a crime of violence as defined in Section 2 of the Crime Victims Compensation Act, but who has not been convicted more than once of a felony.

"Felony" means a conviction of a felony in this State, or of an offense in any other jurisdiction for which a sentence to a term of imprisonment in excess of one year, or a sentence of death, was authorized.

For the purposes of this Article the following rules of construction apply:

(i) two or more convictions of felonies charged in separate counts of one indictment or information shall be deemed to be one conviction;

(ii) two or more convictions of felonies charged in 2 or more indictments or informations, filed in the same court prior to entry of judgment under any of them, shall be deemed to be one conviction; and

(iii) a plea or a verdict of guilty upon which a sentence of probation, conditional discharge, or supervision has been imposed shall be deemed to be a conviction.

(730 ILCS 5/5-5.5-10 new)

Sec. 5-5.5-10. Certificate of relief from disabilities.

(a) A certificate of relief from disabilities may be granted as provided in this Article to relieve an eligible offender of any forfeiture or disability or to remove any bar to his or her employment automatically imposed by law by reason of his or her conviction of the crime or of the offense specified in the certificate. The certificate may be limited to one or more enumerated forfeitures, disabilities, or bars, or may relieve the eligible offender of all forfeitures, disabilities, and bars. No certificate shall apply, or be construed so as to apply, to the right of the person to retain or to be eligible for public office.

(b) Notwithstanding any other provision of law, a conviction of a crime or of an offense specified in a certificate of relief from disabilities does not cause automatic forfeiture of any license, permit, employment, or franchise, including the right to register for or vote at an election, or automatic forfeiture of any other right or privilege held by the eligible offender and covered by the certificate. The conviction may not be deemed to be a conviction within the meaning of any provision of law that imposes, by reason of a conviction, a bar to any employment, a disability to exercise any right or a disability to apply for or to receive any license, permit, or other authority or privilege covered by the certificate; provided, however, a conviction for a second or subsequent violation of Section 11-501 of the Illinois Vehicle Code committed within the preceding 10 years shall impose a disability to apply for or receive a driver's license or permit during the period provided in that Code. A certificate of relief from a disability imposed under Section 11-501 of the Illinois Vehicle Code may only be issued upon a determination that compelling circumstances warrant that relief.

(c) A certificate of relief from disabilities does not, however, in any way prevent any judicial, administrative, licensing, or other body, board, or authority from relying upon the conviction specified in the certificate as the basis for the exercise of its discretionary power to suspend, revoke, or refuse to issue or refuse to renew any license, permit, or other authority or privilege.

(730 ILCS 5/5-5.5-15 new)

Sec. 5-5.5-15. Certificates of relief from disabilities issued by courts.

(a) Any circuit court of this State may, in its discretion, issue a certificate of relief from disabilities to an eligible offender for a conviction that occurred in that court if the court imposed a sentence other than one executed by commitment to an institution under the Department of Corrections. The certificate may be issued (i) at the time sentence is pronounced, in which case it may grant relief from forfeitures as well as from disabilities, or (ii) at any time thereafter, in which case it shall apply only to disabilities.

(b) The certificate may not be issued by the court unless the court is satisfied that:

(1) the person to whom it is to be granted is an eligible offender, as defined in Section 5-5.5-5;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(3) the relief to be granted by the certificate is consistent with the public interest.

(c) If a certificate of relief from disabilities is not issued at the time sentence is pronounced it shall only be issued thereafter upon verified application to the court. The court may, for the purpose of determining whether the certificate shall be issued, request the probation or court services department to conduct an investigation of the applicant. Any probation officer requested to make an

investigation under this Section shall prepare and submit to the court a written report in accordance with the request.

(d) Any court that has issued a certificate of relief from disabilities may at any time issue a new certificate to enlarge the relief previously granted provided that the provisions of clauses (1) through (3) of subsection (b) of this Section apply to the issuance of any such new certificate.

(e) Any written report submitted to the court under this Section is confidential and may not be made available to any person or public or private agency except if specifically required or permitted by statute or upon specific authorization of the court. However, it shall be made available by the court for examination by the applicant's attorney, or the applicant himself or herself, if he or she has no attorney. In its discretion, the court may except from disclosure a part or parts of the report that are not relevant to the granting of a certificate, or sources of information which have been obtained on a promise of confidentiality, or any other portion of the report, disclosure of which would not be in the interest of justice. The action of the court excepting information from disclosure shall be subject to appellate review. The court, in its discretion, may hold a conference in open court or in chambers to afford an applicant an opportunity to controvert or to comment upon any portions of the report. The court may also conduct a summary hearing at the conference on any matter relevant to the granting of the application and may take testimony under oath.

(730 ILCS 5/5-5.5-20 new)

Sec. 5-5.5-20. Certificates of relief from disabilities issued by the Prisoner Review Board.

(a) The Prisoner Review Board shall have the power to issue a certificate of relief from disabilities to:

(1) any eligible offender who has been committed to an institution under the jurisdiction of the Department of Corrections. The certificate may be issued by the Board at the time the offender is released from the institution under the conditions of parole or mandatory supervised release or at any time thereafter; or

(2) any eligible offender who resides within this State and whose judgment of conviction was rendered by a court in any other jurisdiction.

(b) If the Prisoner Review Board has issued a certificate of relief from disabilities, the Board may at any time issue a new certificate enlarging the relief previously granted.

(c) The Prisoner Review Board may not issue any certificate of relief from disabilities under subsections (a) or (b), unless the Board is satisfied that:

(1) the person to whom it is to be granted is an eligible offender, as defined in Section 5-5.5-5;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the eligible offender; and

(3) the relief to be granted by the certificate is consistent with the public interest.

(d) Any certificate of relief from disabilities issued by the Prisoner Review Board to an eligible offender, who at time of the issuance of the certificate is under the conditions of parole or mandatory supervised release established by the Board, shall be deemed to be a temporary certificate until such time as the eligible offender is discharged from parole or mandatory supervised release, and, while temporary, the certificate may be revoked by the Board for violation of the conditions of parole or mandatory supervised release. Revocation shall be upon notice to the parolee or releasee, who shall be accorded an opportunity to explain the violation prior to a decision on the revocation of the certificate. If the certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the offender's parole or mandatory supervised release term.

(e) In granting or revoking a certificate of relief from disabilities, the action of the Prisoner Review Board shall be by unanimous vote of the members authorized to grant or revoke parole or mandatory supervised release.

(f) The certificate may be limited to one or more enumerated disabilities or bars, or may relieve the individual of all disabilities and bars.

(730 ILCS 5/5-5.5-25 new)

Sec. 5-5.5-25. Certificate of good conduct.

(a) A certificate of good conduct may be granted as provided in this Section to relieve an eligible offender of any disability, or to remove any bar to his or her employment, automatically imposed by law by reason of his or her conviction of the crime or of the offense specified in the certificate. The certificate may be limited to one or more enumerated disabilities or bars or may relieve the individual of all disabilities and bars.

(b) Notwithstanding any other provision of law, a conviction of a crime or of an offense specified in a certificate of good conduct may not be deemed to be a conviction within the meaning of any provision of law that imposes, by reason of a conviction, a bar to any employment, a disability to exercise any right or a disability to apply for or to receive any license, permit or other

authority or privilege covered by the certificate.

(c) A certificate of good conduct may not, however, in any way prevent any judicial, administrative, licensing, or other body, board, or authority from considering the conviction specified in the certificate in accordance with the provisions of this Article.

(730 ILCS 5/5-5.5-30 new)

Sec. 5-5.5-30. Issuance of certificate of good conduct.

(a) The Prisoner Review Board, or any 3 members of the Board by unanimous vote, shall have the power to issue a certificate of good conduct to any eligible offender previously convicted of a crime in this State, when the Board is satisfied that:

(1) the applicant has conducted himself or herself in a manner warranting the issuance for a minimum period in accordance with the provisions of subsection (c) of this Section;

(2) the relief to be granted by the certificate is consistent with the rehabilitation of the applicant; and

(3) the relief to be granted is consistent with the public interest.

(b) The Prisoner Review Board, or any 3 members of the Board by unanimous vote, shall have the power to issue a certificate of good conduct to any person previously convicted of a crime in any other jurisdiction, when the Board is satisfied that:

(1) the applicant has demonstrated that there exist specific facts and circumstances and specific Sections of Illinois State law that have an adverse impact on the applicant and warrant the application for relief to be made in Illinois; and

(2) the provisions of paragraphs (1), (2), and (3) of subsection (a) of this Section have been met.

(c) The minimum period of good conduct by the individual referred to in paragraph (1) of subsection (a) of this Section, shall be as follows: if the most serious crime of which the individual was convicted is a misdemeanor, the minimum period of good conduct shall be one year; if the most serious crime of which the individual was convicted is a Class 1, 2, 3, or 4 felony, the minimum period of good conduct shall be 3 years; and, if the most serious crime of which the individual was convicted is first degree murder or a Class X felony, the minimum period of good conduct shall be 5 years. Criminal acts committed outside the State shall be classified as acts committed within the State based on the maximum sentence that could have been imposed based upon the conviction under the laws of the foreign jurisdiction. The minimum period of good conduct by the individual shall be measured either from the date of the payment of any fine imposed upon him or her, or from the date of his or her release from custody by parole, mandatory supervised release or commutation or termination of his or her sentence. The Board shall have power and it shall be its duty to investigate all persons when the application is made and to grant or deny the same within a reasonable time after the making of the application.

(d) If the Prisoner Review Board has issued a certificate of good conduct, the Board may at any time issue a new certificate enlarging the relief previously granted.

(e) Any certificate of good conduct by the Prisoner Review Board to an individual who at the time of the issuance of the certificate is under the conditions of parole or mandatory supervised release imposed by the Board shall be deemed to be a temporary certificate until the time as the individual is discharged from the terms of parole or mandatory supervised release, and, while temporary, the certificate may be revoked by the Board for violation of the conditions of parole or mandatory supervised release. Revocation shall be upon notice to the parolee or releasee, who shall be accorded an opportunity to explain the violation prior to a decision on the revocation. If the certificate is not so revoked, it shall become a permanent certificate upon expiration or termination of the offender's parole or mandatory supervised release term.

(730 ILCS 5/5-5.5-35 new)

Sec. 5-5.5-35. Effect of revocation; use of revoked certificate.

(a) If a certificate of relief from disabilities is deemed to be temporary and the certificate is revoked, disabilities and forfeitures thereby relieved shall be reinstated as of the date upon which the person to whom the certificate was issued receives written notice of the revocation. Any such person shall upon receipt of the notice surrender the certificate to the issuing court or Board.

(b) A person who knowingly uses or attempts to use a revoked certificate of relief from disabilities in order to obtain or to exercise any right or privilege that he or she would not be entitled to obtain or to exercise without a valid certificate is guilty of a Class A misdemeanor.

(730 ILCS 5/5-5.5-40 new)

Sec. 5-5.5-40. Forms and filing.

(a) All applications, certificates, and orders of revocation necessary for the purposes of this Article shall be upon forms prescribed under an agreement among the Director of Corrections and the Chairman of the Prisoner Review Board and the Chief Justice of the Supreme Court or his or her

designee. The forms relating to certificates of relief from disabilities shall be distributed by the Director of the Division of Probation Services and forms relating to certificates of good conduct shall be distributed by the Chairman of the Prisoner Review Board.

(b) Any court or board issuing or revoking any certificate under this Article shall immediately file a copy of the certificate or of the order of revocation with the Director of State Police.

(730 ILCS 5/5-5.5-45 new)

Sec. 5-5.5-45. Certificate not to be deemed to be a pardon. Nothing contained in this Article shall be deemed to alter or limit or affect the manner of applying for pardons to the Governor, and no certificate issued under this Article shall be deemed or construed to be a pardon.

(730 ILCS 5/5-5.5-50 new)

Sec. 5-5.5-50. Report. The Department of Professional Regulation shall report to the General Assembly by November 30 of each year, for each occupational licensure category, the number of licensure applicants with felony convictions, the number of applicants with certificates of relief from disabilities, the number of licenses awarded to applicants with felony convictions, the number of licenses awarded to applicants with certificates of relief from disabilities, the number of applicants with felony convictions denied licenses, and the number of applicants with certificates of relief from disabilities denied licenses.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1, 2 and 4 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 150** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 155** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on State Government.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 155 by replacing everything after the enacting clause with the following:

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

(30 ILCS 500/1-1)

Sec. 1-1. Short title. This Act ~~may~~ shall be cited as the Illinois Procurement Code. (Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

Floor Amendment No. 3 was held in the Committee on State Government.

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 Lightford, **Senate Bill No. 167** 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. 173** having been printed, was taken up, 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 Walsh, **Senate Bill No. 174** 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. 175** 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. 176** 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. 178** 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. 184** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Watson, **Senate Bill No. 199** having been printed, was taken up, read by title a second time.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 199 by replacing everything after the enacting clause with the following:

"Section 5. The Mental Health and Developmental Disabilities Code is amended by changing Sections 1-119, 2-107.1, and 3-802 and adding Section 1-129 as follows:

(405 ILCS 5/1-119) (from Ch. 91 1/2, par. 1-119)

Sec. 1-119. "Person subject to involuntary admission" means:

(1) A person with mental illness and who because of his or her illness is reasonably expected to inflict serious physical harm upon himself or herself or another in the near future which may include threatening behavior or conduct that places another individual in reasonable expectation of being harmed; or

(2) A person with mental illness and who because of his or her illness is unable to provide for his or her basic physical needs so as to guard himself or herself from serious harm without the assistance of family or outside help.

In determining whether a person meets the criteria specified in paragraph (1) or (2), the court may consider evidence of the person's repeated past pattern of specific behavior and actions related to the person's illness. (Source: P.A. 91-726, eff. 6-2-00.)

(405 ILCS 5/1-129 new)

Sec. 1-129. Mental illness. "Mental illness" means an organic, mental, or emotional disorder that substantially impairs a person's thought, perception of reality, emotional process, judgment, behavior, or ability to cope with the ordinary demands of life, but does not include a developmental disability, a substance abuse disorder, or an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

(405 ILCS 5/2-107.1) (from Ch. 91 1/2, par. 2-107.1)

Sec. 2-107.1. Administration of authorized involuntary treatment upon application to a court.

(a) An adult recipient of services and the recipient's guardian, if the recipient is under guardianship, and the substitute decision maker, if any, shall be informed of the recipient's right to refuse medication. The recipient and the recipient's guardian or substitute decision maker shall be given the opportunity to refuse generally accepted mental health or developmental disability services, including but not limited to medication.

(a-5) Notwithstanding the provisions of Section 2-107 of this Code, authorized involuntary treatment may be administered to an adult recipient of services without the informed consent of the recipient under the following standards:

(1) Any person 18 years of age or older, including any guardian, may petition the circuit court for an order authorizing the administration of authorized involuntary treatment to a recipient of services. The petition shall state that the petitioner has made a good faith attempt to determine whether the recipient has executed a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act and to obtain copies of these instruments if they exist. If either of the above-named instruments is available to the petitioner, the instrument or a copy of the instrument shall be attached to the petition as an exhibit. The petitioner shall deliver a copy of the petition, and notice of the time and place of the hearing, to the respondent, his or her attorney, any known agent or attorney-in-fact, if any, and the guardian, if any, no later than 3 days prior to the date of the hearing. Service of the petition and notice of the time and place of the hearing may be made by transmitting them via facsimile machine to the respondent or other party. Upon receipt of the petition and notice, the party served, or the person delivering the petition and notice to the party served, shall acknowledge service. If the party sending the petition and notice does not receive acknowledgement of service within 24 hours, service must be made by personal service.

The petition may include a request that the court authorize such testing and procedures as may

be essential for the safe and effective administration of the authorized involuntary treatment sought to be administered, but only where the petition sets forth the specific testing and procedures sought to be administered.

If a hearing is requested to be held immediately following the hearing on a petition for involuntary admission, then the notice requirement shall be the same as that for the hearing on the petition for involuntary admission, and the petition filed pursuant to this Section shall be filed with the petition for involuntary admission.

(2) The court shall hold a hearing within 7 days of the filing of the petition. The People, the petitioner, or the respondent shall be entitled to a continuance of up to 7 days as of right. An additional continuance of not more than 7 days may be granted to any party (i) upon a showing that the continuance is needed in order to adequately prepare for or present evidence in a hearing under this Section or (ii) under exceptional circumstances. The court may grant an additional continuance not to exceed 21 days when, in its discretion, the court determines that such a continuance is necessary in order to provide the recipient with an examination pursuant to Section 3-803 or 3-804 of this Act, to provide the recipient with a trial by jury as provided in Section 3-802 of this Act, or to arrange for the substitution of counsel as provided for by the Illinois Supreme Court Rules. The hearing shall be separate from a judicial proceeding held to determine whether a person is subject to involuntary admission but may be heard immediately preceding or following such a judicial proceeding and may be heard by the same trier of fact or law as in that judicial proceeding.

(3) Unless otherwise provided herein, the procedures set forth in Article VIII of Chapter 3 of this Act, including the provisions regarding appointment of counsel, shall govern hearings held under this subsection (a-5).

(4) Authorized involuntary treatment shall not be administered to the recipient unless it has been determined by clear and convincing evidence that all of the following factors are present:

(A) That the recipient has a serious mental illness or developmental disability.

(B) That because of said mental illness or developmental disability, the recipient <u>currently</u> exhibits any one of the following: (i) deterioration of his or her ability to function, <u>as compared to the recipient's ability to function prior to the current onset of symptoms of the mental illness or disability for which treatment is presently sought,</u> (ii) suffering, or (iii) threatening behavior.

(C) That the illness or disability has existed for a period marked by the continuing presence of the symptoms set forth in item (B) of this subdivision (4) or the repeated episodic occurrence of these symptoms.

(D) That the benefits of the treatment outweigh the harm.

(E) That the recipient lacks the capacity to make a reasoned decision about the treatment.

(F) That other less restrictive services have been explored and found inappropriate.

(G) If the petition seeks authorization for testing and other procedures, that such testing and procedures are essential for the safe and effective administration of the treatment.

(5) In no event shall an order issued under this Section be effective for more than 90 days. A second 90-day period of involuntary treatment may be authorized pursuant to a hearing that complies with the standards and procedures of this subsection (a-5). Thereafter, additional 180-day periods of involuntary treatment may be authorized pursuant to the standards and procedures of this Section without limit. If a new petition to authorize the administration of authorized involuntary treatment is filed at least 15 days prior to the expiration of the prior order, and if any continuance of the hearing is agreed to by the recipient, the administration of the treatment may continue in accordance with the prior order pending the completion of a hearing under this Section.

(6) An order issued under this subsection (a-5) shall designate the persons authorized to administer the authorized involuntary treatment under the standards and procedures of this subsection (a-5). Those persons shall have complete discretion not to administer any treatment authorized under this Section. The order shall also specify the medications and the anticipated range of dosages that have been authorized <u>and may include a list of any alternative medications and range of dosages deemed necessary</u>.

(b) A guardian may be authorized to consent to the administration of authorized involuntary treatment to an objecting recipient only under the standards and procedures of subsection (a-5).

(c) Notwithstanding any other provision of this Section, a guardian may consent to the administration of authorized involuntary treatment to a non-objecting recipient under Article XIa of the Probate Act of 1975.

(d) Nothing in this Section shall prevent the administration of authorized involuntary treatment to recipients in an emergency under Section 2-107 of this Act.

(e) Notwithstanding any of the provisions of this Section, authorized involuntary treatment may be administered pursuant to a power of attorney for health care under the Powers of Attorney for Health Care Law or a declaration for mental health treatment under the Mental Health Treatment Preference Declaration Act. (Source: P.A. 91-726, eff. 6-2-00; 91-787, eff. 1-1-01; 92-16, eff. 6-28-01.)

(405 ILCS 5/3-802) (from Ch. 91 1/2, par. 3-802)

Sec. 3-802. The respondent is entitled to a jury on the question of whether he is subject to involuntary admission. The jury shall consist of 6 persons to be chosen in the same manner as are jurors in other civil proceedings. A respondent is not entitled to a jury on the question of whether authorized involuntary treatment may be administered under Section 2-107.1. (Source: P.A. 80-1414.)

Section 10. The Clerks of Courts Act is amended by changing Sections 27.1, 27.1a, 27.2, and 27.2a as follows:

(705 ILCS 105/27.1) (from Ch. 25, par. 27.1)

Sec. 27.1. The fees of the Clerk of the Circuit Court in all counties having a population of 180,000 inhabitants or less shall be paid in advance, except as otherwise provided, and shall be as follows:

(a) Civil Cases.

(1) All civil cases except as otherwise provided..... $40

(2) Judicial Sales (except Probate)..... $40

(b) Family.

(1) ~~Commitment petitions under the Mental Health and Developmental Disabilities Code, Filing transcript of commitment proceedings held in another county, and~~ Cases under the Juvenile Court Act of 1987..... $25

(2) Petition for Marriage Licenses..... $10

(3) Marriages in Court..... $10

(4) Paternity..... $40

(c) Criminal and Quasi-Criminal.

(1) Each person convicted of a felony..... $40

(2) Each person convicted of a misdemeanor, leaving scene of an accident, driving while intoxicated, reckless driving or drag racing, driving when license revoked or suspended, overweight, or no interstate commerce certificate, or when the disposition is court supervision $25

(3) Each person convicted of a business offense.... $25

(4) Each person convicted of a petty offense..... $25

(5) Minor traffic, conservation, or ordinance violation, including without limitation when the disposition is court supervision:

(i) For each offense..... $10

(ii) For each notice sent to the defendant's last known address pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code $2

(iii) For each notice sent to the Secretary of State pursuant to subsection (c) of Section 6-306.4 of the Illinois Vehicle Code $2

(6) When Court Appearance required..... $15

(7) Motions to vacate or amend final orders..... $10

(8) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(d) Other Civil Cases.

(1) Money or personal property claimed does not exceed $500 $10

(2) Exceeds $500 but not more than $10,000..... $25

(3) Exceeds $10,000, when relief in addition to or supplemental to recovery of money alone is sought in an action to recover personal property

taxes or retailers occupational tax regardless of amount claimed. $45

(4) The Clerk of the Circuit Court shall be entitled to receive, in addition to other fees allowed by law, the sum of $62.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain, and in every equitable action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing his jury demand. If such a fee is not paid by either party, no jury shall be called in the action, suit, or proceeding, and the same shall be tried by the court without a jury.

(e) Confession of judgment and answer.

(1) When the amount does not exceed $1,000..... $20

(2) Exceeds $1,000..... $40

(f) Auxiliary Proceedings.

Any auxiliary proceeding relating to the collection of a money

judgment, including garnishment, citation, or wage deduction action $5

(g) Forcible entry and detainer.

(1) For possession only or possession and rent not in excess of

$10,000..... $10

(2) For possession and rent in excess of $10,000... $40

(h) Eminent Domain.

(1) Exercise of Eminent Domain..... $45

(2) For each and every lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall

require separate assessments by a jury..... $45

(i) Reinstatement.

Each case including petition for modification of a judgment or order of Court if filed later than 30 days after the entry of a judgment or order, except in forcible entry and detainer cases and small claims and except a petition to modify, terminate, or enforce a judgement or order for child or spousal support or to modify, suspend, or terminate an order for withholding, petition to vacate judgment of dismissal for want of prosecution whenever filed, petition to reopen an estate, or redocketing

of any cause..... $20

(j) Probate.

(1) Administration of decedent's estates, whether testate or intestate, guardianships of the person or estate or both of a person under legal disability, guardianships of the person or estate or both of a minor or minors,

or petitions to sell real estate in the administration of any estate $50

(2) Small estates in cases where the real and personal property of an

estate does not exceed $5,000..... $25

(3) At any time during the administration of the estate, however, at the request of the Clerk, the Court shall examine the record of the estate and the personal representative to determine the total value of the real and personal property of the estate, and if such value exceeds $5,000 shall

order the payment of an additional fee in the amount of.... $40

(4) Inheritance tax proceedings..... $15

(5) Issuing letters only for a certain specific reason other than the administration of an estate, including but not limited to the release of mortgage; the issue of letters of guardianship in order that consent to marriage may be granted or for some other specific reason other than

for the care of property or person; proof of heirship without administration; or when a will is to be admitted to probate, but the estate is to be

settled without administration..... $10

(6) When a separate complaint relating to any matter other than a routine claim is filed in an estate, the required additional fee shall be

charged for such filing..... $45

(k) Change of Venue.

From a court, the charge is the same amount as the original filing fee; however, the fee for preparation and certification of record on change of

venue, when original documents or copies are forwarded..... $10

(l) Answer, adverse pleading, or appearance.

In civil cases..... $15

With the following exceptions:

(1) When the amount does not exceed $500..... $5

(2) When amount exceeds $500 but not $10,000..... $10

(3) When amount exceeds $10,000..... $15

(4) Court appeals when documents are forwarded, over 200 pages,

additional fee per page over 200..... 10¢

(m) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of

taxpayers joining the complaint..... $10

(n) Tax deed.

(1) Petition for tax deed, if only one parcel is involved. $45

(2) For each additional parcel involved, an additional fee of $10

(o) Mailing Notices and Processes.

(1) All notices that the clerk is required to mail as first

class mail..... $2

(2) For all processes or notices the Clerk is required to mail by certified or registered mail, the fee will be $2 plus cost of postage.

(p) Certification or Authentication.

(1) Each certification or authentication for taking the acknowledgement of a deed or other instrument in writing with seal of

office..... $2

(2) Court appeals when original documents are forwarded, 100 pages or

under, plus delivery costs..... $25

(3) Court appeals when original documents are forwarded, over 100

pages, plus delivery costs..... $60

(4) Court appeals when original documents are forwarded, over 200

pages, additional fee per page over 200..... 10¢

(q) Reproductions.

Each record of proceedings and judgment, whether on appeal, change of venue, certified copies of orders and judgments, and all other instruments, documents, records, or papers:

(1) First page..... $1

(2) Next 19 pages, per page..... 50¢

(3) All remaining pages, per page..... 25¢

(r) Counterclaim.

When any defendant files a counterclaim as part of his or her answer or otherwise, or

joins another party as a third party defendant, or both, he or she shall pay a fee for each such counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(s) Transcript of Judgment.

From a court, the same fee as if case originally filed.

(t) Publications.

The cost of publication shall be paid directly to the publisher by the person seeking the publication, whether the clerk is required by law to publish, or the parties to the action.

(u) Collections.

(1) For all collections made for others, except the State and County and except in maintenance or child support cases, a sum equal to 2% of the amount collected and turned over.

(2) In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court, the Clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(3) In maintenance and child support matters, the Clerk may deduct from each payment an amount equal to the United States postage to be used in mailing the maintenance or child support check to the recipient. In such cases, the Clerk shall collect an annual fee of up to $36 from the person making such payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. Such sum shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited in a separate Maintenance and Child Support Collection Fund of which the Clerk shall be the custodian, ex officio, to be used by the Clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. Unless paid in cash or pursuant to an order for withholding, the payment of the fee shall be by a separate instrument from the support payment and shall be made to the order of the Clerk. The Clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

(4) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

The Clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(v) Correction of Cases.

For correcting the case number or case title on any document filed in his office, to be charged against the party that filed the document $10

(w) Record Search.

For searching a record, per year searched..... $4

(x) Printed Output.

For each page of hard copy print output, when case records are maintained on an automated medium..... $2

(y) Alias Summons.

For each alias summons issued..... $2

(z) Expungement of Records.

For each expungement petition filed..... $15

(aa) Other Fees.

Any fees not covered by this Section shall be set by rule or administrative order of the Circuit Court, with the approval of the Supreme Court.

(bb) Exemptions.

No fee provided for herein shall be charged to any unit of State or local government or school district unless the Court orders another party to pay such fee on its behalf. The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws and ordinances. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

No fee provided for in this Section shall be charged in connection with the filing of any commitment petition or petition for an order authorizing the administration of authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(cc) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(dd) Adoption exemptions.

No fee other than that set forth in subsection (cc) shall be charged to any person in connection with an adoption proceeding.

(ee) Additional Services.

Beginning July 1, 1993, the clerk of the circuit court may provide such additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the public and by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(ff) Returned checks.

For each check delivered to the clerk that is not honored on 2 occasions by the financial institution upon which it is drawn because of insufficient funds in the account, because the account is closed, because there is no account, or because a stop payment has been placed on the check, in addition to the amount already owed.$25.

(Source: P.A. 91-165, eff. 7-16-99; 91-321, eff. 1-1-00; 91-357, eff. 7-29-99; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01; 92-114, eff. 1-1-02.)

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population in excess of 180,000 but not more than 500,000 inhabitants in the instances described in this Section shall be as provided in this Section. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be $150.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, $10.

(B) When that amount exceeds $250 but does not exceed $500, $20.

(C) When that amount exceeds $500 but does not exceed $2500, $30.

(D) When that amount exceeds $2500 but does not exceed $15,000, $75.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(a-1) Family.

For filing a petition under the Juvenile Court Act of 1987, $25.

For filing a petition for a marriage license, $10.

For performing a marriage in court, $10.

For filing a petition under the Illinois Parentage Act of 1984, $40.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, $40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, $150.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, $50. When the amount exceeds $1500, but does not exceed $15,000, $115. When the amount exceeds $15,000, $200.

(e) Appearance.

The fee for filing an appearance in each civil case shall be $50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, $20.

(B) When the amount in the case does not exceed $1500, $20.

(C) When that amount exceeds $1500 but does not exceed $15,000, $40.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, $10; when the amount exceeds $1,000 but does not exceed $5,000, $20; and when the amount exceeds $5,000, $30.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, $40.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, $60.

(3) Petition to vacate order of bond forfeiture, $20.

(h) Mailing.

When the clerk is required to mail, the fee will be $6, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, $10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, $80.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, $4.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, $50.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, $120.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of 20 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a

search fee of $4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of $4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank). ~~Commitment Petitions.~~

~~For filing commitment petitions under the Mental Health and Developmental Disabilities Code and for filing a transcript of commitment proceedings held in another county, $25.~~

(q) Alias Summons.

For each alias summons or citation issued by the clerk, $4.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of $192.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, $10; for recording the same, 25¢; for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of $30 for each expungement petition filed and an additional fee of $2 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, $100, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be $25.

(2) For administration of the estate of a ward, $50, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be $25.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the

estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be $10.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, $15.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, $10; when the amount claimed is $500 or more but less than $10,000, $25; when the amount claimed is $10,000 or more, $40; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, $40.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, $10.

(F) For each jury demand, $102.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, $30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be $10.

(H) For each certified copy of letters of office, of court order or other certification, $1, plus 50¢; per page in excess of 3 pages for the document certified.

(I) For each exemplification, $1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, $80.

(B) Misdemeanor complaints, $50.

(C) Business offense complaints, $50.

(D) Petty offense complaints, $50.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, $20.

(H) Motions to vacate bond forfeiture orders, $20.

(I) Motions to vacate ex parte judgments, whenever filed, $20.

(J) Motions to vacate judgment on forfeitures, whenever filed, $20.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, $20.

(2) In counties having a population in excess of 180,000 but not more than 500,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of $62.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, $25.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, $25.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, $150.

(2) For each additional parcel, add a fee of $50.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, $15.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(4) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01; 92-521, eff. 6-1-02.)

(705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

Sec. 27.2. The fees of the clerks of the circuit court in all counties having a population in excess of 500,000 inhabitants but less than 3,000,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, counties with more than 500,000 inhabitants but less than 3,000,000 inhabitants must charge the minimum fee listed in this Section and may charge up to the maximum fee if the county board has by resolution increased the fee. In addition, the minimum fees authorized in this Section shall apply to all units of local government and school districts in counties with more than 3,000,000 inhabitants. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $150 and a maximum of $190.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $10 and a maximum of $15.

(B) When that amount exceeds $250 but does not exceed $1,000, a minimum of $20 and a maximum of $40.

(C) When that amount exceeds $1,000 but does not exceed $2500, a minimum of $30 and a maximum of $50.

(D) When that amount exceeds $2500 but does not exceed $5,000, a minimum of $75 and a maximum of $100.

(D-5) When the amount exceeds $5,000 but does not exceed $15,000, a minimum of $75 and a maximum of $150.

(E) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $40 and a maximum of $75. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $150 and a maximum of $225.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $50 and a maximum of $60. When the amount exceeds $1500, but does not exceed $5,000, $75. When the amount exceeds $5,000, but does not exceed $15,000, $175. When the amount exceeds $15,000, a minimum of $200 and a maximum of $250.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $50 and a maximum of $75, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $20 and a maximum of $40.

(B) When the amount in the case does not exceed $1500, a minimum of $20 and a maximum of $40.

(C) When the amount in the case exceeds $1500 but does not exceed $15,000, a minimum of $40 and a maximum of $60.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $10 and a maximum of $15; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $20 and a maximum of $30; and when the amount exceeds $5,000, a minimum of $30 and a maximum of $50.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate

an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $40 and a maximum of $50.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $60 and a maximum of $75.

(3) Petition to vacate order of bond forfeiture, a minimum of $20 and a maximum of $40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $6 and a maximum of $10, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $10 and a maximum of $15.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $80 and a maximum of $125.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $4 and a maximum of $6.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $50 and a maximum of $75.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $120 and a maximum of $150.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 and a maximum of 25 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $4 and a maximum of $6 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $4 and a maximum of $6.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank). ~~Commitment Petitions.~~

~~For filing commitment petitions under the Mental Health and Developmental Disabilities Code, a minimum of $25 and a maximum of $50.~~

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $4 and a maximum of $5.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the

request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $192.50 and a maximum of $212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $10 and a maximum of $20; for recording the same, a minimum of 25¢; and a maximum of 50¢; for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $30 and a maximum of $60 for each expungement petition filed and an additional fee of a minimum of $2 and a maximum of $4 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $100 and a maximum of $150, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $25 and a maximum of $40.

(2) For administration of the estate of a ward, a minimum of $50 and a maximum of $75, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $25 and a maximum of $40.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $10 and a maximum of $20.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $15 and a maximum of $25.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $10 and a maximum of $20; when the amount claimed is $500 or more but less than $10,000, a minimum of $25 and a maximum of $40; when the amount claimed is $10,000 or more, a minimum of $40 and a maximum of $60; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $40 and a maximum of $60.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $10 and a maximum of $30.

(F) For each jury demand, a minimum of $102.50 and a maximum of $137.50.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $30 and a maximum of $50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $10 and a maximum of $20.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $1 and a maximum of $2, plus a minimum of 50¢; and a maximum of $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, a minimum of $1 and a maximum of $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $80 and a maximum of $125.

(B) Misdemeanor complaints, a minimum of $50 and a maximum of $75.

(C) Business offense complaints, a minimum of $50 and a maximum of $75.

(D) Petty offense complaints, a minimum of $50 and a maximum of $75.

(E) Minor traffic or ordinance violations, $20.

(F) When court appearance required, $30.

(G) Motions to vacate or amend final orders, a minimum of $20 and a maximum of $40.

(H) Motions to vacate bond forfeiture orders, a minimum of $20 and a maximum of $30.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $20 and a maximum of $30.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $20 and a maximum of $25.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $20 and a maximum of $40.

(2) In counties having a population of more than 500,000 but fewer than 3,000,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $10.

(B) When court appearance required, $15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $50 and a maximum of $112.50 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $25 and a maximum of $40.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $25 and a maximum of $50.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $150 and a maximum of $250.

(2) For each additional parcel, add a fee of a minimum of $50 and a maximum of $100.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2.5% and a maximum of 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $15 and a maximum of $25.

(dd) Exceptions.

The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoptions.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 92-16, eff. 6-28-01; 92-521, eff. 6-1-02.)

(705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

Sec. 27.2a. The fees of the clerks of the circuit court in all counties having a population of 3,000,000 or more inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other pleading initiating a civil action, with the following exceptions, shall be a minimum of $190 and a maximum of $240.

(A) When the amount of money or damages or the value of personal property claimed does not exceed $250, a minimum of $15 and a maximum of $22.

(B) When that amount exceeds $250 but does not exceed $1000, a minimum of $40 and a maximum of $75.

(C) When that amount exceeds $1000 but does not exceed $2500, a minimum of $50 and a maximum of $80.

(D) When that amount exceeds $2500 but does not exceed $5000, a minimum of $100 and a maximum of $130.

(E) When that amount exceeds $5000 but does not exceed $15,000, $150.

(F) For the exercise of eminent domain, $150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, $150.

(G) For the final determination of parking, standing, and compliance violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of the Illinois Vehicle Code, $25.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of $15,000 or less, a minimum of $75 and a maximum of $140. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding $15,000, a minimum of $225 and a maximum of $335.

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

(d) Confession of Judgment.

In a confession of judgment when the amount does not exceed $1500, a minimum of $60 and a maximum of $70. When the amount exceeds $1500, but does not exceed $5000, a minimum of $75 and a maximum of $150. When the amount exceeds $5000, but does not exceed $15,000, a minimum of $175 and a maximum of $260. When the amount exceeds $15,000, a minimum of $250 and a maximum of $310.

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of $75 and a maximum of $110, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of $40 and a maximum of $80.

(B) When the amount in the case does not exceed $1500, a minimum of $40 and a maximum of $80.

(C) When that amount exceeds $1500 but does not exceed $15,000, a minimum of $60 and a maximum of $90.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed $1,000, a minimum of $15 and a maximum of $25; when the amount exceeds $1,000 but does not exceed $5,000, a minimum of $30 and a maximum of $45; and when the amount exceeds $5,000, a minimum of $50 and a maximum of $80.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of $50 and a maximum of $60.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of $75 and a maximum of $90.

(3) Petition to vacate order of bond forfeiture, a minimum of $40 and a maximum of $80.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of $10 and a maximum of $15,

plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of $15 and a maximum of $20.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of $125 and a maximum of $190.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of $6 and a maximum of $9.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of $75 and a maximum of $110.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of $150 and a maximum of $185.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 25 and a maximum of 30 cents per page.

(5) For reproduction of any document contained in the clerk's files:

(A) First page, $2.

(B) Next 19 pages, 50 cents per page.

(C) All remaining pages, 25 cents per page.

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of $6 and a maximum of $9 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of $6 and a maximum of $9.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank). ~~Commitment Petitions.~~

~~For filing commitment petitions under the Mental Health and Developmental Disabilities Code, a minimum of $50 and a maximum of $100.~~

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of $5 and a maximum of $6.

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of $212.50 and maximum of $230, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding,

and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of $20 and a maximum of $40; for recording the same, a minimum of 50¢; and a maximum of $0.80 for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of $60 and a maximum of $120 for each expungement petition filed and an additional fee of a minimum of $4 and a maximum of $8 for each certified copy of an order to expunge arrest records.

(v) Probate.

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of $150 and a maximum of $225, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of $40 and a maximum of $65.

(2) For administration of the estate of a ward, a minimum of $75 and a maximum of $110, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed $15,000, the fee shall be a minimum of $40 and a maximum of $65.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of $20 and a maximum of $40.

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of $25 and a maximum of $40.

(B) For filing a claim in an estate when the amount claimed is $150 or more but less than $500, a minimum of $20 and a maximum of $40; when the amount claimed is $500 or more but less than $10,000, a minimum of $40 and a maximum of $65; when the amount claimed is $10,000 or more, a minimum of $60 and a maximum of $90; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of $60 and a maximum of $90.

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of $30 and a maximum of $90.

(F) For each jury demand, a minimum of $137.50 and a maximum of $180.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of $50 and a maximum of $80, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed $5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of $20 and a maximum of $40.

(H) For each certified copy of letters of office, of court order or other certification, a minimum of $2 and a maximum of $4, plus $1 per page in excess of 3 pages for the document certified.

(I) For each exemplification, $2, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of $125 and a maximum of $190.

(B) Misdemeanor complaints, a minimum of $75 and a maximum of $110.

(C) Business offense complaints, a minimum of $75 and a maximum of $110.

(D) Petty offense complaints, a minimum of $75 and a maximum of $110.

(E) Minor traffic or ordinance violations, $30.

(F) When court appearance required, $50.

(G) Motions to vacate or amend final orders, a minimum of $40 and a maximum of $80.

(H) Motions to vacate bond forfeiture orders, a minimum of $30 and a maximum of $45.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of $30 and a maximum of $45.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of $25 and a maximum of $30.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of $40 and a maximum of $50.

(2) In counties having a population of 3,000,000 or more, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, $30.

(B) When court appearance required, $50.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of $112.50 and a maximum of $250 as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of $40 and a maximum of $65.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining in the complaint, a minimum of $50 and a maximum of $100.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of $250 and a maximum of $400.

(2) For each additional parcel, add a fee of a minimum of $100 and a maximum of $200.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to 3.0% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient

funds, account closed, or payment stopped, $25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to $36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of $5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of $25 and a maximum of $40.

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district. The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(3) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of authorized involuntary treatment in the form of medication under the Mental Health and Developmental Disabilities Code.

(ee) Adoption.

(1) For an adoption.....$65

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 91-821, eff. 6-13-00; 92-521, eff. 6-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Lightford, **Senate Bill No. 207** 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 207 on page 2, line 19, by replacing "The" with "Subject to appropriation, the".

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. 215** 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. 222** having been printed, was taken up, read by title a second time.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 222 by replacing the title with the following:

"AN ACT to implement certain recommendations of the Illinois Environmental Regulatory Review Commission."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Administrative Procedure Act is amended by changing Section 5-75 as follows:

(5 ILCS 100/5-75) (from Ch. 127, par. 1005-75)

Sec. 5-75. Incorporation by reference. (a) An agency may incorporate by reference, in its rules adopted under Section 5-35, rules, regulations, standards, and guidelines of an agency of the United States or a nationally or state recognized organization or association without publishing the incorporated material in full. The reference in the agency rules must fully identify the incorporated matter by publisher address and date in order to specify how a copy of the material may be obtained and must state that the rule, regulation, standard, or guideline does not include any later amendments or editions. An agency may incorporate by reference these matters in its rules only if the agency, organization, or association originally issuing the matter makes copies readily available to the public. This Section does not apply to any agency internal manual.

For any law imposing taxes on or measured by income, the Department of Revenue may promulgate rules that include incorporations by reference of federal rules or regulations without identifying the incorporated matter by date and without including a statement that the incorporation does not include later amendments.

(b) Use of the incorporation by reference procedure under this Section shall be reviewed by the Joint Committee on Administrative Rules during the rulemaking process as set forth in this Act.

(c) The agency adopting a rule, regulation, standard, or guideline under this Section shall maintain a copy of the referenced rule, regulation, standard, or guideline in at least one of its principal offices and shall make it available to the public upon request for inspection and copying at no more than cost. Requests for copies of materials incorporated by reference shall not be deemed Freedom of Information Act requests unless so labeled by the requestor. The agency shall designate by rule the agency location at which incorporated materials are maintained and made available to the public for inspection and copying. These rules may be adopted under the procedures in Section 5-15. In addition, the agency may include the designation of the agency location of incorporated materials in a rulemaking under Section 5-35, but emergency and peremptory rulemaking procedures may not be used solely for this purpose.

(d) An incorporation by reference that is included in a rule adopted by the Environmental Protection Agency or the Pollution Control Board may be updated using the expedited rulemaking procedure provided in Section 28.6 of the Environmental Protection Act. Sections 5-35 through 5-50 of this Act do not apply to those expedited rulemakings, except as may be otherwise provided in that Section 28.6 or in Board or Agency rules implementing that Section. (Source: P.A. 90-155, eff. 7-23-97.)

Section 10. The Environmental Protection Act is amended by changing Sections 4, 5, 22.2, 30, 31, 33, 35, 36, 37, 42, and 45 and adding Section 28.6 as follows:

(415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

Sec. 4. Environmental Protection Agency; establishment; duties. (a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold office until a successor is appointed and has qualified. The Director shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary. The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services

as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

(c) The Agency shall have authority to conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential contaminant or noise sources, of public water supplies, and of refuse disposal sites.

(d) In accordance with constitutional limitations, the Agency shall have authority to enter at all reasonable times upon any private or public property for the purpose of:

(1) Inspecting and investigating to ascertain possible violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; or ~~the Act or of regulations thereunder, or of permits or terms or conditions thereof; or~~

(2) In accordance with the provisions of this Act, taking whatever preventive or corrective action, including but not limited to removal or remedial action, that is necessary or appropriate whenever there is a release or a substantial threat of a release of (A) a hazardous substance or pesticide or (B) petroleum from an underground storage tank.

(e) The Agency shall have the duty to investigate violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; ~~Act or of regulations adopted thereunder, or of permits or terms or conditions thereof,~~ to issue administrative citations as provided in Section 31.1 of this Act~~;~~ and to take such summary enforcement action as is provided for by Section 34 of this Act.

(f) The Agency shall appear before the Board in any hearing upon a petition for variance, the denial of a permit, or the validity or effect of a rule or regulation of the Board, and shall have the authority to appear before the Board in any hearing under the Act.

(g) The Agency shall have the duty to administer, in accord with Title X of this Act, such permit and certification systems as may be established by this Act or by regulations adopted thereunder. The Agency may enter into written delegation agreements with any department, agency, or unit of State or local government under which all or portions of this duty may be delegated for public water supply storage and transport systems, sewage collection and transport systems, air pollution control sources with uncontrolled emissions of 100 tons per year or less and application of algicides to waters of the State. Such delegation agreements will require that the work to be performed thereunder will be in accordance with Agency criteria, subject to Agency review, and shall include such financial and program auditing by the Agency as may be required.

(h) The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations thereunder, and to require the submission of such reports regarding actual or potential violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order ~~the Act or of regulations thereunder, or of permits or terms or conditions thereof~~, as may be necessary for the purposes of this Act.

(i) The Agency shall have authority to make recommendations to the Board for the adoption of regulations under Title VII of the Act.

(j) The Agency shall have the duty to represent the State of Illinois in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements relating to environmental protection.

(k) The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, indirect cost reimbursements, or other funds made available to the State from any source for purposes of this Act or for air or water pollution control, public water supply, solid waste disposal, noise abatement, or other environmental protection activities, surveys, or programs. Any federal funds received by the Agency pursuant to this subsection shall be deposited in a trust fund with the State Treasurer and held and disbursed by him in accordance with Treasurer as Custodian of Funds Act, provided that such monies shall be used only for the purposes for which they are contributed and any balance remaining shall be returned to the contributor.

The Agency is authorized to promulgate such regulations and enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.

(l) The Agency is hereby designated as water pollution agency for the state for all purposes of the Federal Water Pollution Control Act, as amended; as implementing agency for the State for all purposes of the Safe Drinking Water Act, Public Law 93-523, as now or hereafter amended, except

Section 1425 of that Act; as air pollution agency for the state for all purposes of the Clean Air Act of 1970, Public Law 91-604, approved December 31, 1970, as amended; and as solid waste agency for the state for all purposes of the Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, and amended by the Resource Recovery Act of 1970, Public Law 91-512, approved October 26, 1970, as amended, and amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) approved October 21, 1976, as amended; as noise control agency for the state for all purposes of the Noise Control Act of 1972, Public Law 92-574, approved October 27, 1972, as amended; and as implementing agency for the State for all purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended; and otherwise as pollution control agency for the State pursuant to federal laws integrated with the foregoing laws, for financing purposes or otherwise. The Agency is hereby authorized to take all action necessary or appropriate to secure to the State the benefits of such federal Acts, provided that the Agency shall transmit to the United States without change any standards adopted by the Pollution Control Board pursuant to Section 5(c) of this Act. This subsection (l) of Section 4 shall not be construed to bar or prohibit the Environmental Protection Trust Fund Commission from accepting, receiving, and administering on behalf of the State any grants, gifts, loans or other funds for which the Commission is eligible pursuant to the Environmental Protection Trust Fund Act. The Agency is hereby designated as the State agency for all purposes of administering the requirements of Section 313 of the federal Emergency Planning and Community Right-to-Know Act of 1986.

Any municipality, sanitary district, or other political subdivision, or any Agency of the State or interstate Agency, which makes application for loans or grants under such federal Acts shall notify the Agency of such application; the Agency may participate in proceedings under such federal Acts.

(m) The Agency shall have authority, consistent with Section 5(c) and other provisions of this Act, and for purposes of Section 303(e) of the Federal Water Pollution Control Act, as now or hereafter amended, to engage in planning processes and activities and to develop plans in cooperation with units of local government, state agencies and officers, and other appropriate persons in connection with the jurisdiction or duties of each such unit, agency, officer or person. Public hearings shall be held on the planning process, at which any person shall be permitted to appear and be heard, pursuant to procedural regulations promulgated by the Agency.

(n) In accordance with the powers conferred upon the Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the Agency shall have authority to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(o) The Agency shall have the authority to issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency in accordance with Section 4(n) of this Act and to promulgate and enforce regulations relevant to the issuance and use of such certificates. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(p) Except as provided in Section 17.7, the Agency shall have the duty to analyze samples as required from each public water supply to determine compliance with the contaminant levels specified by the Pollution Control Board. The maximum number of samples which the Agency shall be required to analyze for microbiological quality shall be 6 per month, but the Agency may, at its option, analyze a larger number each month for any supply. Results of sample analyses for additional required bacteriological testing, turbidity, residual chlorine and radionuclides are to be provided to the Agency in accordance with Section 19. Owners of water supplies may enter into agreements with the Agency to provide for reduced Agency participation in sample analyses.

(q) The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance or pesticide. Such notice shall include the identified response action and an opportunity for such person to perform the response action.

(r) The Agency may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and enforcement functions. Such delegation agreements shall require that work performed thereunder be in accordance with Agency criteria and subject to Agency review. Notwithstanding any other provision of law to the contrary, no unit of local government shall be liable for any injury resulting from the exercise of its authority pursuant to such a delegation agreement unless the injury is proximately caused by the willful and wanton negligence of an agent or employee of the unit of local

government, and any policy of insurance coverage issued to a unit of local government may provide for the denial of liability and the nonpayment of claims based upon injuries for which the unit of local government is not liable pursuant to this subsection (r).

(s) The Agency shall have authority to take whatever preventive or corrective action is necessary or appropriate, including but not limited to expenditure of monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for removal or remedial action, whenever any hazardous substance or pesticide is released or there is a substantial threat of such a release into the environment. The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken under this subsection. The Director of the Agency is authorized to enter into such contracts and agreements as are necessary to carry out the Agency's duties under this subsection.

(t) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, for financing and construction of municipal wastewater facilities. With respect to all monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for wastewater facility grants, the Agency shall make distributions in conformity with the rules and regulations established pursuant to the Anti-Pollution Bond Act, as now or hereafter amended.

(u) Pursuant to the Illinois Administrative Procedure Act, the Agency shall have the authority to adopt such rules as are necessary or appropriate for the Agency to implement Section 31.1 of this Act.

(v) (Blank.)

(w) Neither the State, nor the Director, nor the Board, nor any State employee shall be liable for any damages or injury arising out of or resulting from any action taken under subsection (s).

(x)(1) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of public water supply facilities. With respect to all monies appropriated from the Build Illinois Bond Fund or the Build Illinois Purposes Fund for public water supply grants, such grants shall be made in accordance with rules promulgated by the Agency. Such rules shall include a requirement for a local match of 30% of the total project cost for projects funded through such grants.

(2) The Agency shall not terminate a grant to a unit of local government for the financing and construction of public water supply facilities unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for the termination of such grants. The Agency shall not make determinations on whether specific grant conditions are necessary to ensure the integrity of a project or on whether subagreements shall be awarded, with respect to grants for the financing and construction of public water supply facilities, unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for making such determinations. The Agency shall not issue a stop-work order in relation to such grants unless and until the Agency adopts precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for determining whether to issue a stop-work order.

(y) The Agency shall have authority to release any person from further responsibility for preventive or corrective action under this Act following successful completion of preventive or corrective action undertaken by such person upon written request by the person. (Source: P.A. 91-25, eff. 6-9-99; 92-574, eff. 6-26-02.)

(415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

Sec. 5. Pollution Control Board. (a) There is hereby created an independent board to be known as the Pollution Control Board, consisting of 7 technically qualified members, no more than 4 of whom may be of the same political party, to be appointed by the Governor with the advice and consent of the Senate.

All members shall hold office for 3 years from the first day of July in the year in which they were appointed, except in case of an appointment to fill a vacancy. In case of a vacancy in the office when the Senate is not in session, the Governor may make a temporary appointment until the next meeting of the Senate, when he or she shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold the office during the remainder of the term.

Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from office, such resignation to take effect when a successor has been appointed and has qualified.

Board members shall be paid $37,000 per year or an amount set by the Compensation Review Board, whichever is greater, and the Chairman shall be paid $43,000 per year or an amount set by the Compensation Review Board, whichever is greater. Each member shall be reimbursed for expenses necessarily incurred, shall devote full time to the performance of his or her duties and shall

make a financial disclosure upon appointment. Each Board member may employ one secretary and one assistant, and the Chairman one secretary and 2 assistants. The Board also may employ and compensate hearing officers to preside at hearings under this Act, and such other personnel as may be necessary. Hearing officers shall be attorneys licensed to practice law in Illinois.

The Governor shall designate one Board member to be Chairman, who shall serve at the pleasure of the Governor.

The Board shall hold at least one meeting each month and such additional meetings as may be prescribed by Board rules. In addition, special meetings may be called by the Chairman or by any 2 Board members, upon delivery of 24 hours written notice to the office of each member. All Board meetings shall be open to the public, and public notice of all meetings shall be given at least 24 hours in advance of each meeting. In emergency situations in which a majority of the Board certifies that exigencies of time require the requirements of public notice and of 24 hour written notice to members may be dispensed with, and Board members shall receive such notice as is reasonable under the circumstances.

Four members of the Board shall constitute a quorum, and 4 votes shall be required for any final determination by the Board, except in a proceeding to remove a seal under paragraph (d) of Section 34 of this Act. The Board shall keep a complete and accurate record of all its meetings.

(b) The Board shall determine, define and implement the environmental control standards applicable in the State of Illinois and may adopt rules and regulations in accordance with Title VII of this Act.

(c) The Board shall have authority to act for the State in regard to the adoption of standards for submission to the United States under any federal law respecting environmental protection. Such standards shall be adopted in accordance with Title VII of the Act and upon adoption shall be forwarded to the Environmental Protection Agency for submission to the United States pursuant to subsections (l) and (m) of Section 4 of this Act. Nothing in this paragraph shall limit the discretion of the Governor to delegate authority granted to the Governor under any federal law.

(d) The Board shall have authority to conduct proceedings upon complaints charging violations of this Act, any rule or regulation adopted under this Act, ~~or~~ any permit or term or condition of a permit, or any Board order; upon administrative citations; upon petitions for variances or adjusted standards; upon petitions for review of the Agency's final determinations on permit applications in accordance with Title X of this Act; upon petitions to remove seals under Section 34 of this Act; and upon other petitions for review of final determinations which are made pursuant to this Act or Board rule and which involve a subject which the Board is authorized to regulate. The Board may also conduct other proceedings as may be provided by this Act or any other statute or rule.

(e) In connection with any proceeding pursuant to subsection (b) or (d) of this Section, the Board may subpoena and compel the attendance of witnesses and the production of evidence reasonably necessary to resolution of the matter under consideration. The Board shall issue such subpoenas upon the request of any party to a proceeding under subsection (d) of this Section or upon its own motion.

(f) The Board may prescribe reasonable fees for permits required pursuant to this Act. Such fees in the aggregate may not exceed the total cost to the Agency for its inspection and permit systems. The Board may not prescribe any permit fees which are different in amount from those established by this Act. (Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/22.2) (from Ch. 111 1/2, par. 1022.2)

Sec. 22.2. Hazardous waste; fees; liability. (a) There are hereby created within the State Treasury 2 special funds to be known respectively as the "Hazardous Waste Fund" and the "Hazardous Waste Research Fund", constituted from the fees collected pursuant to this Section. In addition to the fees collected under this Section, the Hazardous Waste Fund shall include other moneys made available from any source for deposit into the Fund.

(b) (1) On and after January 1, 1989, the Agency shall collect from the owner or operator of each of the following sites a fee in the amount of:

(A) 9 cents per gallon or $18.18 per cubic yard, if the hazardous waste disposal site is located off the site where such waste was produced. The maximum amount payable under this subdivision (A) with respect to the hazardous waste generated by a single generator and deposited in monofills is $30,000 per year. If, as a result of the use of multiple monofills, waste fees in excess of the maximum are assessed with respect to a single waste generator, the generator may apply to the Agency for a credit.

(B) 9 cents or $18.18 per cubic yard, if the hazardous waste disposal site is located on the site where such waste was produced, provided however the maximum amount of fees payable under this paragraph (B) is $30,000 per year for each such hazardous waste disposal site.

(C) If the hazardous waste disposal site is an underground injection well, $6,000 per year

if not more than 10,000,000 gallons per year are injected, $15,000 per year if more than 10,000,000 gallons but not more than 50,000,000 gallons per year are injected, and $27,000 per year if more than 50,000,000 gallons per year are injected.

(D) 3 cents per gallon or $6.06 per cubic yard of hazardous waste received for treatment at a hazardous waste treatment site, if the hazardous waste treatment site is located off the site where such waste was produced and if such hazardous waste treatment site is owned, controlled and operated by a person other than the generator of such waste. After treatment at such hazardous waste treatment site, the waste shall not be subject to any other fee imposed by this subsection (b). For purposes of this subsection (b), the term "treatment" is defined as in Section 3.505 but shall not include recycling, reclamation or reuse.

(2) The General Assembly shall annually appropriate to the Fund such amounts as it deems necessary to fulfill the purposes of this Act.

(3) The Agency shall have the authority to accept, receive, and administer on behalf of the State any moneys made available to the State from any source for the purposes of the Hazardous Waste Fund set forth in subsection (d) of this Section.

(4) Of the amount collected as fees provided for in this Section, the Agency shall manage the use of such funds to assure that sufficient funds are available for match towards federal expenditures for response action at sites which are listed on the National Priorities List; provided, however, that this shall not apply to additional monies appropriated to the Fund by the General Assembly, nor shall it apply in the event that the Director finds that revenues in the Hazardous Waste Fund must be used to address conditions which create or may create an immediate danger to the environment or public health or to the welfare of the people of the State of Illinois.

(5) Notwithstanding the other provisions of this subsection (b), sludge from a publicly-owned sewage works generated in Illinois, coal mining wastes and refuse generated in Illinois, bottom boiler ash, flyash and flue gas desulphurization sludge from public utility electric generating facilities located in Illinois, and bottom boiler ash and flyash from all incinerators which process solely municipal waste shall not be subject to the fee.

(6) For the purposes of this subsection (b), "monofill" means a facility, or a unit at a facility, that accepts only wastes bearing the same USEPA hazardous waste identification number, or compatible wastes as determined by the Agency.

(c) The Agency shall establish procedures, not later than January 1, 1984, relating to the collection of the fees authorized by this Section. Such procedures shall include, but not be limited to: (1) necessary records identifying the quantities of hazardous waste received or disposed; (2) the form and submission of reports to accompany the payment of fees to the Agency; and (3) the time and manner of payment of fees to the Agency, which payments shall be not more often than quarterly.

(d) Beginning July 1, 1996, the Agency shall deposit all such receipts in the State Treasury to the credit of the Hazardous Waste Fund, except as provided in subsection (e) of this Section. All monies in the Hazardous Waste Fund shall be used by the Agency for the following purposes:

(1) Taking whatever preventive or corrective action is necessary or appropriate, in circumstances certified by the Director, including but not limited to removal or remedial action whenever there is a release or substantial threat of a release of a hazardous substance or pesticide; provided, the Agency shall expend no more than $1,000,000 on any single incident without appropriation by the General Assembly.

(2) To meet any requirements which must be met by the State in order to obtain federal funds pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, (P.L. 96-510).

(3) In an amount up to 30% of the amount collected as fees provided for in this Section, for use by the Agency to conduct groundwater protection activities, including providing grants to appropriate units of local government which are addressing protection of underground waters pursuant to the provisions of this Act.

(4) To fund the development and implementation of the model pesticide collection program under Section 19.1 of the Illinois Pesticide Act.

(5) To the extent the Agency has received and deposited monies in the Fund other than fees collected under subsection (b) of this Section, to pay for the cost of Agency employees for services provided in reviewing the performance of response actions pursuant to Title XVII of this Act.

(6) In an amount up to 15% of the fees collected annually under subsection (b) of this Section, for use by the Agency for administration of the provisions of this Section.

(e) The Agency shall deposit 10% of all receipts collected under subsection (b) of this Section, but not to exceed $200,000 per year, in the State Treasury to the credit of the Hazardous Waste

Research Fund established by this Act. Pursuant to appropriation, all monies in such Fund shall be used by the Department of Natural Resources for the purposes set forth in this subsection.

The Department of Natural Resources may enter into contracts with business, industrial, university, governmental or other qualified individuals or organizations to assist in the research and development intended to recycle, reduce the volume of, separate, detoxify or reduce the hazardous properties of hazardous wastes in Illinois. Monies in the Fund may also be used by the Department of Natural Resources for technical studies, monitoring activities, and educational and research activities which are related to the protection of underground waters. Monies in the Hazardous Waste Research Fund may be used to administer the Illinois Health and Hazardous Substances Registry Act. Monies in the Hazardous Waste Research Fund shall not be used for any sanitary landfill or the acquisition or construction of any facility. This does not preclude the purchase of equipment for the purpose of public demonstration projects. The Department of Natural Resources shall adopt guidelines for cost sharing, selecting, and administering projects under this subsection.

(f) Notwithstanding any other provision or rule of law, and subject only to the defenses set forth in subsection (j) of this Section, the following persons shall be liable for all costs of removal or remedial action incurred by the State of Illinois or any unit of local government as a result of a release or substantial threat of a release of a hazardous substance or pesticide:

(1) the owner and operator of a facility or vessel from which there is a release or substantial threat of release of a hazardous substance or pesticide;

(2) any person who at the time of disposal, transport, storage or treatment of a hazardous substance or pesticide owned or operated the facility or vessel used for such disposal, transport, treatment or storage from which there was a release or substantial threat of a release of any such hazardous substance or pesticide;

(3) any person who by contract, agreement, or otherwise has arranged with another party or entity for transport, storage, disposal or treatment of hazardous substances or pesticides owned, controlled or possessed by such person at a facility owned or operated by another party or entity from which facility there is a release or substantial threat of a release of such hazardous substances or pesticides; and

(4) any person who accepts or accepted any hazardous substances or pesticides for transport to disposal, storage or treatment facilities or sites from which there is a release or a substantial threat of a release of a hazardous substance or pesticide.

Any monies received by the State of Illinois pursuant to this subsection (f) shall be deposited in the State Treasury to the credit of the Hazardous Waste Fund.

In accordance with the other provisions of this Section, costs of removal or remedial action incurred by a unit of local government may be recovered in an action before the Board brought by the unit of local government under subsection (i) of this Section. Any monies so recovered shall be paid to the unit of local government.

(g)(1) No indemnification, hold harmless, or similar agreement or conveyance shall be effective to transfer from the owner or operator of any vessel or facility or from any person who may be liable for a release or substantial threat of a release under this Section, to any other person the liability imposed under this Section. Nothing in this Section shall bar any agreement to insure, hold harmless or indemnify a party to such agreements for any liability under this Section.

(2) Nothing in this Section, including the provisions of paragraph (g)(1) of this Section, shall bar a cause of action that an owner or operator or any other person subject to liability under this Section, or a guarantor, has or would have, by reason of subrogation or otherwise against any person.

(h) For purposes of this Section:

(1) The term "facility" means:

(A) any building, structure, installation, equipment, pipe or pipeline including but not limited to any pipe into a sewer or publicly owned treatment works, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or

(B) any site or area where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise come to be located.

(2) The term "owner or operator" means:

(A) any person owning or operating a vessel or facility;

(B) in the case of an abandoned facility, any person owning or operating the abandoned facility or any person who owned, operated, or otherwise controlled activities at the abandoned facility immediately prior to such abandonment;

(C) in the case of a land trust as defined in Section 2 of the Land Trustee as Creditor Act, the person owning the beneficial interest in the land trust;

(D) in the case of a fiduciary (other than a land trustee), the estate, trust estate, or other

interest in property held in a fiduciary capacity, and not the fiduciary. For the purposes of this Section, "fiduciary" means a trustee, executor, administrator, guardian, receiver, conservator or other person holding a facility or vessel in a fiduciary capacity;

(E) in the case of a "financial institution", meaning the Illinois Housing Development Authority and that term as defined in Section 2 of the Illinois Banking Act, that has acquired ownership, operation, management, or control of a vessel or facility through foreclosure or under the terms of a security interest held by the financial institution or under the terms of an extension of credit made by the financial institution, the financial institution only if the financial institution takes possession of the vessel or facility and the financial institution exercises actual, direct, and continual or recurrent managerial control in the operation of the vessel or facility that causes a release or substantial threat of a release of a hazardous substance or pesticide resulting in removal or remedial action;

(F) In the case of an owner of residential property, the owner if the owner is a person other than an individual, or if the owner is an individual who owns more than 10 dwelling units in Illinois, or if the owner, or an agent, representative, contractor, or employee of the owner, has caused, contributed to, or allowed the release or threatened release of a hazardous substance or pesticide. The term "residential property" means single family residences of one to 4 dwelling units, including accessory land, buildings, or improvements incidental to those dwellings that are exclusively used for the residential use. For purposes of this subparagraph (F), the term "individual" means a natural person, and shall not include corporations, partnerships, trusts, or other non-natural persons.

(G) In the case of any facility, title or control of which was conveyed due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means to a unit of State or local government, any person who owned, operated, or otherwise controlled activities at the facility immediately beforehand.

(H) The term "owner or operator" does not include a unit of State or local government which acquired ownership or control through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government acquires title by virtue of its function as sovereign. The exclusion provided under this paragraph shall not apply to any State or local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility, and such a State or local government shall be subject to the provisions of this Act in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity, including liability under Section 22.2(f).

(i) The costs and damages provided for in this Section may be imposed by the Board in an action brought before the Board in accordance with Title VIII of this Act, except that Section 33(c) of this Act shall not apply to any such action.

(j) (1) There shall be no liability under this Section for a person otherwise liable who can establish by a preponderance of the evidence that the release or substantial threat of release of a hazardous substance and the damages resulting therefrom were caused solely by:

(A) an act of God;

(B) an act of war;

(C) an act or omission of a third party other than an employee or agent of the defendant, or other than one whose act or omission occurs in connection with a contractual relationship, existing directly or indirectly, with the defendant (except where the sole contractual arrangement arises from a published tariff and acceptance for carriage by a common carrier by rail), if the defendant establishes by a preponderance of the evidence that (i) he exercised due care with respect to the hazardous substance concerned, taking into consideration the characteristics of such hazardous substance, in light of all relevant facts and circumstances, and (ii) he took precautions against foreseeable acts or omissions of any such third party and the consequences that could foreseeably result from such acts or omissions; or

(D) any combination of the foregoing paragraphs.

(2) There shall be no liability under this Section for any release permitted by State or federal law.

(3) There shall be no liability under this Section for damages as a result of actions taken or omitted in the course of rendering care, assistance, or advice in accordance with this Section or the National Contingency Plan pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (P.L. 96-510) or at the direction of an on-scene coordinator appointed under such plan, with respect to an incident creating a danger to public health or welfare or the environment as a result of any release of a hazardous substance or a substantial threat thereof. This subsection shall not preclude liability for damages as the result of gross negligence or intentional misconduct on the part of such person. For the purposes of the preceding sentence, reckless, willful,

or wanton misconduct shall constitute gross negligence.

(4) There shall be no liability under this Section for any person (including, but not limited to, an owner of residential property who applies a pesticide to the residential property or who has another person apply a pesticide to the residential property) for response costs or damages as the result of the storage, handling and use, or recommendation for storage, handling and use, of a pesticide consistent with:

(A) its directions for storage, handling and use as stated in its label or labeling;

(B) its warnings and cautions as stated in its label or labeling; and

(C) the uses for which it is registered under the Federal Insecticide, Fungicide and Rodenticide Act and the Illinois Pesticide Act.

(4.5) There shall be no liability under subdivision (f)(1) of this Section for response costs or damages as the result of a release of a pesticide from an agrichemical facility site if the Agency has received notice from the Department of Agriculture pursuant to Section 19.3 of the Illinois Pesticide Act, the owner or operator of the agrichemical facility is proceeding with a corrective action plan under the Agrichemical Facility Response Action Program implemented under that Section, and the Agency has provided a written endorsement of a corrective action plan.

(4.6) There shall be no liability under subdivision (f)(1) of this Section for response costs or damages as the result of a substantial threat of a release of a pesticide from an agrichemical facility site if the Agency has received notice from the Department of Agriculture pursuant to Section 19.3 of the Illinois Pesticide Act and the owner or operator of the agrichemical facility is proceeding with a corrective action plan under the Agrichemical Facility Response Action Program implemented under that Section.

(5) Nothing in this subsection (j) shall affect or modify in any way the obligations or liability of any person under any other provision of this Act or State or federal law, including common law, for damages, injury, or loss resulting from a release or substantial threat of a release of any hazardous substance or for removal or remedial action or the costs of removal or remedial action of such hazardous substance.

(6)(A) The term "contractual relationship", for the purpose of this subsection includes, but is not limited to, land contracts, deeds or other instruments transferring title or possession, unless the real property on which the facility concerned is located was acquired by the defendant after the disposal or placement of the hazardous substance on, in, or at the facility, and one or more of the circumstances described in clause (i), (ii), or (iii) of this paragraph is also established by the defendant by a preponderance of the evidence:

(i) At the time the defendant acquired the facility the defendant did not know and had no reason to know that any hazardous substance which is the subject of the release or threatened release was disposed of on, in or at the facility.

(ii) The defendant is a government entity which acquired the facility by escheat, or through any other involuntary transfer or acquisition, or through the exercise of eminent domain authority by purchase or condemnation.

(iii) The defendant acquired the facility by inheritance or bequest.

In addition to establishing the foregoing, the defendant must establish that he has satisfied the requirements of subparagraph (C) of paragraph (l) of this subsection (j).

(B) To establish the defendant had no reason to know, as provided in clause (i) of subparagraph (A) of this paragraph, the defendant must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability. For purposes of the preceding sentence, the court shall take into account any specialized knowledge or experience on the part of the defendant, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection.

(C) Nothing in this paragraph (6) or in subparagraph (C) of paragraph (1) of this subsection shall diminish the liability of any previous owner or operator of such facility who would otherwise be liable under this Act. Notwithstanding this paragraph (6), if the defendant obtained actual knowledge of the release or threatened release of a hazardous substance at such facility when the defendant owned the real property and then subsequently transferred ownership of the property to another person without disclosing such knowledge, such defendant shall be treated as liable under subsection (f) of this Section and no defense under subparagraph (C) of paragraph (1) of this subsection shall be available to such defendant.

(D) Nothing in this paragraph (6) shall affect the liability under this Act of a defendant who, by any act or omission, caused or contributed to the release or threatened release of a hazardous

substance which is the subject of the action relating to the facility.

(E) (i) Except as provided in clause (ii) of this subparagraph (E), a defendant who has acquired real property shall have established a rebuttable presumption against all State claims and a conclusive presumption against all private party claims that the defendant has made all appropriate inquiry within the meaning of subdivision (6)(B) of this subsection (j) if the defendant proves that immediately prior to or at the time of the acquisition:

(I) the defendant obtained a Phase I Environmental Audit of the real property that meets or exceeds the requirements of this subparagraph (E), and the Phase I Environmental Audit did not disclose the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property; or

(II) the defendant obtained a Phase II Environmental Audit of the real property that meets or exceeds the requirements of this subparagraph (E), and the Phase II Environmental Audit did not disclose the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(ii) No presumption shall be created under clause (i) of this subparagraph (E), and a defendant shall be precluded from demonstrating that the defendant has made all appropriate inquiry within the meaning of subdivision (6)(B) of this subsection (j), if:

(I) the defendant fails to obtain all Environmental Audits required under this subparagraph (E) or any such Environmental Audit fails to meet or exceed the requirements of this subparagraph (E);

(II) a Phase I Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from real property, and the defendant fails to obtain a Phase II Environmental Audit;

(III) a Phase II Environmental Audit discloses the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property;

(IV) the defendant fails to maintain a written compilation and explanatory summary report of the information reviewed in the course of each Environmental Audit under this subparagraph (E); or

(V) there is any evidence of fraud, material concealment, or material misrepresentation by the defendant of environmental conditions or of related information discovered during the course of an Environmental Audit.

(iii) For purposes of this subparagraph (E), the term "environmental professional" means an individual (other than a practicing attorney) who, through academic training, occupational experience, and reputation (such as engineers, industrial hygienists, or geologists) can objectively conduct one or more aspects of an Environmental Audit and who either:

(I) maintains at the time of the Environmental Audit and for at least one year thereafter at least $500,000 of environmental consultants' professional liability insurance coverage issued by an insurance company licensed to do business in Illinois; or

(II) is an Illinois licensed professional engineer or an Illinois licensed industrial hygienist.

An environmental professional may employ persons who are not environmental professionals to assist in the preparation of an Environmental Audit if such persons are under the direct supervision and control of the environmental professional.

(iv) For purposes of this subparagraph (E), the term "real property" means any interest in any parcel of land, and includes, but is not limited to, buildings, fixtures, and improvements.

(v) For purposes of this subparagraph (E), the term "Phase I Environmental Audit" means an investigation of real property, conducted by environmental professionals, to discover the presence or likely presence of a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from real property, and whether a release or a substantial threat of a release of a hazardous substance or pesticide has occurred or may occur at, on, to, or from the real property. Until such time as the United States Environmental Protection Agency establishes standards for making appropriate inquiry into the previous ownership and uses of the facility pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii), the investigation shall comply with the procedures of the American Society for Testing and Materials, including the document known as Standard E1527-97, entitled "Standard Procedures for Environmental Site Assessment: Phase 1 Environmental Site Assessment Process". Upon their adoption, the standards promulgated by USEPA pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii) shall govern the performance of Phase I Environmental Audits. In addition to the above requirements, the Phase I Environmental Audit shall include a review of recorded land title records for the purpose of determining whether the real property is subject to an environmental land use restriction such as a No Further Remediation Letter, Environmental Land Use Control, or Highway Authority Agreement. ~~The investigation shall include a review of at least each of the~~

~~following sources of information concerning the current and previous ownership and use of the real property:~~

~~(I) Recorded chain of title documents regarding the real property, including all deeds, easements, leases, restrictions, and covenants for a period of 50 years.~~

~~(II) Aerial photographs that may reflect prior uses of the real property and that are reasonably obtainable through State, federal, or local government agencies or bodies.~~

~~(III) Recorded environmental cleanup liens, if any, against the real property that have arisen pursuant to this Act or federal statutes.~~

~~(IV) Reasonably obtainable State, federal, and local government records of sites or facilities at, on, or near the real property to discover the presence or likely presence of a hazardous substance or pesticide, and whether a release or a substantial threat of a release of a hazardous substance or pesticide has occurred or may occur at, on, to, or from the real property. Such government records shall include, but not be limited to: reasonably obtainable State, federal, and local government investigation reports for those sites or facilities; reasonably obtainable State, federal, and local government records of activities likely to cause or contribute to a release or a threatened release of a hazardous substance or pesticide at, on, to, or from the real property, including landfill and other treatment, storage, and disposal location records, underground storage tank records, hazardous waste transporter and generator records, and spill reporting records; and other reasonably obtainable State, federal, and local government environmental records that report incidents or activities that are likely to cause or contribute to a release or a threatened release of a hazardous substance or pesticide at, on, to, or from the real property. In order to be deemed "reasonably obtainable" as required herein, a copy or reasonable facsimile of the record must be obtainable from the government agency by request and upon payment of a processing fee, if any, established by the government agency. The Agency is authorized to establish a reasonable fee for processing requests received under this subparagraph (E) for records. All fees collected by the Agency under this clause (v)(IV) shall be deposited into the Environmental Protection Permit and Inspection Fund in accordance with Section 22.8.~~

~~Notwithstanding any other law, if the fee is paid, the Agency shall process a request received under this subparagraph (E) for records within 30 days of the receipt of such request.~~

~~(V) A visual site inspection of the real property and all facilities and improvements on the real property and a visual inspection of properties immediately adjacent to the real property, including an investigation of any use, storage, treatment, spills from use, or disposal of hazardous substances, hazardous wastes, solid wastes, or pesticides. If the person conducting the investigation is denied access to any property adjacent to the real property, the person shall conduct a visual inspection of that adjacent property from the property to which the person does have access and from public rights of way.~~

~~(VI) A review of business records for activities at or on the real property for a period of 50 years.~~

(vi) For purposes of subparagraph (E), the term "Phase II Environmental Audit" means an investigation of real property, conducted by environmental professionals, subsequent to a Phase I Environmental Audit. If the Phase I Environmental Audit discloses the presence or likely presence of a hazardous substance or a pesticide or a release or a substantial threat of a release of a hazardous substance or pesticide:

(I) In or to soil, the defendant, as part of the Phase II Environmental Audit, shall perform a series of soil borings sufficient to determine whether there is a presence or likely presence of a hazardous substance or pesticide and whether there is or has been a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(II) In or to groundwater, the defendant, as part of the Phase II Environmental Audit, shall: review information regarding local geology, water well locations, and locations of waters of the State as may be obtained from State, federal, and local government records, including but not limited to the United States Geological Service, the State Geological Survey Division of the Department of Natural Resources, and the State Water Survey Division of the Department of Natural Resources; and perform groundwater monitoring sufficient to determine whether there is a presence or likely presence of a hazardous substance or pesticide, and whether there is or has been a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(III) On or to media other than soil or groundwater, the defendant, as part of the Phase II Environmental Audit, shall perform an investigation sufficient to determine whether there is a presence or likely presence of a hazardous substance or pesticide, and whether there is or has been a release or a substantial threat of a release of a hazardous substance or pesticide at, on, to, or from the real property.

(vii) The findings of each Environmental Audit prepared under this subparagraph (E) shall be set forth in a written audit report. Each audit report shall contain an affirmation by the defendant and by each environmental professional who prepared the Environmental Audit that the facts stated in the report are true and are made under a penalty of perjury as defined in Section 32-2 of the Criminal Code of 1961. It is perjury for any person to sign an audit report that contains a false material statement that the person does not believe to be true.

(viii) The Agency is not required to review, approve, or certify the results of any Environmental Audit. The performance of an Environmental Audit shall in no way entitle a defendant to a presumption of Agency approval or certification of the results of the Environmental Audit.

The presence or absence of a disclosure document prepared under the Responsible Property Transfer Act of 1988 shall not be a defense under this Act and shall not satisfy the requirements of subdivision (6)(A) of this subsection (j).

(7) No person shall be liable under this Section for response costs or damages as the result of a pesticide release if the Agency has found that a pesticide release occurred based on a Health Advisory issued by the U.S. Environmental Protection Agency or an action level developed by the Agency, unless the Agency notified the manufacturer of the pesticide and provided an opportunity of not less than 30 days for the manufacturer to comment on the technical and scientific justification supporting the Health Advisory or action level.

(8) No person shall be liable under this Section for response costs or damages as the result of a pesticide release that occurs in the course of a farm pesticide collection program operated under Section 19.1 of the Illinois Pesticide Act, unless the release results from gross negligence or intentional misconduct.

(k) If any person who is liable for a release or substantial threat of release of a hazardous substance or pesticide fails without sufficient cause to provide removal or remedial action upon or in accordance with a notice and request by the Agency or upon or in accordance with any order of the Board or any court, such person may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount of any costs incurred by the State of Illinois as a result of such failure to take such removal or remedial action. The punitive damages imposed by the Board shall be in addition to any costs recovered from such person pursuant to this Section and in addition to any other penalty or relief provided by this Act or any other law.

Any monies received by the State pursuant to this subsection (k) shall be deposited in the Hazardous Waste Fund.

(l) Beginning January 1, 1988, the Agency shall annually collect a $250 fee for each Special Waste Hauling Permit Application and, in addition, shall collect a fee of $20 for each waste hauling vehicle identified in the annual permit application and for each vehicle which is added to the permit during the annual period. The Agency shall deposit 85% of such fees collected under this subsection in the State Treasury to the credit of the Hazardous Waste Research Fund; and shall deposit the remaining 15% of such fees collected in the State Treasury to the credit of the Environmental Protection Permit and Inspection Fund. The majority of such receipts which are deposited in the Hazardous Waste Research Fund pursuant to this subsection shall be used by the Department of Natural Resources for activities which relate to the protection of underground waters. Persons engaged in the offsite transportation of hazardous waste by highway and participating in the Uniform Program under subsection (l-5) are not required to file a Special Waste Hauling Permit Application.

(l-5) (1) As used in this subsection:

"Base state" means the state selected by a transporter according to the procedures established under the Uniform Program.

"Base state agreement" means an agreement between participating states electing to register or permit transporters.

"Participating state" means a state electing to participate in the Uniform Program by entering into a base state agreement.

"Transporter" means a person engaged in the offsite transportation of hazardous waste by highway.

"Uniform application" means the uniform registration and permit application form prescribed under the Uniform Program.

"Uniform Program" means the Uniform State Hazardous Materials Transportation Registration and Permit Program established in the report submitted and amended pursuant to 49 U.S.C. Section 5119(b), as implemented by the Agency under this subsection.

"Vehicle" means any self-propelled motor vehicle, except a truck tractor without a trailer, designed or used for the transportation of hazardous waste subject to the hazardous waste manifesting requirements of 40 U.S.C. Section 6923(a)(3).

(2) Beginning July 1, 1998, the Agency shall implement the Uniform State Hazardous Materials Transportation Registration and Permit Program. On and after that date, no person shall engage in the offsite transportation of hazardous waste by highway without registering and obtaining a permit under the Uniform Program. A transporter with its principal place of business in Illinois shall register with and obtain a permit from the Agency. A transporter that designates another participating state in the Uniform Program as its base state shall likewise register with and obtain a permit from that state before transporting hazardous waste in Illinois.

(3) Beginning July 1, 1998, the Agency shall annually collect no more than a $250 processing and audit fee from each transporter of hazardous waste who has filed a uniform application and, in addition, the Agency shall annually collect an apportioned vehicle registration fee of $20. The amount of the apportioned vehicle registration fee shall be calculated consistent with the procedures established under the Uniform Program.

All moneys received by the Agency from the collection of fees pursuant to the Uniform Program shall be deposited into the Hazardous Waste Transporter account hereby created within the Environmental Protection Permit and Inspection Fund. Moneys remaining in the account at the close of the fiscal year shall not lapse to the General Revenue Fund. The State Treasurer may receive money or other assets from any source for deposit into the account. The Agency may expend moneys from the account, upon appropriation, for the implementation of the Uniform Program, including the costs to the Agency of fee collection and administration. In addition, funds not expended for the implementation of the Uniform Program may be utilized for emergency response and cleanup activities related to hazardous waste transportation that are initiated by the Agency.

Whenever the amount of the Hazardous Waste Transporter account exceeds by 115% the amount annually appropriated by the General Assembly, the Agency shall credit participating transporters an amount, proportionately based on the amount of the vehicle fee paid, equal to the excess in the account, and shall determine the need to reduce the amount of the fee charged transporters in the subsequent fiscal year by the amount of the credit.

(4) (A) The Agency may propose and the Board shall adopt rules as necessary to implement and enforce the Uniform Program. The Agency is authorized to enter into agreements with other agencies of this State as necessary to carry out administrative functions or enforcement of the Uniform Program.

(B) The Agency shall recognize a Uniform Program registration as valid for one year from the date a notice of registration form is issued and a permit as valid for 3 years from the date issued or until a transporter fails to renew its registration, whichever occurs first.

(C) The Agency may inspect or examine any motor vehicle or facility operated by a transporter, including papers, books, records, documents, or other materials to determine if a transporter is complying with the Uniform Program. The Agency may also conduct investigations and audits as necessary to determine if a transporter is entitled to a permit or to make suspension or revocation determinations consistent with the standards of the Uniform Program.

(5) The Agency may enter into agreements with federal agencies, national repositories, or other participating states as necessary to allow for the reciprocal registration and permitting of transporters pursuant to the Uniform Program. The agreements may include procedures for determining a base state, the collection and distribution of registration fees, dispute resolution, the exchange of information for reporting and enforcement purposes, and other provisions necessary to fully implement, administer, and enforce the Uniform Program.

(m) (Blank).

(n) (Blank). (Source: P.A. 91-36, eff. 6-15-99; 92-574, eff. 6-26-02.)

(415 ILCS 5/28.6 new)

Sec. 28.6. Expedited rulemaking to update incorporation by reference.

(a) Any person may file a proposal with the Board or the Agency, whichever is appropriate, to update an incorporation by reference included in a Board or Agency rule. The Board or the Agency may also make such a proposal on its own initiative.

(b) An expedited rulemaking to update an incorporation by reference under this Section shall be for the sole purpose of replacing a reference to an older or obsolete version of a document with a reference to the current version of that document or its successor document.

(c) An expedited rulemaking to update an incorporation by reference under this Section shall comply with subsections (a) and (c) of Section 5-75 of the Illinois Administrative Procedure Act. Except as otherwise provided in this Section or the rules implementing this Section, Sections 5-35 through 5-50 of the Illinois Administrative Procedure Act and Sections 27 and 28 of this Act do not apply to rulemaking under this Section.

(d) Within 30 days after receiving a proposal under this Section, the Board or the Agency shall

cause notice of the proposal to be filed with the Secretary of State for publication in the Illinois Register. The date upon which the notice appears in the Illinois Register commences a public comment period of 45 days, during which any person may file comments on the proposal with the Board or the Agency, whichever is applicable.

(e) If no objection to the proposed amendment is filed during the public comment period, then the proposed amendment may be adopted and filed with the Secretary of State for publication in the Illinois Register as a final rule. The amendment becomes effective immediately upon filing with the Secretary of State, unless a later effective date is required by statute or is specified in the rulemaking.

(f) If an objection to the proposed amendment is filed during the public comment period, then the proposed amendment shall not be adopted pursuant to this Section. Nothing in this Section precludes the adoption of a change to an incorporation by reference through other lawful rulemaking procedures.

(g) The Board and the Agency may each adopt procedural rules to implement this Section.

(415 ILCS 5/30) (from Ch. 111 1/2, par. 1030)

Sec. 30. Investigations. The Agency shall cause investigations to be made upon the request of the Board or upon receipt of information concerning an alleged violation of this Act, ~~or of~~ any rule or regulation adopted under this Act, ~~promulgated thereunder, or of~~ any permit ~~granted by the Agency~~ or ~~any~~ term or condition of a ~~any such~~ permit, or any Board order, and may cause to be made such other investigations as it shall deem advisable. (Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/31) (from Ch. 111 1/2, par. 1031)

Sec. 31. Notice; complaint; hearing.

(a)(1) Within 180 days of becoming aware of an alleged violation of the Act or any rule adopted under the Act or of a permit granted by the Agency or condition of the permit, the Agency shall issue and serve, by certified mail, upon the person complained against a written notice informing that person that the Agency has evidence of the alleged violation. At a minimum, the written notice shall contain:

(A) notification to the person complained against of the requirement to submit a written response addressing the violations alleged and the option to meet with appropriate agency personnel to resolve any alleged violations that could lead to the filing of a formal complaint;

(B) a detailed explanation by the Agency of the violations alleged;

(C) an explanation by the Agency of the actions that the Agency believes may resolve the alleged violations, including an estimate of a reasonable time period for the person complained against to complete the suggested resolution; and

(D) an explanation of any alleged violation that the Agency believes cannot be resolved without the involvement of the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred and the basis for the Agency's belief.

(2) A written response to the violations alleged shall be submitted to the Agency, by certified mail, within 45 days of receipt of notice by the person complained against, unless the Agency agrees to an extension. The written response shall include:

(A) information in rebuttal, explanation or justification of each alleged violation;

(B) a proposed Compliance Commitment Agreement that includes specified times for achieving each commitment and which may consist of a statement indicating that the person complained against believes that compliance has been achieved; and

(C) a request for a meeting with appropriate Agency personnel if a meeting is desired by the person complained against.

(3) If the person complained against fails to respond in accordance with the requirements of subdivision (2) of this subsection (a), the failure to respond shall be considered a waiver of the requirements of this subsection (a) and nothing in this Section shall preclude the Agency from proceeding pursuant to subsection (b) of this Section.

(4) A meeting requested pursuant to subdivision (2) of this subsection (a) shall be held without a representative of the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred, within 60 days of receipt of notice by the person complained against, unless the Agency agrees to a postponement. At the meeting, the Agency shall provide an opportunity for the person complained against to respond to each alleged violation, suggested resolution, and suggested implementation time frame, and to suggest alternate resolutions.

(5) If a meeting requested pursuant to subdivision (2) of this subsection (a) is held, the person complained against shall, within 21 days following the meeting or within an extended time period as agreed to by the Agency, submit by certified mail to the Agency a written response to the alleged violations. The written response shall include:

(A) additional information in rebuttal, explanation or justification of each alleged violation;

(B) a proposed Compliance Commitment Agreement that includes specified times for achieving each commitment and which may consist of a statement indicating that the person complained against believes that compliance has been achieved; and

(C) a statement indicating that, should the person complained against so wish, the person complained against chooses to rely upon the initial written response submitted pursuant to subdivision (2) of this subsection (a).

(6) If the person complained against fails to respond in accordance with the requirements of subdivision (5) of this subsection (a), the failure to respond shall be considered a waiver of the requirements of this subsection (a) and nothing in this Section shall preclude the Agency from proceeding pursuant to subsection (b) of this Section.

(7) Within 30 days of the Agency's receipt of a written response submitted by the person complained against pursuant to subdivision (2) of this subsection (a), if a meeting is not requested, or subdivision (5) of this subsection (a), if a meeting is held, or within a later time period as agreed to by the Agency and the person complained against, the Agency shall issue and serve, by certified mail, upon the person complained against a written notice informing the person of its acceptance, rejection, or proposed modification to the proposed Compliance Commitment Agreement as contained within the written response.

(8) Nothing in this subsection (a) is intended to require the Agency to enter into Compliance Commitment Agreements for any alleged violation that the Agency believes cannot be resolved without the involvement of the Office of the Attorney General or the State's Attorney of the county in which the alleged violation occurred, for, among other purposes, the imposition of statutory penalties.

(9) The Agency's failure to respond to a written response submitted pursuant to subdivision (2) of this subsection (a), if a meeting is not requested, or subdivision (5) of this subsection (a), if a meeting is held, within 30 days, or within the time period otherwise agreed to in writing by the Agency and the person complained against, shall be deemed an acceptance by the Agency of the proposed Compliance Commitment Agreement for the violations alleged in the written notice issued under subdivision (1) of this subsection (a) as contained within the written response.

(10) If the person complained against complies with the terms of a Compliance Commitment Agreement accepted pursuant to this subsection (a), the Agency shall not refer the alleged violations which are the subject of the Compliance Commitment Agreement to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred. However, nothing in this subsection is intended to preclude the Agency from continuing negotiations with the person complained against or from proceeding pursuant to the provisions of subsection (b) of this Section for alleged violations which remain the subject of disagreement between the Agency and the person complained against following fulfillment of the requirements of this subsection (a).

(11) Nothing in this subsection (a) is intended to preclude the person complained against from submitting to the Agency, by certified mail, at any time, notification that the person complained against consents to waiver of the requirements of subsections (a) and (b) of this Section.

(b) For alleged violations that remain the subject of disagreement between the Agency and the person complained against following fulfillment of the requirements of subsection (a) of this Section, and as a precondition to the Agency's referral or request to the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred for legal representation regarding an alleged violation that may be addressed pursuant to subsection (c) or (d) of this Section or pursuant to Section 42 of this Act, the Agency shall issue and serve, by certified mail, upon the person complained against a written notice informing that person that the Agency intends to pursue legal action. Such notice shall notify the person complained against of the violations to be alleged and offer the person an opportunity to meet with appropriate Agency personnel in an effort to resolve any alleged violations that could lead to the filing of a formal complaint. The meeting with Agency personnel shall be held within 30 days of receipt of notice served pursuant to this subsection upon the person complained against, unless the Agency agrees to a postponement or the person notifies the Agency that he or she will not appear at a meeting within the 30 day time period. Nothing in this subsection is intended to preclude the Agency from following the provisions of subsection (c) or (d) of this Section or from requesting the legal representation of the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violations occurred for alleged violations which remain the subject of disagreement between the Agency and the person complained against after the provisions of this

subsection are fulfilled.

(c)(1) For alleged violations which remain the subject of disagreement between the Agency and the person complained against following waiver, pursuant to subdivision (10) of subsection (a) of this Section, or fulfillment of the requirements of subsections (a) and (b) of this Section, the Office of the Illinois Attorney General or the State's Attorney of the county in which the alleged violation occurred shall issue and serve upon the person complained against a written notice, together with a formal complaint, which shall specify the provision of the Act or the rule or regulation or permit or term or condition thereof under which such person is said to be in violation, and a statement of the manner in, and the extent to which such person is said to violate the Act or such rule or regulation or permit or term or condition thereof and shall require the person so complained against to answer the charges of such formal complaint at a hearing before the Board at a time not less than 21 days after the date of notice by the Board, except as provided in Section 34 of this Act. Such complaint shall be accompanied by a notification to the defendant that financing may be available, through the Illinois Environmental Facilities Financing Act, to correct such violation. A copy of such notice of such hearings shall also be sent to any person that has complained to the Agency respecting the respondent within the six months preceding the date of the complaint, and to any person in the county in which the offending activity occurred that has requested notice of enforcement proceedings; 21 days notice of such hearings shall also be published in a newspaper of general circulation in such county. The respondent may file a written answer, and at such hearing the rules prescribed in Sections 32 and 33 of this Act shall apply. In the case of actual or threatened acts outside Illinois contributing to environmental damage in Illinois, the extraterritorial service-of-process provisions of Sections 2-208 and 2-209 of the Code of Civil Procedure shall apply.

With respect to notices served pursuant to this subsection (c)(1) which involve hazardous material or wastes in any manner, the Agency shall annually publish a list of all such notices served. The list shall include the date the investigation commenced, the date notice was sent, the date the matter was referred to the Attorney General, if applicable, and the current status of the matter.

(2) Notwithstanding the provisions of subdivision (1) of this subsection (c), whenever a complaint has been filed on behalf of the Agency or by the People of the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1). Unless the Board, in its discretion, concludes that a hearing will be held, the Board shall cause notice of the stipulation, proposal and request for relief to be published and sent in the same manner as is required for hearing pursuant to subdivision (1) of this subsection. The notice shall include a statement that any person may file a written demand for hearing within 21 days after receiving the notice. If any person files a timely written demand for hearing, the Board shall deny the request for relief from a hearing and shall hold a hearing in accordance with the provisions of subdivision (1).

(3) Notwithstanding the provisions of subdivision (1) of this subsection (c), if the Agency becomes aware of a violation of this Act arising from, or as a result of, voluntary pollution prevention activities, the Agency shall not proceed with the written notice required by subsection (a) of this Section unless:

(A) the person fails to take corrective action or eliminate the reported violation within a reasonable time; or

(B) the Agency believes that the violation poses a substantial and imminent danger to the public health or welfare or the environment. For the purposes of this item (B), "substantial and imminent danger" means a danger with a likelihood of serious or irreversible harm.

(d)(1) Any person may file with the Board a complaint, meeting the requirements of subsection (c) of this Section, against any person allegedly violating this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order. ~~or any rule or regulation thereunder or any permit or term or condition thereof.~~ The complainant shall immediately serve a copy of such complaint upon the person or persons named therein. Unless the Board determines that such complaint is duplicative or frivolous, it shall schedule a hearing and serve written notice thereof upon the person or persons named therein, in accord with subsection (c) of this Section.

(2) Whenever a complaint has been filed by a person other than the Attorney General or the State's Attorney, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the hearing requirement of subdivision (c)(1) of this Section. Unless the Board, in its discretion, concludes that a hearing should be held, no hearing on the stipulation and proposal for settlement is required.

(e) In hearings before the Board under this Title the burden shall be on the Agency or other complainant to show either that the respondent has caused or threatened to cause air or water pollution or that the respondent has violated or threatens to violate any provision of this Act or any rule or regulation of the Board or permit or term or condition thereof. If such proof has been made, the burden shall be on the respondent to show that compliance with the Board's regulations would impose an arbitrary or unreasonable hardship.

(f) The provisions of this Section shall not apply to administrative citation actions commenced under Section 31.1 of this Act. (Source: P.A. 92-574, eff. 6-26-02.)

(415 ILCS 5/33) (from Ch. 111 1/2, par. 1033)

Sec. 33. Board orders. (a) After due consideration of the written and oral statements, the testimony and arguments that shall be submitted at the hearing, or upon default in appearance of the respondent on return day specified in the notice, the Board shall issue and enter such final order, or make such final determination, as it shall deem appropriate under the circumstances. It shall not be a defense to findings of violations of the provisions of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, ~~the Act or Board regulations~~ or a bar to the assessment of civil penalties that the person has come into compliance subsequent to the violation, except where such action is barred by any applicable State or federal statute of limitation. In all such matters the Board shall file and publish a written opinion stating the facts and reasons leading to its decision. The Board shall immediately notify the respondent of such order in writing by registered mail.

(b) Such order may include a direction to cease and desist from violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order ~~the Act or of the Board's rules and regulations any permit or term or condition thereof~~, and/or the imposition by the Board of civil penalties in accord with Section 42 of this Act. The Board may also revoke the permit as a penalty for violation. If such order includes a reasonable delay during which to correct a violation, the Board may require the posting of sufficient performance bond or other security to assure the correction of such violation within the time prescribed.

(c) In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges or deposits involved including, but not limited to:

(i) the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;

(ii) the social and economic value of the pollution source;

(iii) the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;

(iv) the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and

(v) any subsequent compliance.

Whenever a proceeding before the Board may affect the right of the public individually or collectively to the use of community sewer or water facilities provided by a municipally owned or publicly regulated company, the Board shall at least 30 days prior to the scheduled date of the first hearing in such proceeding, give notice of the date, time, place, and purpose of such hearing by public advertisement in a newspaper of general circulation in the area of the State concerned. The Board shall conduct a full and complete hearing into the social and economic impact which would result from restriction or denial of the right to use such facilities and allow all persons claiming an interest to intervene as parties and present evidence of such social and economic impact.

(d) All orders issued and entered by the Board pursuant to this Section shall be enforceable by injunction, mandamus, or other appropriate remedy, in accordance with Section 42 of this Act. (Source: P.A. 85-1041; 86-1363.)

(415 ILCS 5/35) (from Ch. 111 1/2, par. 1035)

Sec. 35. Variances; general provisions. To the extent consistent with applicable provisions of the Federal Water Pollution Control Act, as now or hereafter amended, the Federal Safe Drinking Water Act (P.L. 93-523), as now or hereafter amended, the Clean Air Act as amended in 1977 (P.L. 95-95), and regulations pursuant thereto, and to the extent consistent with applicable provisions of the Federal Resource Conservation and Recovery Act of 1976 (P.L. 94-580), and regulations pursuant thereto:~~,~~

(a) The Board may grant individual variances beyond the limitations prescribed in this Act, whenever it is found, upon presentation of adequate proof, that compliance with any rule or regulation, requirement or order of the Board would impose an arbitrary or unreasonable hardship. However, the Board is not required to find that an arbitrary or unreasonable hardship exists exclusively because the regulatory standard is under review and the costs of compliance are

substantial and certain. In granting or denying a variance the Board shall file and publish a written opinion stating the facts and reasons leading to its decision.

(b) The Agency ~~Board~~ shall grant provisional variances whenever it is found, upon presentation of adequate proof, ~~only upon notification from the Agency~~ that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement, would impose an arbitrary or unreasonable hardship. ~~Such provisional variances shall be issued within 2 working days of notification from the Agency.~~ (Source: P.A. 86-671.)

(415 ILCS 5/36) (from Ch. 111 1/2, par. 1036)

Sec. 36. Variances and provisional variances. (a) In granting a variance the Board may impose such conditions as the policies of this Act may require. If the hardship complained of consists solely of the need for a reasonable delay in which to correct a violation of this Act or of the Board regulations, the Board shall condition the grant of such variance upon the posting of sufficient performance bond or other security to assure the completion of the work covered by the variance. The Board shall have no authority to delegate to the Agency its powers to require such performance bond. The original amount of such performance bond shall not exceed the reasonable cost of the work to be completed pursuant to the variance. The obligation under such bond shall at no time exceed the reasonable cost of work remaining pursuant to the variance.

(b) Except as provided by Section 38 of this Act, any variance granted pursuant to the provisions of this Section shall be granted for such period of time, not exceeding five years, as shall be specified by the Board at the time of the grant of such variance, and upon the condition that the person who receives such variance shall make such periodic progress reports as the Board shall specify. Such variance may be extended from year to year by affirmative action of the Board, but only if satisfactory progress has been shown.

(c) Any provisional variance granted by the Agency ~~Board~~ pursuant to subsection (b) of Section 35 shall be for a period of time not to exceed 45 days. A provisional variance may be extended ~~Upon receipt of a recommendation from the Agency to extend this time period, the Board shall grant~~ up to an additional 45 days by written decision of the Agency. The provisional variances granted to any one person shall not exceed a total of 90 days during any calendar year. (Source: P.A. 81-1442.)

(415 ILCS 5/37) (from Ch. 111 1/2, par. 1037)

Sec. 37. Variances; procedures. (a) Any person seeking a variance pursuant to subsection (a) of Section 35 shall do so by filing a petition for variance with the Board and the Agency. Any person filing such a petition shall pay a filing fee. The Agency shall promptly give written notice of such petition to any person in the county in which the installation or property for which variance is sought is located who has in writing requested notice of variance petitions, the State's attorney of such county, the Chairman of the County Board of such county, and to each member of the General Assembly from the legislative district in which that installation or property is located, and shall publish a single notice of such petition in a newspaper of general circulation in such county. The notices required by this Section shall include the street address, and if there is no street address then the legal description or the location with reference to any well known landmark, highway, road, thoroughfare or intersection.

The Agency shall promptly investigate such petition and consider the views of persons who might be adversely affected by the grant of a variance. The Agency shall make a recommendation to the Board as to the disposition of the petition. If the Board, in its discretion, concludes that a hearing would be advisable, or if the Agency or any other person files a written objection to the grant of such variance within 21 days, together with a written request for hearing, then a hearing shall be held, under the rules prescribed in Sections 32 and 33 (a) of this Act, and the burden of proof shall be on the petitioner.

(b) Any person seeking a provisional variance pursuant to subsection (b) of Section 35 shall make a request to the Agency. The Agency shall promptly investigate and consider the merits of the request. ~~The Agency may notify the Board of its recommendation.~~ If the Agency fails to take final action within 30 days after receipt of the request for a provisional variance, or if the Agency denies the request, the person may initiate a proceeding with the Board under subsection (a) of Section 35.

If the Agency grants a provisional variance, the Agency must promptly file a copy of its written decision with the Board, and ~~the Board~~ shall give prompt notice of its action to the public by issuing a press release for distribution to newspapers of general circulation in the county. The Board must maintain for public inspection copies of all provisional variances filed with it by the Agency. (Source: P.A. 87-914; 88-474.)

(415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

Sec. 42. Civil penalties. (a) Except as provided in this Section, any person that violates any provision of this Act or any regulation adopted by the Board, or any permit or term or condition thereof, or that violates any ~~determination or~~ order of the Board pursuant to this Act, shall be liable

for ~~to~~ a civil penalty of not to exceed $50,000 for the violation and an additional civil penalty of not to exceed $10,000 for each day during which the violation continues; such penalties may, upon order of the Board or a court of competent jurisdiction, be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act.

(b) Notwithstanding the provisions of subsection (a) of this Section:

(1) Any person that violates Section 12(f) of this Act or any NPDES permit or term or condition thereof, or any filing requirement, regulation or order relating to the NPDES permit program, shall be liable to a civil penalty of not to exceed $10,000 per day of violation.

(2) Any person that violates Section 12(g) of this Act or any UIC permit or term or condition thereof, or any filing requirement, regulation or order relating to the State UIC program for all wells, except Class II wells as defined by the Board under this Act, shall be liable to a civil penalty not to exceed $2,500 per day of violation; provided, however, that any person who commits such violations relating to the State UIC program for Class II wells, as defined by the Board under this Act, shall be liable to a civil penalty of not to exceed $10,000 for the violation and an additional civil penalty of not to exceed $1,000 for each day during which the violation continues.

(3) Any person that violates Sections 21(f), 21(g), 21(h) or 21(i) of this Act, or any RCRA permit or term or condition thereof, or any filing requirement, regulation or order relating to the State RCRA program, shall be liable to a civil penalty of not to exceed $25,000 per day of violation.

(4) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (o) of Section 21 of this Act shall pay a civil penalty of $500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency. Such penalties shall be made payable to the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(4-5) In an administrative citation action under Section 31.1 of this Act, any person found to have violated any provision of subsection (p) of Section 21 of this Act shall pay a civil penalty of $1,500 for each violation of each such provision, plus any hearing costs incurred by the Board and the Agency, except that the civil penalty amount shall be ~~a first offense and~~ $3,000 for each violation of any provision of subsection (p) of Section 21 that is the person's ~~a~~ second or subsequent adjudicated violation of that provision ~~offense, plus any hearing costs incurred by the Board and the Agency~~. The penalties shall be deposited into the Environmental Protection Trust Fund, to be used in accordance with the provisions of the Environmental Protection Trust Fund Act; except that if a unit of local government issued the administrative citation, 50% of the civil penalty shall be payable to the unit of local government.

(5) Any person who violates subsection 6 of Section 39.5 of this Act or any CAAPP permit, or term or condition thereof, or any fee or filing requirement, or any duty to allow or carry out inspection, entry or monitoring activities, or any regulation or order relating to the CAAPP shall be liable for a civil penalty not to exceed $10,000 per day of violation.

(b.5) In lieu of the penalties set forth in subsections (a) and (b) of this Section, any person who fails to file, in a timely manner, toxic chemical release forms with the Agency pursuant to Section 25b-2 of this Act shall be liable for a civil penalty of $100 per day for each day the forms are late, not to exceed a maximum total penalty of $6,000. This daily penalty shall begin accruing on the thirty-first day after the date that the person receives the warning notice issued by the Agency pursuant to Section 25b-6 of this Act; and the penalty shall be paid to the Agency. The daily accrual of penalties shall cease as of January 1 of the following year. All penalties collected by the Agency pursuant to this subsection shall be deposited into the Environmental Protection Permit and Inspection Fund.

(c) Any person that violates this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order ~~or an order or other determination of the Board under this Act~~ and causes the death of fish or aquatic life shall, in addition to the other penalties provided by this Act, be liable to pay to the State an additional sum for the reasonable value of the fish or aquatic life destroyed. Any money so recovered shall be placed in the Wildlife and Fish Fund in the State Treasury.

(d) The penalties provided for in this Section may be recovered in a civil action.

(e) The State's Attorney of the county in which the violation occurred, or the Attorney General, may, at the request of the Agency or on his own motion, institute a civil action for an injunction to restrain violations of this Act, any rule or regulation adopted under this Act, any permit or term or

condition of a permit, or any Board order.

(f) The State's Attorney of the county in which the violation occurred, or the Attorney General, shall bring such actions in the name of the people of the State of Illinois. Without limiting any other authority which may exist for the awarding of attorney's fees and costs, the Board or a court of competent jurisdiction may award costs and reasonable attorney's fees, including the reasonable costs of expert witnesses and consultants, to the State's Attorney or the Attorney General in a case where he has prevailed against a person who has committed a wilful, knowing or repeated violation of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order ~~the Act~~.

Any funds collected under this subsection (f) in which the Attorney General has prevailed shall be deposited in the Hazardous Waste Fund created in Section 22.2 of this Act. Any funds collected under this subsection (f) in which a State's Attorney has prevailed shall be retained by the county in which he serves.

(g) All final orders imposing civil penalties pursuant to this Section shall prescribe the time for payment of such penalties. If any such penalty is not paid within the time prescribed, interest on such penalty at the rate set forth in subsection (a) of Section 1003 of the Illinois Income Tax Act, shall be paid for the period from the date payment is due until the date payment is received. However, if the time for payment is stayed during the pendency of an appeal, interest shall not accrue during such stay.

(h) In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or (b)(5) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

(1) the duration and gravity of the violation;

(2) the presence or absence of due diligence on the part of the violator in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;

(3) any economic benefits accrued by the violator because of delay in compliance with requirements;

(4) the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and

(5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

(Source: P.A. 90-773, eff. 8-14-98; 91-82, eff. 1-1-00.)

(415 ILCS 5/45) (from Ch. 111 1/2, par. 1045)

Sec. 45. Injunctive and other relief. (a) No existing civil or criminal remedy for any wrongful action shall be excluded or impaired by this Act. Nothing in this Act shall be construed to limit or supersede the provisions of the Illinois Oil and Gas Act and the powers therein granted to prevent the intrusion of water into oil, gas or coal strata and to prevent the pollution of fresh water supplies by oil, gas or salt water or oil field wastes, except that water quality standards as set forth by the Pollution Control Board apply to and are effective within the areas covered by and affected by permits issued by the Department of Natural Resources. However, if the Department of Natural Resources fails to act upon any complaint within a period of 10 working days following the receipt of a complaint by the Department, the Environmental Protection Agency may proceed under the provisions of this Act.

(b) Any person adversely affected in fact by a violation of this Act, any rule or regulation adopted under this Act, ~~or~~ any permit or term or condition of a permit, or any Board order may sue for injunctive relief against such violation. However, except as provided in subsections ~~subsection~~ (d) and (e), no action shall be brought under this Section until 30 days after the plaintiff has been denied relief by the Board in a proceeding brought under subdivision (d)(1) ~~subsection (d)~~ of Section 31 of this Act. The prevailing party shall be awarded costs and reasonable attorneys' fees.

(c) Nothing in Section 39.4 of this Act shall limit the authority of the Agency to proceed with enforcement under the provisions of this Act for violations of terms and conditions of an endorsed agrichemical facility permit, an endorsed lawncare containment permit, or this Act or regulations hereunder caused or threatened by an agrichemical facility or a lawncare wash water containment area, provided that prior notice is given to the Department of Agriculture which provides that Department an opportunity to respond as appropriate.

(d) If the State brings an action under this Act against a person with an interest in real property upon which the person is alleged to have allowed open dumping or open burning by a third party in violation of this Act, which action seeks to compel the defendant to remove the waste or otherwise clean up the site, the defendant may, in the manner provided by law for third-party complaints, bring

in as a third-party defendant a person who with actual knowledge caused or contributed to the illegal open dumping or open burning, or who is or may be liable for all or part of the removal and cleanup costs. The court may include any of the parties which it determines to have, with actual knowledge, allowed, caused or contributed to the illegal open dumping or open burning in any order that it may issue to compel removal of the waste and cleanup of the site, and may apportion the removal and cleanup costs among such parties, as it deems appropriate. However, a person may not seek to recover any fines or civil penalties imposed upon him under this Act from a third-party defendant in an action brought under this subsection.

(e) A final order issued by the Board pursuant to Section 33 of this Act may be enforced through a civil action for injunctive or other relief instituted by a person who was a party to the Board enforcement proceeding in which the Board issued the final order. (Source: P.A. 91-357, eff. 7-29-99; 92-574, eff. 6-26-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 222, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to environmental protection."; and

immediately below the enacting clause, by inserting the following: "ARTICLE I. Recommendations of the Illinois

Environmental Regulatory Review Commission."; and

after the end of Section 10, by inserting the following: "ARTICLE II. Non-IERRC provisions.

Section 25. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Oil Spill Response Fund. Section 30. The Environmental Protection Act is amended by adding Title VI-C as follows:

(415 ILCS 5/Tit. VI-C heading new)

TITLE VI-C: OIL SPILL RESPONSE

(415 ILCS 5/25c-1 new)

Sec. 25c-1. Oil Spill Response Fund.

(a) There is hereby created within the State Treasury an interest-bearing special fund to be known as the Oil Spill Response Fund. There shall be deposited into the Fund all monies recovered as reimbursement for response costs incurred by the Agency from parties responsible for releases or threats of release of petroleum, monies provided to the State from the federal Oil Spill Liability Trust Fund, and such other monies as may be received for this purpose through contributions, gifts, or supplemental environmental projects, pursuant to court orders or decrees, or from any other source.

(b) Pursuant to appropriation, all monies in the Oil Spill Response Fund may be used by the Agency for all of the following purposes:

(1) Responding to releases or threats of release of petroleum that may constitute a substantial danger to the environment or human health or welfare.

(2) Contractual expenses and purchases of equipment or supplies necessary to enable prompt response to releases or threats of release of petroleum and to provide effective mitigation of such releases or threats of release.

(3) Costs of investigation and assessment of the source, nature, and extent of a release or threatened release of petroleum and any resulting injuries or damages.

(4) Costs associated with planning and training for response to releases and threats of release of petroleum.

(5) Costs associated with preparing and submitting claims of the Agency to the federal Oil Spill Liability Trust Fund.

(c) For the purposes of implementing this Section, "petroleum" means crude oil, refined petroleum, intermediates, fractions or constituents of petroleum, brine or salt water from oil production, oil sheens, hydrocarbon vapors, and any other form of oil or petroleum.

(d) In addition to any other authority provided by State or federal law, the Agency shall be entitled to recovery of costs incurred by it in response to releases and threats of release of petroleum from any persons who are responsible for causing, allowing, or threatening such releases.

Section 35. The Response Action Contractor Indemnification Act is amended by changing

Sections 4 and 5 as follows:

(415 ILCS 100/4) (from Ch. 111 1/2, par. 7204)

Sec. 4. (a) In the event that any civil proceeding arising out of a State response action contract is commenced against any response action contractor, the Attorney General shall, upon timely and appropriate notice to him by such contractor, appear on behalf of such contractor and defend the action. Any such notice shall be in writing, shall be mailed within 15 days after the date of receipt by the contractor of service of process, and shall authorize the Attorney General to represent and defend the contractor in the proceeding. The giving of this notice to the Attorney General shall constitute an agreement by the contractor to cooperate with the Attorney General in his defense of the action and a consent that the Attorney General shall conduct the defense as he deems advisable and in the best interests of the contractor and the State, including settlement in the Attorney General's discretion. In any such proceeding, the State shall pay the court costs and litigation expenses of defending such action, to the extent approved by the Attorney General as reasonable, as they are incurred.

In the event that the Attorney General determines either (1) that so appearing and defending a contractor involves an actual or potential conflict of interest, or (2) that the act or omission which gave rise to the claim was not within the scope of the State response action contract, or was intentional, willful or wanton misconduct, the Attorney General shall decline in writing to appear or defend or shall promptly take appropriate action to withdraw as attorney for such contractor. Upon receipt of such declination or withdrawal by the Attorney General on the basis of an actual or potential conflict of interest, the contractor may employ his own attorney to appear and defend, in which event the State shall pay the contractor's court costs, litigation expenses and attorneys' fees to the extent approved by the Attorney General as reasonable, as they are incurred.

(b) In any civil proceeding arising out of a State response action contract in which notice was given to the Attorney General under subsection (a), if the court or jury finds that the act or omission of the response action contractor was within the scope of the State response action contract and was not intentional, willful or wanton misconduct, the court shall so state in its judgement, and the State shall indemnify the contractor for any damages awarded and court costs and attorneys' fees assessed as part of the final and unreversed judgment. In such event, if the Attorney General declined to appear or withdrew on the grounds that the act or omission was not within the scope of the State response action contract, or was intentional, willful or wanton misconduct, the State shall also pay the contractor's court costs, litigation expenses and attorneys fees to the extent approved by the Attorney General as reasonable.

(c) Unless the Attorney General determines that the conduct or inaction which gave rise to the claim or cause of action was not within the scope of the State response action contract, or was intentional, willful or wanton misconduct, any case in which notice was given pursuant to subsection (a) may be settled, in the Attorney General's discretion, and the State shall indemnify the contractor for any damages, court costs and attorneys' fees agreed to as part of the settlement. If the contractor is represented by private counsel, any settlement which obligates the State to indemnify the contractor must be approved by the Attorney General and the court having jurisdiction.

(d) Court costs and litigation expenses and other costs of providing a defense, including attorneys' fees, paid or obligated under this Section, and the costs of indemnification, including the payment of any final judgment or final settlement under this Section, shall be paid by warrant from the Response Contractors Indemnification Fund pursuant to vouchers certified by the Attorney General.

(e) Nothing contained or implied in this Section shall operate, or be construed or applied, to deprive the State, or any response action contractor, of any defense otherwise available.

(f) Any judgment subject to State indemnification under this Section shall not be enforceable against the response action contractor, but shall be paid by the State in the following manner. Upon receipt of a certified copy of the judgment, the Attorney General shall review it to determine if the judgment is (1) final, unreversed and no longer subject to appeal, and (2) subject to indemnification under this Section. If he determines that it is, he shall submit a voucher for the amount of the judgment and any interest thereon to the State Comptroller, and the amount shall be paid by warrant to the judgment creditor solely out of funds available in the Response Contractors Indemnification Fund. ~~If the balance in such Fund is insufficient to pay any properly certified voucher for a warrant drawn thereon, the Comptroller shall transfer the necessary amount to the Fund from the General Revenue Fund.~~ In no event will the amount paid for a single occurrence surpass $100,000 ~~$2,000,000~~, provided that this limitation shall not render any portion of the judgment enforceable against the response action contractor. (Source: P.A. 84-1445.)

(415 ILCS 100/5) (from Ch. 111 1/2, par. 7205)

Sec. 5. Response Contractors Indemnification Fund. (a) There is hereby created the Response Contractors Indemnification Fund. The State Treasurer, ex officio, shall be custodian of

the Fund, and the Comptroller shall direct payments from the Fund upon vouchers properly certified by the Attorney General in accordance with Section 4. The Treasurer shall credit interest on the Fund to the Fund.

(b) Every State response action contract shall provide that 5% of each payment to be made by the State under the contract shall be paid by the State directly into the Response Contractors Indemnification Fund rather than to the contractor, except that when there is at least $100,000 ~~more than $2,000,000~~ in the Fund at the beginning of a State fiscal year, State response action contracts during that fiscal year need not provide that 5% of each payment made under the contract be paid into the Fund. When only a portion of a contract relates to a remedial or response action, or to the identification, handling, storage, treatment or disposal of a pollutant, the contract shall provide that only that portion is subject to this subsection.

(c) Within 30 days after the effective date of this amendatory Act of 1997, the Comptroller shall order transferred and the Treasurer shall transfer $1,200,000 from the Response Contractors Indemnification Fund to the Brownfields Redevelopment Fund. The Comptroller shall order transferred and the Treasurer shall transfer $1,200,000 from the Response Contractors Indemnification Fund to the Brownfields Redevelopment Fund on the first day of fiscal years 1999, 2000, 2001, 2002, and 2003~~, 2004, and 2005~~.

(d) Within 30 days after the effective date of this amendatory Act of the 91st General Assembly, the Comptroller shall order transferred and the Treasurer shall transfer $2,000,000 from the Response Contractors Indemnification Fund to the Asbestos Abatement Fund.

(e) Within 30 days after the effective date of this amendatory Act of the 93rd General Assembly, the Comptroller shall order transferred and the Treasurer shall transfer all monies in the Response Action Contractor Indemnification Fund in excess of $100,000 from the Response Action Contractor Indemnification Fund to the Brownfields Redevelopment Fund. (Source: P.A. 91-704, eff. 7-1-00; 92-486, eff. 1-1-02.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Clayborne, **Senate Bill No. 223** 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. 240** 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 240 as follows:
on page 1, line 13, by changing "1 ~~2~~" to "2"; and
on page 1, line 15, by changing "3 ~~4~~" to "4"; and
on page 1, line 16, by changing "2 ~~3~~" to "3"; and
on page 1, line 24, by changing "1 ~~2~~" to "2"; and
on page 1, line 26, by changing "1 ~~2~~" to "2"; and
on page 1, line 28, by changing "2 ~~3~~" to "3"; and
on page 1, line 31, by changing "2 ~~3~~" to "3"; and
on page 2, line 2, by changing "3 ~~4~~" to "4"; and
on page 2, line 3, by changing "2 ~~3~~" to "3"; and
on page 2, line 7, by changing "2 ~~3~~" to "3".

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 Silverstein, **Senate Bill No. 242** 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 242 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing the heading of Article 16G and Sections 16G-1, 16G-5, 16G-10, 16G-15, 16G-20, 16G-21, and 16G-25 as follows:

(720 ILCS 5/Article 16G heading) ARTICLE 16G ~~FINANCIAL~~ IDENTITY THEFT ~~AND ASSET FORFEITURE~~ LAW

(720 ILCS 5/16G-1)

Sec. 16G-1. Short title. This Article may be cited as the ~~Financial~~ Identity Theft ~~and Asset Forfeiture~~ Law. (Source: P.A. 91-517, eff. 8-13-99.)

(720 ILCS 5/16G-5)

Sec. 16G-5. Legislative declaration. (a) It is the public policy of this State that the substantial burden placed upon the economy of this State as a result of the rising incidence of ~~financial~~ identity theft and the negative effect of this crime on the People of this State and its victims is a matter of grave concern to the People of this State who have the right to be protected in their health, safety, and welfare from the effects of this crime, and therefore ~~financial~~ identity theft shall be identified and dealt with swiftly and appropriately considering the onerous nature of the crime.

(b) The widespread availability and unauthorized access to personal identification information have led and will lead to a substantial increase in identity theft related crimes. (Source: P.A. 91-517, eff. 8-13-99.)

(720 ILCS 5/16G-10)

Sec. 16G-10. Definitions. In this Article unless the context otherwise requires:

(a) "Personal identification document" means a birth certificate, a drivers license, a State identification card, a public, government, or private employment identification card, a social security card, a firearm owner's identification card, a credit card, a debit card, or a passport issued to or on behalf of a person other than the offender, or any document made or issued, or falsely purported to have been made or issued, by or under the authority of the United States Government, the State of Illinois, or any other State political subdivision of any state, or any other governmental or quasi-governmental organization that is of a type intended for the purpose of identification of an individual, or any such document made or altered in a manner that it falsely purports to have been made on behalf of or issued to another person or by the authority of one who did not give that authority.

(b) "Personal identifying information" means any of the following information:

(1) A person's name;

(2) A person's address;

(2.5) A person's date of birth;

(3) A person's telephone number;

(4) A person's drivers license number or State of Illinois identification card as assigned by the Secretary of State of the State of Illinois or a similar agency of another state;

(5) A person's Social Security number;

(6) A person's public, private, or government employer, place of employment, or employment identification number;

(7) The maiden name of a person's mother;

(8) The number assigned to a person's depository account, savings account, or brokerage account;

(9) The number assigned to a person's credit or debit card, commonly known as a "Visa Card", "Master Card", "American Express Card", "Discover Card", or other similar cards whether issued by a financial institution, corporation, or business entity;

(10) Personal identification numbers;

(11) Electronic identification numbers;

(12) Digital signals;

(13) Any other numbers or information which can be used to access a person's financial resources, or to identify a specific individual.

(c) "Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, computer hardware, computer software, instrument, or device that is used to make a real or fictitious or fraudulent personal identification document. (Source: P.A. 91-517, eff. 8-13-99.)

(720 ILCS 5/16G-15)

Sec. 16G-15. ~~Financial~~ identity theft. (a) A person commits the offense of ~~financial~~ identity theft when he or she knowingly:

(1) uses any personal identifying information or personal identification document of another person to fraudulently obtain credit, money, goods, services, or other property, or~~-~~

(2) uses any personal identification information or personal identification document of another with intent to commit any felony theft or other felony violation of State law not set forth in paragraph (1) of this subsection (a), or

(3) obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another with intent to commit or to aid or abet another in committing any felony theft or other felony violation of State law, or

(4) uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another knowing that such personal identification information or personal identification documents were stolen or produced without lawful authority, or

(5) uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of State law.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of ~~financial~~ identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) A person convicted of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:

(A) ~~Financial~~ identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class A misdemeanor. A person who has been previously convicted of ~~financial~~ identity theft of less than $300 who is convicted of a second or subsequent offense of ~~financial~~ identity theft of less than $300 is guilty of a Class 4 felony. A person who has been convicted of ~~financial~~ identity theft of less than $300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or financial exploitation of an elderly or disabled person is guilty of a Class 4 felony. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(B) ~~(2) Financial~~ Identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $2,000 in value is a Class 4 felony.

(C) ~~(3) Financial~~ Identity theft of credit, money, goods, services, or other property exceeding $2,000 and not exceeding $10,000 in value is a Class 3 felony.

(D) ~~(4) Financial~~ Identity theft of credit, money, goods, services, or other property exceeding $10,000 and not exceeding $100,000 in value is a Class 2 felony.

(E) ~~(5) Financial~~ Identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class 1 felony.

(2) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) is guilty of a Class 4 felony.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a Class 3 felony.

(4) A person who, within a 12 month period, is found in violation of any offense enumerated in paragraphs (2) through (5) of subsection (a) with respect to the identifiers of 3 or more separate individuals, at the same time or consecutively, is guilty of a Class 3 felony.

(Source: P.A. 91-517, eff. 8-13-99; 92-792, eff. 8-6-02.)

(720 ILCS 5/16G-20)

Sec. 16G-20. Aggravated ~~financial~~ identity theft. (a) A person commits the offense of aggravated ~~financial~~ identity theft when he or she commits the offense of ~~financial~~ identity theft as set forth in subsection (a) of Section 16G-15 against a person 60 years of age or older or a disabled person as defined in Section 16-1.3 of this Code.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of aggravated ~~financial~~ identity theft of credit, money, goods, services, or other property exceeding a specified value is brought the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) A defense to aggravated ~~financial~~ identity theft does not exist merely because the accused reasonably believed the victim to be a person less than 60 years of age.

(e) Sentence.

(1) Aggravated ~~financial~~ identity theft of credit, money, goods, services, or other property not exceeding $300 in value is a Class 4 felony.

(2) Aggravated ~~financial~~ identity theft of credit, money, goods, services, or other property exceeding $300 and not exceeding $10,000 in value is a Class 3 felony.

(3) Aggravated ~~financial~~ identity theft of credit, money, goods, services, or other property exceeding $10,000 in value and not exceeding $100,000 in value is a Class 2 felony.

(4) Aggravated ~~financial~~ identity theft of credit, money, goods, services, or other property exceeding $100,000 in value is a Class 1 felony.

(5) A person who has been previously convicted of aggravated ~~financial~~ identity theft regardless of the value of the property involved who is convicted of a second or subsequent offense of aggravated ~~financial~~ identity theft regardless of the value of the property involved is guilty of a Class X felony.

(Source: P.A. 91-517, eff. 8-13-99.)

(720 ILCS 5/16G-21)

Sec. 16G-21. Civil remedies. A person who is convicted of ~~financial~~ identity theft or aggravated ~~financial~~ identity theft is liable in a civil action to the person who suffered damages as a result of the violation. The person suffering damages may recover court costs, attorney's fees, lost wages, and actual damages. (Source: P.A. 92-686, eff. 7-16-02.)

(720 ILCS 5/16G-25)

Sec. 16G-25. Offenders interest in the property. It is no defense to a charge of aggravated ~~financial~~ identity theft or ~~financial~~ identity theft that the offender has an interest in the credit, money, goods, services, or other property ~~obtained in the name of the other person~~. (Source: P.A. 91-517, eff. 8-13-99.)

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.

SENATE BILL TABLED

Senator Silverstein moved that **Senate Bill No. 246**, on the order of second reading, be ordered to lie on the table.

The motion to table prevailed.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Halvorson, **Senate Bill No. 252** 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 252, on page 2, line 1, after "disabilities", by inserting "or mental illness".

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. 254** 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. 255** 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. 265** having been printed, was taken up, read by title a second time.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 265 as follows:
on page 3, line 11, by replacing "Class X" with "Class 1 non-probationable"; and
on page 5, line 24, by deleting "expressly or impliedly"; and
on page 6, line 13, by replacing "Class X" with "Class 1 non-probationable".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Jacobs, **Senate Bill No. 267** 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. 280** 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. 291** 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 291 on page 1, by replacing lines 13 through 16 with the following:
"thereby. No sheriff shall be civilly liable for serving, as directed by the court, any warrant, order, process, or judgment that has been issued or affirmed by a court of the State of Illinois and that is valid on its face.".

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 291, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 3-6020 as follows:

(55 ILCS 5/3-6020) (from Ch. 34, par. 3-6020)

Sec. 3-6020. Contempt of court; damages. The disobedience of any sheriff to perform the command of any warrant, process, order or judgment legally issued to him or her, shall be deemed a contempt of the court that issued the same, and may be punished accordingly; and he or she shall be liable to the party aggrieved for all damages occasioned thereby. No sheriff shall be civilly liable for serving, as directed by the court, any warrant, order, process, or judgment that has been issued or affirmed by a court of the State of Illinois and that is valid on its face, unless the service involved willful or wanton misconduct by the sheriff. (Source: P.A. 86-962.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Ronen, **Senate Bill No. 306** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Health and Human Services.

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 306 on page 1, line 12, after the period, by inserting the following:
"These services may include comprehensive risk assessments for pregnant women, women with infants, and infants, lactation counseling, nutrition counseling, childbirth support, psychosocial counseling, treatment and prevention of periodontal disease, and other support services that have

been proven to improve birth outcomes."; and
on page 1, line 20, after the period, by inserting the following:
"Each such report shall include an evaluation of how the ratio of expenditures for treating low-birthweight infants compared with the investment in promoting healthy births and infants in local community areas throughout Illinois relates to healthy infant development in those areas.".

Senator Ronen offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 306, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Section 5-5.23 as follows:

(305 ILCS 5/5-5.23 new)

Sec. 5-5.23. Prenatal and perinatal care. The Department of Public Aid may provide reimbursement under this Article for all prenatal and perinatal health care services that are provided for the purpose of preventing low-birthweight infants, reducing the need for neonatal intensive care hospital services, and promoting perinatal health. These services may include comprehensive risk assessments for pregnant women, women with infants, and infants, lactation counseling, nutrition counseling, childbirth support, psychosocial counseling, treatment and prevention of periodontal disease, and other support services that have been proven to improve birth outcomes. The Department shall maximize the use of preventive prenatal and perinatal health care services consistent with federal statutes, rules, and regulations. The Department shall develop a plan for prenatal and perinatal preventive health care and shall present the plan to the General Assembly by January 1, 2004. On or before January 1, 2006 and every 2 years thereafter, the Department shall report to the General Assembly concerning the effectiveness of prenatal and perinatal health care services reimbursed under this Section in preventing low-birthweight infants and reducing the need for neonatal intensive care hospital services. Each such report shall include an evaluation of how the ratio of expenditures for treating low-birthweight infants compared with the investment in promoting healthy births and infants in local community areas throughout Illinois relates to healthy infant development in those areas.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 2 and 3 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 331** 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. 361** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 378** 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 378 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Human Services Act is amended by adding Section 10-26 as follows:

(20 ILCS 1305/10-26 new)

Sec. 10-26. Child care provider training.

(a) The Department of Human Services, through the Child Care Resource and Referral Program, must expand current education and training for child care providers to include a program that will educate child providers concerning:

(1) the importance of healthy brain development in the first 3 years of a child's life;

(2) the identification of risk factors and behaviors that indicate that a child needs special education or mental health services; and

(3) how to provide parents with appropriate information regarding support or intervention services available for suspected special needs or for the behaviors identified in subsection (2).

(b) Training available from the Child Care Resource and Referral Program shall include the topics in subsection (a). Participation in the training is voluntary and child care providers are subject to a fee for attending the program.

(c) The Department of Human Services may adopt any rules necessary to implement this Section.

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 Halvorson, **Senate Bill No. 390** 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. 392** having been printed, was taken up, read by title a second time.

Senator Woolard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 392, by replacing lines 23 through 31 on page 1 and line 1 on page 2 with the following:

"(c) $2,250,000 shall be transferred each month to the Grade Crossing Protection Fund to be used as follows: not less than $6,000,000 each fiscal year shall be used for the construction or reconstruction of rail highway grade separation structures; beginning with fiscal year 1997 and ending in fiscal year 2000, $1,500,000, beginning with fiscal year 2001 and ending in fiscal year 2004 ~~2003~~, $2,250,000, and $750,000 in fiscal year 2005 ~~2004~~ and each fiscal year thereafter shall be transferred to the Transportation Regulatory Fund and shall be accounted for as".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

SENATE BILL TABLED

Senator Martinez moved that **Senate Bill No. 395**, on the order of second reading, be ordered to lie on the table.

The motion to table prevailed.

At the hour of 2:33 o'clock p.m., Senator Demuzio presiding.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Schoenberg, **Senate Bill No. 399** 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. 404** 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. 410** 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 410 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 3-12 as follows:

(235 ILCS 5/3-12) (from Ch. 43, par. 108)

Sec. 3-12. Powers and duties of State Commission. (a) The State commission shall have the

following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Any action by the State Commission to suspend or revoke a licensee's license shall be limited to the license for the specific premises where the violation occurred.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. The fine imposed under this paragraph may not exceed $500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed $20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to $50.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4

employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human

Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;

(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;

(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00; 92-378, eff. 8-16-01; 92-813, eff. 8-21-02.)".

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 410, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 3-12 and 6-2 as follows:

(235 ILCS 5/3-12) (from Ch. 43, par. 108)

Sec. 3-12. Powers and duties of State Commission. (a) The State commission shall have the following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Except in the case of an action taken pursuant to a violation of Section 6-3, 6-5, or 6-9, any action by the State Commission to suspend or revoke a licensee's license shall be limited to the license for the specific premises where the violation occurred.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. The fine imposed under this paragraph may not exceed $500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed $20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to $50.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such

information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling,

particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;

(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;

(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00; 92-378, eff. 8-16-01; 92-813, eff. 8-21-02.)

(235 ILCS 5/6-2) (from Ch. 43, par. 120)

Sec. 6-2. Issuance of licenses to certain persons prohibited. (a) Except as otherwise provided in subsection (b) of this Section and in paragraph (1) of subsection (a) of Section 3-12, no license of any kind issued by the State Commission or any local commission shall be issued to:

(1) A person who is not a resident of any city, village or county in which the premises covered by the license are located; except in case of railroad or boat licenses.

(2) A person who is not of good character and reputation in the community in which he resides.

(3) A person who is not a citizen of the United States.

(4) A person who has been convicted of a felony under any Federal or State law, unless the Commission determines that such person has been sufficiently rehabilitated to warrant the public trust after considering matters set forth in such person's application and the Commission's investigation. The burden of proof of sufficient rehabilitation shall be on the applicant.

(5) A person who has been convicted of being the keeper or is keeping a house of ill fame.

(6) A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality.

(7) A person whose license issued under this Act has been revoked for cause.

(8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

(9) A copartnership, if any general partnership thereof, or any limited partnership thereof, owning more than 5% of the aggregate limited partner interest in such copartnership would not be eligible to receive a license hereunder for any reason other than residence within the political subdivision, unless residency is required by local ordinance.

(10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision.

(10a) A corporation unless it is incorporated in Illinois, or unless it is a foreign corporation which is qualified under the Business Corporation Act of 1983 to transact business in Illinois.

(11) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses the same qualifications required by the licensee.

(12) A person who has been convicted of a violation of any Federal or State law concerning the manufacture, possession or sale of alcoholic liquor, subsequent to the passage of this Act or has forfeited his bond to appear in court to answer charges for any such violation.

(13) A person who does not beneficially own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is to be issued.

(14) Any law enforcing public official, including members of local liquor control commissions, any mayor, alderman, or member of the city council or commission, any president of the village board of trustees, any member of a village board of trustees, or any president or member of a county board; and no such official shall be interested directly in the manufacture, sale, or distribution of alcoholic liquor, except that a license may be granted to such official in relation to premises that are not located within the territory subject to the jurisdiction of that official if the issuance of such license is approved by the State Liquor Control Commission and except that a license may be granted, in a city or village with a population of 50,000 or less, to any alderman, member of a city council, or member of a village board of trustees in relation to premises that are located within the territory subject to the jurisdiction of that official if (i) the sale of alcoholic liquor pursuant to the license is incidental to the selling of food, (ii) the issuance of the license is approved by the State Commission, (iii) the issuance of the license is in accordance with all applicable local ordinances in effect where the premises are located, and (iv) the official granted a license does not vote on alcoholic liquor issues pending before the board or council to which the license holder is elected.

(15) A person who is not a beneficial owner of the business to be operated by the licensee.

(16) A person who has been convicted of a gambling offense as proscribed by any of subsections (a) (3) through (a) (11) of Section 28-1 of, or as proscribed by Section 28-1.1 or 28-3 of, the Criminal Code of 1961, or as proscribed by a statute replaced by any of the aforesaid statutory provisions.

(17) A person or entity to whom a federal wagering stamp has been issued by the federal government, unless the person or entity is eligible to be issued a license under the Raffles Act or the Illinois Pull Tabs and Jar Games Act.

(b) A criminal conviction of a corporation is not grounds for the denial, suspension, or revocation of a license applied for or held by the corporation if the criminal conviction was not the result of a violation of any federal or State law concerning the manufacture, possession or sale of alcoholic liquor, the offense that led to the conviction did not result in any financial gain to the corporation and the corporation has terminated its relationship with each director, officer, employee, or controlling shareholder whose actions directly contributed to the conviction of the corporation. The Commission shall determine if all provisions of this subsection (b) have been met before any action on the corporation's license is initiated. (Source: P.A. 92-378, eff. 8-16-01.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Jacobs, **Senate Bill No. 411** 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 411 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 3-12 as follows:

(235 ILCS 5/3-12) (from Ch. 43, par. 108)

Sec. 3-12. Powers and duties of State Commission. (a) The State commission shall have the following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. The fine imposed under this paragraph may not exceed $500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed $20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to $50.

The State Commission may not revoke or suspend a licensee's license or impose a fine upon a licensee under this paragraph (1) for a violation if the applicable local liquor control commission has revoked or suspended the licensee's license or imposed a fine upon the licensee for the same violation.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts

in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;

(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;

(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00; 92-378, eff. 8-16-01; 92-813, eff. 8-21-02.)".

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 411, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 3-12 as follows:

(235 ILCS 5/3-12) (from Ch. 43, par. 108)

Sec. 3-12. Powers and duties of State Commission. (a) The State commission shall have the following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. In instances other than actions taken pursuant to a violation of Section 6-3, 6-5, or 6-9, the State Commission may suspend or revoke a licensee's license or impose a fine upon a licensee only if the appropriate local liquor control commissioner did not revoke or suspend the licensee's license or impose a fine upon the licensee. The fine imposed under this paragraph may not exceed $500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee,

for the period of the license, shall not exceed $20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to $50.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which

shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;

(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;

(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 91-553, eff. 8-14-99; 91-922, eff. 7-7-00; 92-378, eff. 8-16-01; 92-813, eff. 8-21-02.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Walsh, **Senate Bill No. 415** 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. 423** 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. 431** having been printed, was taken up, 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 Lightford, **Senate Bill No. 440** 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. 451** 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. 452** 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. 459** 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 459 on page 1, line 11, by replacing "an" with "a final"; and

on page 2, line 13, after "that", by inserting "so requests and"; and

on page 4, by deleting lines 6 through 14; and

on page 4, immediately below line 25, by inserting the following:

"Section 50. Confidentiality. Adverse actions by a peer review committee of a hospital or other health care entity are confidential as provided by State and federal law and may not be redisclosed by a health carrier without written consent of the licensed health care professional, except as provided by State and federal 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 Maloney, **Senate Bill No. 467** 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. 472** having been printed, was taken up, read by title a second time.

Committee Amendments numbered 1 and 2 were held in the Committee on Rules.

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

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 472 as follows:

by replacing the title with the following:

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

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Police Training Act is amended by changing Section 6.1 as follows:

(50 ILCS 705/6.1)

Sec. 6.1. Decertification of full-time and part-time police officers. (a) The Board must review police officer conduct and records to ensure that no police officer is certified or provided a valid waiver if that police officer has been:

(1) convicted of a felony offense under the laws of this State or any other state which if committed in this State would be punishable as a felony;~~.~~

(2) ~~The Board must also ensure that no police officer is certified or provided a valid waiver if that police officer has been~~ convicted on or after the effective date of this amendatory Act of 1999 of any misdemeanor specified in this Section or if committed in any other state would be an offense similar to Section 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961 or to Section 5 or 5.2 of the Cannabis Control Act; or

(3) the subject of an administrative determination, conducted pursuant to the rules and regulations of the law enforcement agency or department employing the police officer, of knowingly committing perjury in a criminal or quasicriminal proceeding. For the purposes of this subsection, "perjury" shall have the meaning as set forth in Section 32-2 of the Criminal Code of 1961.

The Board must appoint investigators to enforce the duties conferred upon the Board by this Act.

(b) It is the responsibility of the sheriff or the chief executive officer of every local law enforcement agency or department within this State to report to the Board any arrest, administrative determination of perjury, or conviction of any officer for an offense identified in this Section.

(c) It is the duty and responsibility of every full-time and part-time police officer in this State to report to the Board within 30 days, and the officer's sheriff or chief executive officer, of his or her arrest, administrative determination of perjury, or conviction for an offense identified in this Section. Any full-time or part-time police officer who knowingly makes, submits, causes to be submitted, or files a false or untruthful report to the Board must have his or her certificate or waiver immediately decertified or revoked.

(d) Any person, or a local or State agency, or the Board is immune from liability for submitting, disclosing, or releasing information of arrests, administrative determinations of perjury, or convictions in this Section as long as the information is submitted, disclosed, or released in good faith and without malice. The Board has qualified immunity for the release of the information.

(e) Any full-time or part-time police officer with a certificate or waiver issued by the Board who is convicted of any offense described in this Section or is subject to an administrative determination of perjury immediately becomes decertified or no longer has a valid waiver. The decertification and invalidity of waivers occurs as a matter of law. Failure of a convicted person to report to the Board his or her conviction as described in this Section or any continued law enforcement practice after receiving a conviction is a Class 4 felony.

(f) The Board's investigators are peace officers and have all the powers possessed by policemen in cities and by sheriff's, provided that the investigators may exercise those powers anywhere in the State, only after contact and cooperation with the appropriate local law enforcement authorities.

(g) The Board must request and receive information and assistance from any federal, state, or local governmental agency as part of the authorized criminal background investigation. The Department of State Police must process, retain, and additionally provide and disseminate information to the Board concerning criminal charges, arrests, convictions, and their disposition, that have been filed before, on, or after the effective date of this amendatory Act of the 91st General Assembly against a basic academy applicant, law enforcement applicant, or law enforcement officer whose fingerprint identification cards are on file or maintained by the Department of State Police. The Federal Bureau of Investigation must provide the Board any criminal history record information contained in its files pertaining to law enforcement officers or any applicant to a Board certified basic law enforcement academy as described in this Act based on fingerprint identification. The Board must make payment of fees to the Department of State Police for each fingerprint card submission in conformance with the requirements of paragraph 22 of Section 55a of the Civil Administrative Code of Illinois.

(h) As soon as possible after decertification of a police officer based upon the police officer's perjury in a criminal or quasicriminal case, the Board shall notify the defendant who was a party to a proceeding that resulted in the police officer's decertification based on the perjury. (Source: P.A. 91-495, eff. 1-1-00.)

Section 10. The Criminal Code of 1961 is amended by changing Section 9-1 as follows:

(720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

Sec. 9-1. First degree Murder - Death penalties - Exceptions - Separate Hearings - Proof - Findings - Appellate procedures - Reversals.

(a) A person who kills an individual without lawful justification commits first degree murder if, in performing the acts which cause the death:

(1) he either intends to kill or do great bodily harm to that individual or another, or knows that such acts will cause death to that individual or another; or

(2) he knows that such acts create a strong probability of death or great bodily harm to that individual or another; or

(3) he is attempting or committing a forcible felony other than second degree murder.

(b) Aggravating Factors. A defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to death if:

(1) the murdered individual was a peace officer or fireman killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was a peace officer or fireman; or

(2) the murdered individual was an employee of an institution or facility of the Department of Corrections, or any similar local correctional agency, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, or the murdered individual was an inmate at such institution or facility and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof; or

(3) the defendant has been convicted of murdering two or more individuals under subsection (a) of this Section or under any law of the United States or of any state which is substantially similar to subsection (a) of this Section regardless of whether the deaths occurred as the result of the same act or of several related or unrelated acts so long as the deaths were the result of either an intent to kill more than one person or of separate acts which the defendant knew would cause death or create a strong probability of death or great bodily harm to the murdered individual or another; or

(4) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus or other public conveyance; or

(5) the defendant committed the murder pursuant to a contract, agreement or understanding by which he was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value; or

(6) the murdered individual was killed in the course of another felony if:

(a) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with physical injuries caused by one or more persons for whose conduct the defendant is legally accountable under Section 5-2 of this Code, and the physical injuries inflicted by either the defendant or the other person or persons for whose conduct he is legally accountable caused the death of the murdered individual; and

(b) in performing the acts which caused the death of the murdered individual or which resulted in physical injuries personally inflicted by the defendant on the murdered individual under the circumstances of subdivision (ii) of subparagraph (a) of paragraph (6) of subsection (b) of this Section, the defendant acted with the intent to kill the murdered individual or with the knowledge that his acts created a strong probability of death or great bodily harm to the murdered individual or another; and

(c) the other felony was an inherently violent crime ~~one of the following: armed robbery, armed violence, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, forcible detention, arson, aggravated arson, aggravated stalking, burglary, residential burglary, home invasion, calculated criminal drug conspiracy as defined in Section 405 of the Illinois Controlled Substances Act, streetgang criminal drug conspiracy as defined in Section 405.2 of the Illinois Controlled Substances Act,~~ or the attempt to commit an inherently violent crime. In this subparagraph (c), "inherently violent crime" includes, but is not limited to, armed robbery, robbery, predatory criminal sexual assault of a child, aggravated criminal sexual assault, aggravated kidnapping, aggravated vehicular hijacking, aggravated arson, aggravated stalking, residential burglary, and home invasion ~~any of the felonies listed in this subsection (c)~~; or

(7) the murdered individual was under 12 years of age and the death resulted from

exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(8) the defendant committed the murder with intent to prevent the murdered individual from testifying in any criminal prosecution or giving material assistance to the State in any investigation or prosecution, either against the defendant or another; or the defendant committed the murder because the murdered individual was a witness in any prosecution or gave material assistance to the State in any investigation or prosecution, either against the defendant or another; or

(9) the defendant, while committing an offense punishable under Sections 401, 401.1, 401.2, 405, 405.2, 407 or 407.1 or subsection (b) of Section 404 of the Illinois Controlled Substances Act, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(10) the defendant was incarcerated in an institution or facility of the Department of Corrections at the time of the murder, and while committing an offense punishable as a felony under Illinois law, or while engaged in a conspiracy or solicitation to commit such offense, intentionally killed an individual or counseled, commanded, induced, procured or caused the intentional killing of the murdered individual; or

(11) the murder was committed in a cold, calculated and premeditated manner pursuant to a preconceived plan, scheme or design to take a human life by unlawful means, and the conduct of the defendant created a reasonable expectation that the death of a human being would result therefrom; or

(12) the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel, employed by a municipality or other governmental unit, killed in the course of performing his official duties, to prevent the performance of his official duties, or in retaliation for performing his official duties, and the defendant knew or should have known that the murdered individual was an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, or other medical assistance or first aid personnel; or

(13) the defendant was a principal administrator, organizer, or leader of a calculated criminal drug conspiracy consisting of a hierarchical position of authority superior to that of all other members of the conspiracy, and the defendant counseled, commanded, induced, procured, or caused the intentional killing of the murdered person; or

(14) the murder was intentional and involved the infliction of torture. For the purpose of this Section torture means the infliction of or subjection to extreme physical pain, motivated by an intent to increase or prolong the pain, suffering or agony of the victim; or

(15) the murder was committed as a result of the intentional discharge of a firearm by the defendant from a motor vehicle and the victim was not present within the motor vehicle; or

(16) the murdered individual was 60 years of age or older and the death resulted from exceptionally brutal or heinous behavior indicative of wanton cruelty; or

(17) the murdered individual was a disabled person and the defendant knew or should have known that the murdered individual was disabled. For purposes of this paragraph (17), "disabled person" means a person who suffers from a permanent physical or mental impairment resulting from disease, an injury, a functional disorder, or a congenital condition that renders the person incapable of adequately providing for his or her own health or personal care; or

(18) the murder was committed by reason of any person's activity as a community policing volunteer or to prevent any person from engaging in activity as a community policing volunteer; or

(19) the murdered individual was subject to an order of protection and the murder was committed by a person against whom the same order of protection was issued under the Illinois Domestic Violence Act of 1986; or

(20) the murdered individual was known by the defendant to be a teacher or other person employed in any school and the teacher or other employee is upon the grounds of a school or grounds adjacent to a school, or is in any part of a building used for school purposes; or

(21) the murder was committed by the defendant in connection with or as a result of the offense of terrorism as defined in Section 29D-30 of this Code.

(c) Consideration of factors in Aggravation and Mitigation.

The court shall consider, or shall instruct the jury to consider any aggravating and any mitigating factors which are relevant to the imposition of the death penalty. Aggravating factors may include but need not be limited to those factors set forth in subsection (b). Mitigating factors may include but need not be limited to the following:

(1) the defendant has no significant history of prior criminal activity;

(2) the murder was committed while the defendant was under the influence of extreme mental or emotional disturbance, although not such as to constitute a defense to prosecution;

(3) the murdered individual was a participant in the defendant's homicidal conduct or consented to the homicidal act;

(4) the defendant acted under the compulsion of threat or menace of the imminent infliction of death or great bodily harm;

(5) the defendant was not personally present during commission of the act or acts causing death;

(6) the defendant's background includes a history of extreme emotional or physical abuse;

(7) the defendant suffers from a reduced mental capacity.

(d) Separate sentencing hearing.

Where requested by the State, the court shall conduct a separate sentencing proceeding to determine the existence of factors set forth in subsection (b) and to consider any aggravating or mitigating factors as indicated in subsection (c). The proceeding shall be conducted:

(1) before the jury that determined the defendant's guilt; or

(2) before a jury impanelled for the purpose of the proceeding if:

A. the defendant was convicted upon a plea of guilty; or

B. the defendant was convicted after a trial before the court sitting without a jury; or

C. the court for good cause shown discharges the jury that determined the defendant's guilt; or

(3) before the court alone if the defendant waives a jury for the separate proceeding.

(e) Evidence and Argument.

During the proceeding any information relevant to any of the factors set forth in subsection (b) may be presented by either the State or the defendant under the rules governing the admission of evidence at criminal trials. Any information relevant to any additional aggravating factors or any mitigating factors indicated in subsection (c) may be presented by the State or defendant regardless of its admissibility under the rules governing the admission of evidence at criminal trials. The State and the defendant shall be given fair opportunity to rebut any information received at the hearing.

(f) Proof.

The burden of proof of establishing the existence of any of the factors set forth in subsection (b) is on the State and shall not be satisfied unless established beyond a reasonable doubt.

(g) Procedure - Jury.

If at the separate sentencing proceeding the jury finds that none of the factors set forth in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. If there is a unanimous finding by the jury that one or more of the factors set forth in subsection (b) exist, the jury shall consider aggravating and mitigating factors as instructed by the court and shall determine whether the sentence of death shall be imposed. If the jury determines unanimously, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence ~~that there are no mitigating factors sufficient to preclude the imposition of the death sentence~~, the court shall sentence the defendant to death. If the court does not concur with the jury determination that death is the appropriate sentence, the court shall set forth reasons in writing including what facts or circumstances the court relied upon, along with any relevant documents, that compelled the court to non-concur with the sentence. This document and any attachments shall be part of the record for appellate review.

If after weighing the factors in aggravation and mitigation, one or more jurors determines that death is not the appropriate sentence, ~~Unless the jury unanimously finds that there are no mitigating factors sufficient to preclude the imposition of the death sentence~~ the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h) Procedure - No Jury.

In a proceeding before the court alone, if the court finds that none of the factors found in subsection (b) exists, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

If the Court determines that one or more of the factors set forth in subsection (b) exists, the Court shall consider any aggravating and mitigating factors as indicated in subsection (c). If the Court determines, after weighing the factors in aggravation and mitigation, that death is the appropriate sentence ~~that there are no mitigating factors sufficient to preclude the imposition of the death sentence~~, the Court shall sentence the defendant to death.

If ~~Unless~~ the court finds that ~~there are no mitigating factors sufficient to preclude the imposition of the sentence of~~ death is not the appropriate sentence, the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections.

(h-5) Decertification as a capital case.

In a case in which the State seeks the death penalty as an appropriate sentence, at the conclusion of all evidence in the case, the court may decertify the case as a death penalty case if the court makes a written finding that the only evidence supporting the defendant's conviction is the uncorroborated testimony of an in-custody informant witness concerning the confession or admission of the defendant or that the sole evidence against the defendant is a single eyewitness or single accomplice without any other corroborating evidence.

(i) Appellate Procedure.

The conviction and sentence of death shall be subject to automatic review by the Supreme Court. Such review shall be in accordance with rules promulgated by the Supreme Court. The Illinois Supreme Court may overturn the death sentence, and order the imposition of imprisonment under Chapter V of the Unified Code of Corrections if the court finds that the death sentence is fundamentally unjust as applied to the particular case. If the Illinois Supreme Court finds that the death sentence is fundamentally unjust as applied to the particular case, independent of any procedural grounds for relief, the Illinois Supreme Court shall issue a written opinion explaining this finding.

(j) Disposition of reversed death sentence.

In the event that the death penalty in this Act is held to be unconstitutional by the Supreme Court of the United States or of the State of Illinois, any person convicted of first degree murder shall be sentenced by the court to a term of imprisonment under Chapter V of the Unified Code of Corrections.

In the event that any death sentence pursuant to the sentencing provisions of this Section is declared unconstitutional by the Supreme Court of the United States or of the State of Illinois, the court having jurisdiction over a person previously sentenced to death shall cause the defendant to be brought before the court, and the court shall sentence the defendant to a term of imprisonment under Chapter V of the Unified Code of Corrections. (Source: P.A. 91-357, eff. 7-29-99; 91-434, eff. 1-1-00; 92-854, eff. 12-5-02.)

Section 15. The Code of Criminal Procedure of 1963 is amended by changing Sections 114-13, 116-3, 122-1 and 122-2.1 and adding Article 107A and Sections 114-15, 115-21, 115-22, 116-5, and 122-2.2 as follows:

(725 ILCS 5/107A Art. heading new) ARTICLE 107A. LINEUP AND PHOTO SPREAD PROCEDURE

(725 ILCS 5/107A-5 new)

Sec. 107A-5. Lineup and photo spread procedure.

(a) All lineups shall be photographed or otherwise recorded. These photographs shall be disclosed to the accused and his or her defense counsel during discovery proceedings as provided in Illinois Supreme Court Rules. All photographs of suspects shown to an eyewitness during the photo spread shall be disclosed to the accused and his or her defense counsel during discovery proceedings as provided in Illinois Supreme Court Rules.

(b) Each eyewitness who views a lineup or photo spread shall sign a form containing the following information:

(1) The suspect might not be in the lineup or photo spread and the eyewitness is not obligated to make an identification.

(2) The eyewitness should not assume that the person administering the lineup or photo spread knows which person is the suspect in the case.

(c) Suspects in a lineup or photo spread should not appear to be substantially different from "fillers" or "distracters" in the lineup or photo spread, based on the eyewitness' previous description of the perpetrator, or based on other factors that would draw attention to the suspect.

(725 ILCS 5/114-13) (from Ch. 38, par. 114-13)

Sec. 114-13. Discovery in criminal cases. (a) Discovery procedures in criminal cases shall be in accordance with Supreme Court Rules.

(b) Any investigative, law enforcement, or other agency responsible for investigating any felony offense or participating in an investigation of any felony offense, other than defense investigators, shall provide to the authority prosecuting the offense all investigative material, including but not limited to reports, memoranda, and notes, that have been generated by or have come into the possession of the investigating agency concerning the offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information within its possession or control that would tend to negate the guilt of the accused of the offense charged or reduce his or her punishment for the offense. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these standards. (Source: Laws 1963, p. 2836.)

(725 ILCS 5/114-15 new)

Sec. 114-15. Mental retardation.

(a) In a first degree murder case in which the State seeks the death penalty as an appropriate sentence, any party may raise the issue of the defendant's mental retardation by motion. A defendant wishing to raise the issue of his or her mental retardation shall provide written notice to the State and the court as soon as the defendant reasonably believes such issue will be raised.

(b) The issue of the defendant's mental retardation shall be determined in a pretrial hearing. The court shall be the fact finder on the issue of the defendant's mental retardation and shall determine the issue by a preponderance of evidence in which the moving party has the burden of proof. The court may appoint an expert in the field of mental retardation. The defendant and the State may offer experts from the field of mental retardation. The court shall determine admissibility of evidence and qualification as an expert.

(c) In determining whether the defendant is mentally retarded, the mental retardation must have manifested itself by the age of 18. An intelligence quotient (IQ) of 75 or below is presumptive evidence of mental retardation. IQ tests and psychometric tests administered to the defendant must be the kind and type recognized by experts in the field of mental retardation. In order for the defendant to be considered mentally retarded, a low IQ must be accompanied by significant deficits in adaptive behavior in at least 2 of the following skill areas: communication, self-care, social or interpersonal skills, home living, self-direction, academics, health and safety, use of community resources, and work.

(d) Evidence of mental retardation that did not result in disqualifying the case as a capital case, may be introduced as evidence in mitigation during a capital sentencing hearing. A failure of the court to determine that the defendant is mentally retarded does not preclude the court during trial from allowing evidence relating to mental disability should the court deem it appropriate.

(e) If the court determines that a capital defendant is mentally retarded, the case shall no longer be considered a capital case and the procedural guidelines established for capital cases shall no longer be applicable to the defendant. In that case, the defendant, if convicted, shall be sentenced under the sentencing provisions of Chapter V of the Unified Code of Corrections. A denial of such a petition may be appealed to the Illinois Supreme Court.

(725 ILCS 5/115-21 new)

Sec. 115-21. Informant testimony.

(a) For the purposes of this Section, "informant" means someone who is purporting to testify about admissions made to him or her by the accused while incarcerated in a penal institution contemporaneously.

(b) This Section applies to any capital case in which the prosecution attempts to introduce evidence of incriminating statements made by the accused to an informant.

(c) In any case under this Section, the prosecution shall timely disclose in discovery:

(1) the complete criminal history of the informant;

(2) any deal, promise, inducement, or benefit that the offering party has made or will make in the future to the informant;

(3) the statements made by the accused;

(4) the time and place of the statements, the time and place of their disclosure to law enforcement officials, and the names of all persons who were present when the statements were made;

(5) whether at any time the informant recanted that testimony or statement and, if so, the time and place of the recantation, the nature of the recantation, and the names of the persons who were present at the recantation;

(6) other cases of which the prosecution is aware in which the informant testified against an individual or offered a statement against an individual, and whether the informant received any deal, promise, inducement, or benefit in exchange for or subsequent to that testimony or statement; and

(7) any other information relevant to the informant's credibility.

(d) In any case under this Section, the prosecution must timely disclose its intent to introduce the testimony of an informant. The court shall conduct a hearing to determine whether the testimony of the informant is reliable, unless the defendant waives such a hearing. If the prosecution fails to show by a preponderance of the evidence that the informant's testimony is reliable, the court shall not allow the testimony to be heard at trial. At this hearing, the court shall consider the factors enumerated in subsection (c) as well as any other factors relating to reliability.

(e) A hearing required under subsection (d) does not apply to statements covered under subsection (b) that are lawfully recorded.

(f) This Section applies to all death penalty prosecutions initiated on or after the effective date of this amendatory Act of the 93rd General Assembly.

(725 ILCS 5/115-22 new)

Sec. 115-22. Witness inducements. When the State intends to introduce the testimony of a witness in a capital case, the State shall, before trial, disclose to the defendant and to his or her defense counsel the following information, which shall be reduced to writing:

(1) whether the witness has received anything, including pay, immunity from prosecution, leniency in prosecution, or personal advantage, in exchange for testimony;

(2) any other case in which the witness testified or offered statements against an individual but was not called, and whether the statements were admitted in the case, and whether the witness received any deal, promise, inducement, or benefit in exchange for that testimony or statement;

(3) whether the witness has ever changed his or her testimony;

(4) the criminal history of the witness; and

(5) any other evidence relevant to the credibility of the witness.

(725 ILCS 5/116-3)

Sec. 116-3. Motion for fingerprint or forensic testing not available at trial regarding actual innocence.

(a) A defendant may make a motion before the trial court that entered the judgment of conviction in his or her case for the performance of fingerprint or forensic DNA testing, including comparison analysis of genetic marker groupings of the evidence collected by criminal justice agencies pursuant to the alleged offense, to those of the defendant, to those of other forensic evidence, and to those maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, on evidence that was secured in relation to the trial which resulted in his or her conviction, but which was not subject to the testing which is now requested because the technology for the testing was not available at the time of trial. Reasonable notice of the motion shall be served upon the State.

(b) The defendant must present a prima facie case that:

(1) identity was the issue in the trial which resulted in his or her conviction; and

(2) the evidence to be tested has been subject to a chain of custody sufficient to establish that it has not been substituted, tampered with, replaced, or altered in any material aspect.

(c) The trial court shall allow the testing under reasonable conditions designed to protect the State's interests in the integrity of the evidence and the testing process upon a determination that:

(1) the result of the testing has the scientific potential to produce new, noncumulative evidence materially relevant to the defendant's assertion of actual innocence even though the results may not completely exonerate the defendant;

(2) the testing requested employs a scientific method generally accepted within the relevant scientific community.

(Source: P.A. 90-141, eff. 1-1-98.)

(725 ILCS 5/116-5 new)

Sec. 116-5. Motion for DNA database search (genetic marker groupings comparison analysis).

(a) Upon motion by a defendant charged with any offense where DNA evidence may be material to the defense investigation or relevant at trial, a court may order a DNA database search by the Department of State Police. Such analysis may include comparing:

(1) the genetic profile from forensic evidence that was secured in relation to the trial against the genetic profile of the defendant,

(2) the genetic profile of items of forensic evidence secured in relation to trial to the genetic profile of other forensic evidence secured in relation to trial, or

(3) the genetic profiles referred to in subdivisions (1) and (2) against:

(i) genetic profiles of offenders maintained under subsection (f) of Section 5-4-3 of the Unified Code of Corrections, or

(ii) genetic profiles, including but not limited to, profiles from unsolved crimes maintained in state or local DNA databases by law enforcement agencies.

(b) If appropriate federal criteria are met, the court may order the Department of State Police to request the National DNA index system to search its database of genetic profiles.

(c) If requested by the defense, a defense representative shall be allowed to view any genetic marker grouping analysis conducted by the Department of State Police. The defense shall be provided with copies of all documentation, correspondence, including digital correspondence, notes, memoranda, and reports generated in relation to the analysis.

(d) Reasonable notice of the motion shall be served upon the State.

(725 ILCS 5/122-1) (from Ch. 38, par. 122-1)

Sec. 122-1. Petition in the trial court. (a) Any person imprisoned in the penitentiary may institute a proceeding under this Article if the person ~~who~~ asserts that:

(1) in the proceedings which resulted in his or her conviction there was a substantial denial of

his or her rights under the Constitution of the United States or of the State of Illinois or both; or ~~may institute a proceeding under this Article.~~

(2) the death penalty was imposed and there is newly discovered evidence not available to the person at the time of the proceeding that resulted in his or her conviction that establishes a substantial basis to believe that the defendant is actually innocent by clear and convincing evidence.

(a-5) A proceeding under paragraph (2) of subsection (a) may be commenced within a reasonable period of time after the person's conviction notwithstanding any other provisions of this Article. In such a proceeding regarding actual innocence, if the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

(b) The proceeding shall be commenced by filing with the clerk of the court in which the conviction took place a petition (together with a copy thereof) verified by affidavit. Petitioner shall also serve another copy upon the State's Attorney by any of the methods provided in Rule 7 of the Supreme Court. The clerk shall docket the petition for consideration by the court pursuant to Section 122-2.1 upon his or her receipt thereof and bring the same promptly to the attention of the court.

(c) Except as otherwise provided in subsection (a-5), if the petitioner is under sentence of death, no proceedings under this Article shall be commenced more than 6 months after the denial of a petition for certiorari to the United States Supreme Court on direct appeal, or more than 6 months from the date for filing such a petition if none is filed.

When a defendant has a sentence other than death, no proceedings under this Article shall be commenced more than 6 months after the denial of the Petition for Leave to Appeal to the Illinois Supreme Court, or more than 6 months from the date for filing such a petition if none is filed.

This limitation does not apply to a petition advancing a claim of actual innocence. ~~no proceedings under this Article shall be commenced more than 6 months after the denial of a petition for leave to appeal or the date for filing such a petition if none is filed or more than 45 days after the defendant files his or her brief in the appeal of the sentence before the Illinois Supreme Court (or more than 45 days after the deadline for the filing of the defendant's brief with the Illinois Supreme Court if no brief is filed) or 3 years from the date of conviction, whichever is sooner, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.~~

(d) A person seeking relief by filing a petition under this Section must specify in the petition or its heading that it is filed under this Section. A trial court that has received a petition complaining of a conviction or sentence that fails to specify in the petition or its heading that it is filed under this Section need not evaluate the petition to determine whether it could otherwise have stated some grounds for relief under this Article.

(e) A proceeding under this Article may not be commenced on behalf of a defendant who has been sentenced to death without the written consent of the defendant, unless the defendant, because of a mental or physical condition, is incapable of asserting his or her own claim. (Source: P.A. 89-284, eff. 1-1-96; 89-609, eff. 1-1-97; 89-684, eff. 6-1-97; 90-14, eff. 7-1-97.)

(725 ILCS 5/122-2.1) (from Ch. 38, par. 122-2.1)

Sec. 122-2.1. (a) Within 90 days after the filing and docketing of each petition, the court shall examine such petition and enter an order thereon pursuant to this Section.

(1) If the petitioner is under sentence of death and is without counsel and alleges that he is without means to procure counsel, he shall state whether or not he wishes counsel to be appointed to represent him. If appointment of counsel is so requested, the court shall appoint counsel if satisfied that the petitioner has no means to procure counsel.

(2) If the petitioner is sentenced to imprisonment and the court determines the petition is frivolous or is patently without merit, it shall dismiss the petition in a written order, specifying the findings of fact and conclusions of law it made in reaching its decision. Such order of dismissal is a final judgment and shall be served upon the petitioner by certified mail within 10 days of its entry.

(b) If the petition is not dismissed pursuant to this Section, the court shall order the petition to be docketed for further consideration in accordance with Sections 122-4 through 122-6. If the petitioner is under sentence of death, the court shall order the petition to be docketed for further consideration and hearing within one year of the filing of the petition.

(c) In considering a petition pursuant to this Section, the court may examine the court file of the proceeding in which the petitioner was convicted, any action taken by an appellate court in such proceeding and any transcripts of such proceeding. (Source: P.A. 86-655; 87-904.)

(725 ILCS 5/122-2.2 new)

Sec. 122-2.2. Mental retardation and post-conviction relief.

(a) In cases in which a defendant has been convicted of first-degree murder, sentenced to death, and is in custody pending execution of the sentence of death, the following procedures shall apply:

(1) Notwithstanding any other provision of law or rule of court, a defendant may seek relief from the death sentence through a petition for post-conviction relief under this Article alleging that the defendant was mentally retarded at the time the offense was alleged to have been committed.

(2) The petition must be filed within 180 days of the effective date of this amendatory Act of the 93rd General Assembly or within 180 days of the issuance of the mandate by the Illinois Supreme Court setting the date of execution, whichever is later.

(3) All other provisions of this Article governing petitions for post-conviction relief shall apply to a petition for post-conviction relief alleging mental retardation.

Section 20. The Capital Crimes Litigation Act is amended by changing Sections 15 and 19 as follows:

(725 ILCS 124/15) (Section scheduled to be repealed on July 1, 2004)

Sec. 15. Capital Litigation Trust Fund. (a) The Capital Litigation Trust Fund is created as a special fund in the State Treasury. The Trust Fund shall be administered by the State Treasurer to provide moneys for the appropriations to be made, grants to be awarded, and compensation and expenses to be paid under this Act. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall, under Section 4.1 of the State Finance Act, be deposited into the Trust Fund.

(b) Moneys deposited into the Trust Fund shall not be considered general revenue of the State of Illinois.

(c) Moneys deposited into the Trust Fund shall be used exclusively for the purposes of providing funding for the prosecution and defense of capital cases as provided in this Act and shall not be appropriated, loaned, or in any manner transferred to the General Revenue Fund of the State of Illinois.

(d) Every fiscal year the State Treasurer shall transfer from the General Revenue Fund to the Capital Litigation Trust Fund an amount equal to the full amount of moneys appropriated by the General Assembly (both by original and supplemental appropriation), less any unexpended balance from the previous fiscal year, from the Capital Litigation Trust Fund for the specific purpose of making funding available for the prosecution and defense of capital cases. The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall make annual requests for appropriations from the Trust Fund.

(1) The Public Defender in Cook County shall request appropriations to the State Treasurer for expenses incurred by the Public Defender and for funding for private appointed defense counsel in Cook County.

(2) The State's Attorney in Cook County shall request an appropriation to the State Treasurer for expenses incurred by the State's Attorney.

(3) The State Appellate Defender shall request a direct appropriation from the Trust Fund for expenses incurred by the State Appellate Defender in providing assistance to trial attorneys under item (c)(5) of Section 10 of the State Appellate Defender Act and an appropriation to the State Treasurer for payments from the Trust Fund for the defense of cases in counties other than Cook County.

(4) The State's Attorneys Appellate Prosecutor shall request a direct appropriation from the Trust Fund to pay expenses incurred by the State's Attorneys Appellate Prosecutor and an appropriation to the State Treasurer for payments from the Trust Fund for expenses incurred by State's Attorneys in counties other than Cook County.

(5) The Attorney General shall request a direct appropriation from the Trust Fund to pay expenses incurred by the Attorney General in assisting the State's Attorneys in counties other than Cook County.

The Public Defender and State's Attorney in Cook County, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General may each request supplemental appropriations from the Trust Fund during the fiscal year.

(e) Moneys in the Trust Fund shall be expended only as follows:

(1) To pay the State Treasurer's costs to administer the Trust Fund. The amount for this purpose may not exceed 5% in any one fiscal year of the amount otherwise appropriated from the Trust Fund in the same fiscal year.

(2) To pay the capital litigation expenses of trial defense including, but not limited to, DNA testing, including DNA testing under Section 116-3 of the Code of Criminal Procedure of 1963, analysis, and expert testimony, investigatory and other assistance, expert, forensic, and other

witnesses, and mitigation specialists, and grants and aid provided to public defenders or assistance to attorneys who have been appointed by the court to represent defendants who are charged with capital crimes.

(3) To pay the compensation of trial attorneys, other than public defenders, who have been appointed by the court to represent defendants who are charged with capital crimes.

(4) To provide State's Attorneys with funding for capital litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, and other witnesses necessary to prosecute capital cases. State's Attorneys in any county other than Cook County seeking funding for capital litigation expenses including, but not limited to, investigatory and other assistance and expert, forensic, or other witnesses under this Section may request that the State's Attorneys Appellate Prosecutor or the Attorney General, as the case may be, certify the expenses as reasonable, necessary, and appropriate for payment from the Trust Fund, on a form created by the State Treasurer. Upon certification of the expenses and delivery of the certification to the State Treasurer, the Treasurer shall pay the expenses directly from the Capital Litigation Trust Fund if there are sufficient moneys in the Trust Fund to pay the expenses.

(5) To provide financial support through the Attorney General pursuant to the Attorney General Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the Attorney General's Office.

(6) To provide financial support through the State's Attorneys Appellate Prosecutor pursuant to the State's Attorneys Appellate Prosecutor's Act for the several county State's Attorneys outside of Cook County, but shall not be used to increase personnel for the State's Attorneys Appellate Prosecutor.

(7) To provide financial support to the State Appellate Defender pursuant to the State Appellate Defender Act.

Moneys expended from the Trust Fund shall be in addition to county funding for Public Defenders and State's Attorneys, and shall not be used to supplant or reduce ordinary and customary county funding.

(f) Moneys in the Trust Fund shall be appropriated to the State Appellate Defender, the State's Attorneys Appellate Prosecutor, the Attorney General, and the State Treasurer. The State Appellate Defender shall receive an appropriation from the Trust Fund to enable it to provide assistance to appointed defense counsel throughout the State and to Public Defenders in counties other than Cook. The State's Attorneys Appellate Prosecutor and the Attorney General shall receive appropriations from the Trust Fund to enable them to provide assistance to State's Attorneys in counties other than Cook County. Moneys shall be appropriated to the State Treasurer to enable the Treasurer (i) to make grants to Cook County, (ii) to pay the expenses of Public Defenders and State's Attorneys in counties other than Cook County, (iii) to pay the expenses and compensation of appointed defense counsel in counties other than Cook County, and (iv) to pay the costs of administering the Trust Fund. All expenditures and grants made from the Trust Fund shall be subject to audit by the Auditor General.

(g) For Cook County, grants from the Trust Fund shall be made and administered as follows:

(1) For each State fiscal year, the State's Attorney and Public Defender must each make a separate application to the State Treasurer for capital litigation grants.

(2) The State Treasurer shall establish rules and procedures for grant applications. The rules shall require the Cook County Treasurer as the grant recipient to report on a periodic basis to the State Treasurer how much of the grant has been expended, how much of the grant is remaining, and the purposes for which the grant has been used. The rules may also require the Cook County Treasurer to certify on a periodic basis that expenditures of the funds have been made for expenses that are reasonable, necessary, and appropriate for payment from the Trust Fund.

(3) The State Treasurer shall make the grants to the Cook County Treasurer as soon as possible after the beginning of the State fiscal year.

(4) The State's Attorney or Public Defender may apply for supplemental grants during the fiscal year.

(5) Grant moneys shall be paid to the Cook County Treasurer in block grants and held in separate accounts for the State's Attorney, the Public Defender, and court appointed defense counsel other than the Cook County Public Defender, respectively, for the designated fiscal year, and are not subject to county appropriation.

(6) Expenditure of grant moneys under this subsection (g) is subject to audit by the Auditor General.

(7) The Cook County Treasurer shall immediately make payment from the appropriate separate account in the county treasury for capital litigation expenses to the State's Attorney, Public Defender, or court appointed defense counsel other than the Public Defender, as the case

may be, upon order of the State's Attorney, Public Defender or the court, respectively.

(h) If a defendant in a capital case in Cook County is represented by court appointed counsel other than the Cook County Public Defender, the appointed counsel shall petition the court for an order directing the Cook County Treasurer to pay the court appointed counsel's reasonable and necessary compensation and capital litigation expenses from grant moneys provided from the Trust Fund. These petitions shall be considered in camera. Orders denying petitions for compensation or expenses are final. Counsel may not petition for expenses that may have been provided or compensated by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act.

(i) In counties other than Cook County, and excluding capital litigation expenses or services that may have been provided by the State Appellate Defender under item (c)(5) of Section 10 of the State Appellate Defender Act:

(1) Upon certification by the circuit court, on a form created by the State Treasurer, that all or a portion of the expenses are reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the Treasurer shall pay the certified expenses of Public Defenders from the money appropriated to the Treasurer for capital litigation expenses of Public Defenders in any county other than Cook County, if there are sufficient moneys in the Trust Fund to pay the expenses.

(2) If a defendant in a capital case is represented by court appointed counsel other than the Public Defender, the appointed counsel shall petition the court to certify compensation and capital litigation expenses including, but not limited to, investigatory and other assistance, expert, forensic, and other witnesses, and mitigation specialists as reasonable, necessary, and appropriate for payment from the Trust Fund. Upon certification on a form created by the State Treasurer of all or a portion of the compensation and expenses certified as reasonable, necessary, and appropriate for payment from the Trust Fund and the court's delivery of the certification to the Treasurer, the State Treasurer shall pay the certified compensation and expenses from the money appropriated to the Treasurer for that purpose, if there are sufficient moneys in the Trust Fund to make those payments.

(3) A petition for capital litigation expenses under this subsection shall be considered in camera. Orders denying petitions for compensation or expenses are final.

(j) If the Trust Fund is discontinued or dissolved by an Act of the General Assembly or by operation of law, any balance remaining in the Trust Fund shall be returned to the General Revenue Fund after deduction of administrative costs, any other provision of this Act to the contrary notwithstanding. (Source: P.A. 91-589, eff. 1-1-00.)

(725 ILCS 124/19) (Section scheduled to be repealed on July 1, 2004)

Sec. 19. Report; repeal. (a) The Cook County Public Defender, the Cook County State's Attorney, the State Appellate Defender, the State's Attorneys Appellate Prosecutor, and the Attorney General shall each report separately to the General Assembly by January 1, 2004 detailing the amounts of money received by them through this Act, the uses for which those funds were expended, the balances then in the Capital Litigation Trust Fund or county accounts, as the case may be, dedicated to them for the use and support of Public Defenders, appointed trial defense counsel, and State's Attorneys, as the case may be. The report shall describe and discuss the need for continued funding through the Fund and contain any suggestions for changes to this Act.

(b) (Blank). ~~Unless the General Assembly provides otherwise, this Act is repealed on July 1, 2004.~~ (Source: P.A. 91-589, eff. 1-1-00.)

Section 25. The Unified Code of Corrections is amended by changing Section 5-4-3 as follows:

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

Sec. 5-4-3. Persons convicted of, or found delinquent for, certain offenses or institutionalized as sexually dangerous; specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile Court Act of 1987 for, or who received a disposition of court supervision for, a qualifying offense or attempt of a qualifying offense, convicted or found guilty of any offense classified as a felony under Illinois law, found guilty or given supervision for any offense classified as a felony under the Juvenile Court Act of 1987, or institutionalized as a sexually dangerous person under the Sexually Dangerous Persons Act, or committed as a sexually violent person under the Sexually Violent Persons Commitment Act shall, regardless of the sentence or disposition imposed, be required to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a qualifying offense on or after July 1, 1990 ~~the effective date of this amendatory Act of 1989,~~ and sentenced to a term of imprisonment, periodic imprisonment, fine, probation, conditional discharge or any other form of sentence, or

given a disposition of court supervision for the offense;~~, or~~

(1.5) found guilty or given supervision under the Juvenile Court Act of 1987 for a qualifying offense or attempt of a qualifying offense on or after January 1, 1997; ~~the effective date of this amendatory Act of 1996, or~~

(2) ordered institutionalized as a sexually dangerous person on or after July 1, 1990; ~~the effective date of this amendatory Act of 1989, or~~

(3) convicted of a qualifying offense or attempt of a qualifying offense before July 1, 1990 ~~the effective date of this amendatory Act of 1989~~ and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction;~~, or~~

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987 on or after August 22, 2002; ~~the effective date of this amendatory Act of the 92nd General Assembly, or~~

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; ~~or~~

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of Corrections and the Interstate Compact for Adult Offender Supervision or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after August 22, 2002 ~~the effective date of this amendatory Act of the 92nd General Assembly~~ shall be required to submit a specimen of blood, saliva, or tissue prior to his or her release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois

State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-5) To the extent that funds are available, the Illinois Department of State Police shall contract with qualified personnel and certified laboratories for the collection, analysis, and categorization of known samples.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies, and to defense counsel as provided by Section 116-5 of the Code of Criminal Procedure of 1963. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for (i) valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database or (ii) technology validation purposes or (iii) assisting in the defense of the criminally accused pursuant to Section 116-5 of the Code of Criminal Procedure of 1963. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than $5,000.

(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or 12-16 of the Criminal Code of 1961;~~, or~~

(1.1) any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001;~~, or~~

(2) any former statute of this State which defined a felony sexual offense;~~, or~~

(3) (blank);~~, or~~

(4) any inchoate violation of Section 9-3.1, 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961;~~,~~ or

(5) any violation or inchoate violation of Article 29D of the Criminal Code of 1961.

(g-5) (Blank).

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of $200. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to

incarcerate the person.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of $10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(l) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database. (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01; 92-571, eff. 6-26-02; 92-600, eff. 6-28-02; 92-829, eff. 8-22-02; 92-854, eff. 12-5-02; revised 1-20-03.)

Section 95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 476** 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. 478** 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. 480** 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. 494** 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. 528** having been printed, was taken up, 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 Welch, **Senate Bill No. 529** 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. 533** 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. 553** 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. 561** 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 561 on page 1, line 7, by replacing "2004" with "2007".

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 Crotty, **Senate Bill No. 568** 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 568 on page 2, in lines 11 and 21, by changing "shall" to "may".

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 Woolard, **Senate Bill No. 573** 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. 576** 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. 578** 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. 601** 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 601 on page 1 by replacing line 10 with the following:
"or modifies group A& amp;H"; and
on page 2, line 26, by deleting "or individual"; and
on page 3, line 22, by replacing "and" with "~~and~~"; and
on page 3, line 25, by changing "purging);" to "purging); and"; and
on page 3, line 26, by changing "nonpurging); and" to "nonpurging).."; and
on page 3 by deleting lines 27 and 28; and
on page 4, line 26, by changing "60 ~~35~~" to "35"; and
on page 5 by replacing lines 17 and 18 with the following:
"(8) This subsection (b) is inoperative after December 31, 2005.".

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 601 on page 1 by replacing lines 12, 13, and 14 with the following:
"or services for illness on an expense-incurred basis shall"; and

on page 2 by replacing lines 27, 28, and 29 with the following:
"accident and health insurance or health care plan amended,"; and
on page 5 by deleting lines 21 through 32; and
by deleting all of pages 6, 7, and 8; and
on page 9 by deleting lines 1 through 12.

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Welch, **Senate Bill No. 631** 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 631 by replacing everything after the enacting clause with the following:

"Section 5. The Retailers' Occupation Tax Act is amended by changing Section 14 as follows:

(35 ILCS 120/14) (from Ch. 120, par. 453)

Sec. 14. Short title; additional tax. This Act shall be known as the "Retailers' Occupation Tax Act" and the tax herein imposed shall be in addition to all other occupation or privilege taxes imposed by the State of Illinois or by any municipal corporation or political subdivision thereof. (Source: Laws 1933, p. 924.)".

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 Lightford, **Senate Bill No. 683** 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. 689** 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. 690** 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. 699** 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. 740** 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. 741** 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. 813** 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 813 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 9-265 and 21-15 as follows:

(35 ILCS 200/9-265)

Sec. 9-265. Omitted property; interest; change in exempt use or ownership. If any property is omitted in the assessment of any year or years, so that the taxes, for which the property was liable, have not been paid, or if by reason of defective description or assessment, taxes on any property for any year or years have not been paid, or if any taxes are refunded under subsection (b) of Section

14-5 because the taxes were assessed in the wrong person's name, the property, when discovered, shall be listed and assessed by the board of review or, in counties with 3,000,000 or more inhabitants, by the county assessor either on his or her own initiative or when so directed by the board of appeals or board of review. For purposes of this Section, "defective description or assessment" includes a description or assessment which omits all the improvements thereon as a result of which part of the taxes on the total value of the property as improved remain unpaid. In the case of property subject to assessment by the Department, the property shall be listed and assessed by the Department. All such property shall be placed on the assessment and tax books. The arrearages of taxes which might have been assessed, with 10% interest thereon for each year or portion thereof from 2 years after the time the first correct tax bill ought to have been received, shall be charged against the property by the county clerk.

When property or acreage omitted by either incorrect survey or other ministerial assessor error is discovered and the owner has paid its tax bills as received for the year or years of omission of the parcel, then the interest authorized by this Section shall not be chargeable to the owner. However, nothing in this Section shall prevent the collection of the principal amount of back taxes due and owing. Notwithstanding any other provision of Sections 9-260 through 9-270, if a taxpayer receives a tax bill for any property or portion of property that was omitted for 2 or more years from assessment as a result of a ministerial error, the tax bill for the omitted property must be paid within 16 months after the date the taxpayer receives the tax bill. No interest may be imposed on the tax bill for the omitted property during that 16-month period. Any arrearage that remains unpaid after the 16-month period ends, with 10% interest on the arrearage for each year or portion of a year from the date the taxpayer received the tax bill, shall be charged against the property by the county clerk. After the 16-month period ends, interest shall accrue on any remaining arrearage and interest owed on that arrearage as with all other delinquent tax bills.

If any property listed as exempt by the chief county assessment officer has a change in use, a change in leasehold estate, or a change in titleholder of record by purchase, grant, taking or transfer, it shall be the obligation of the transferee to notify the chief county assessment officer in writing within 30 days of the change. The notice shall be sent by certified mail, return receipt requested, and shall include the name and address of the taxpayer, the legal description of the property, and the property index number of the property when an index number exists. If the failure to give the notification results in the assessing official continuing to list the property as exempt in subsequent years, the property shall be considered omitted property for purposes of this Code. (Source: P.A. 88-455; 89-126, eff. 7-11-95; 89-671, eff. 8-14-96.)

(35 ILCS 200/21-15)

Sec. 21-15. General tax due dates; default by mortgage lender. Except as otherwise provided in this Section or Section 21-40, all property upon which the first installment of taxes remains unpaid on June 1 annually shall be deemed delinquent and shall bear interest after June 1 at the rate of 1 1/2% per month or portion thereof. Except as otherwise provided in this Section or Section 21-40, all property upon which the second installment of taxes remains due and unpaid on September 1, annually, shall be deemed delinquent and shall bear interest after September 1 at the same interest rate. All interest collected shall be paid into the general fund of the county. Payment received by mail and postmarked on or before the required due date is not delinquent.

Property not subject to the interest charge in Section 9-265 shall also not be subject to the interest charge imposed by this Section until the 16-month period has expired under Section 9-265 ~~such time as the owner of the property receives actual notice of and is billed for the principal amount of back taxes due and owing~~.

If a member of a reserve component of the armed forces of the United States who has an ownership interest in property taxed under this Act is called to active duty for deployment outside the continental United States and is on active duty on the due date of any installment of taxes due under this Act, he or she shall not be deemed delinquent in the payment of the installment and no interest shall accrue or be charged as a penalty on the installment until 30 days after that member returns from active duty.

Notwithstanding any other provision of law, when any unpaid taxes become delinquent under this Section through the fault of the mortgage lender, (i) the interest assessed under this Section for delinquent taxes shall be charged against the mortgage lender and not the mortgagor and (ii) the mortgage lender shall pay the taxes, redeem the property and take all necessary steps to remove any liens accruing against the property because of the delinquency. In the event that more than one entity meets the definition of mortgage lender with respect to any mortgage, the interest shall be assessed against the mortgage lender responsible for servicing the mortgage. Unpaid taxes shall be deemed delinquent through the fault of the mortgage lender only if: (a) the mortgage lender has received all payments due the mortgage lender for the property being taxed under the written terms of the

mortgage or promissory note secured by the mortgage, (b) the mortgage lender holds funds in escrow to pay the taxes, and (c) the funds are sufficient to pay the taxes after deducting all amounts reasonably anticipated to become due for all hazard insurance premiums and mortgage insurance premiums and any other assessments to be paid from the escrow under the terms of the mortgage. For purposes of this Section, an amount is reasonably anticipated to become due if it is payable within 12 months from the time of determining the sufficiency of funds held in escrow. Unpaid taxes shall not be deemed delinquent through the fault of the mortgage lender if the mortgage lender was directed in writing by the mortgagor not to pay the property taxes, or if the failure to pay the taxes when due resulted from inadequate or inaccurate parcel information provided by the mortgagor, a title or abstract company, or by the agency or unit of government assessing the tax. (Source: P.A. 90-336, eff. 1-1-98; 90-575, eff. 3-20-98; 91-199, eff. 1-1-00; 91-898, eff. 7-6-00.)

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 del Valle, **Senate Bill No. 814** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Halvorson, **Senate Bill No. 873** 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 873 by replacing the title with the following:

"AN ACT concerning taxes."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Sections 5.595 and 6z-59 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Tax Recovery Fund.

(30 ILCS 105/6z-59 new)

Sec. 6z-59. The Tax Recovery Fund. There is created in the State treasury the Tax Recovery Fund. Through December 31, 2010, all moneys received from the rental, authorized under Section 2705-555 of the Department of Transportation Law of the Civil Administrative Code of Illinois, of land, buildings, or improvements on property held for development of an airport in Will County by the Department of Transportation shall be remitted to the State Treasurer for payment into the Tax Recovery Fund. Subject to appropriation, the moneys in the Fund shall be expended with the following priority: (1) to compensate units of local government for property taxes that would have been extended and collected on Will County real property before ownership by the State for the development of the airport (tax compensation); then (2) to pay maintenance and repair costs for that real property. Expenditures for these purposes may be made by the Department of Transportation without regard to the fiscal year in which tax compensation liability and property maintenance and repair costs were incurred. Unexpended moneys in the Fund shall not be transferred or allocated by the Comptroller or Treasurer to any other fund nor shall the Governor authorize the transfer or allocation of those moneys to any other fund. After December 31, 2010, all moneys received from the rental, authorized under Section 2705-555 of the Department of Transportation Law of the Civil Administrative Code of Illinois, of land, buildings, or improvements on property held for the development of an airport in Will County by the Department of Transportation shall not be remitted to the Tax Recovery Fund but shall instead be paid to the General Revenue Fund. The balance remaining in the Tax Recovery Fund on December 31, 2010 shall first be expended to compensate units of local government for taxes for the 2010 property tax assessment year and prorated through December 31, 2010, and then transferred to the General Revenue Fund for the purpose of debt service on State bonds issued to provide funds for airport land acquisition in Will County.

Section 10. The Property Tax Code is amended by changing Section 15-55 as follows:

(35 ILCS 200/15-55)

Sec. 15-55. State property. All property belonging to the State of Illinois is exempt. However, the State agency holding title shall file the certificate of ownership and use required by Section 15-10, together with a copy of any written lease or agreement, in effect on March 30 of the assessment

year, concerning parcels of 1 acre or more, or an explanation of the terms of any oral agreement under which the property is leased, subleased or rented.

The leased property shall be assessed to the lessee and the taxes thereon extended and billed to the lessee, and collected in the same manner as for property which is not exempt. The lessee shall be liable for the taxes and no lien shall attach to the property of the State.

For the purposes of this Section, the word "leases" includes licenses, franchises, operating agreements and other arrangements under which private individuals, associations or corporations are granted the right to use property of the Illinois State Toll Highway Authority and includes all property of the Authority used by others without regard to the size of the leased parcel.

However, all property of every kind belonging to the State of Illinois, which is or may hereafter be leased to the Illinois Prairie Path Corporation, shall be exempt from all assessments, taxation or collection, despite the making of any such lease, if it is used for:

(a) conservation, nature trail or any other charitable, scientific, educational or recreational purposes with public benefit, including the preserving and aiding in the preservation of natural areas, objects, flora, fauna or biotic communities;

(b) the establishment of footpaths, trails and other protected areas;

(c) the conservation of the proper use of natural resources or the promotion of the study of plant and animal communities and of other phases of ecology, natural history and conservation;

(d) the promotion of education in the fields of nature, preservation and conservation; or

(e) similar public recreational activities conducted by the Illinois Prairie Path Corporation.

No lien shall attach to the property of the State. No tax liability shall become the obligation of or be enforceable against Illinois Prairie Path Corporation.

However, the lessee of each parcel of real property in Will County owned by the State of Illinois for the purpose of developing an airport by the Department of Transportation shall not be liable for the taxes thereon. In order for the State to compensate units of local government for taxes that would have been extended and collected on Will County real property before ownership by the State for the development of the airport, the Will County Supervisor of Assessments shall certify, in writing, to the Department of Transportation, the amount of assessed taxes for each such parcel for the 2001 property tax year. The Department of Transportation shall pay to the Will County Treasurer, from the Tax Recovery Fund, on or before July 1 of each year, the amount of rent collected for each parcel during the previous year (tax compensation). The payment, however, shall not exceed, for each parcel, the assessed tax amount for the 2001 property tax year. The tax compensation shall terminate on December 31, 2010. It is the duty of the Department of Transportation to file with the Office of the Will County Supervisor of Assessments an affidavit stating the termination date for rental of each such parcel due to airport construction. The affidavit shall include the property identification number for each such parcel. In no instance shall tax compensation for property owned by the State be deemed delinquent or bear interest. In no instance shall a lien attach to the property of the State. In no instance shall the State be required to pay property tax compensation in excess of the Tax Recovery Fund's balance.

Public Act 81-1026 applies to all leases or agreements entered into or renewed on or after September 24, 1979. (Source: P.A. 86-413; 88-455.)

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

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 873, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, line 6, after the period, by inserting the following: "The tax compensation shall be determined in accordance with Section 15-55 of the Property Tax Code."; and

on page 2, by replacing line 24 with "assessment year, and"; and

on page 4, line 23, after the period, by inserting the following:

"Annually the Will County Treasurer shall distribute a portion of the entire payment for each parcel to the corporate authorities of each taxing district in an amount equal to that taxing district's pro rata share of that parcel's 2001 property tax bill. The Will County Treasurer shall treat the annual Department of Transportation payments as taxes for the limited purpose of distributing the payments in accordance with Sections 20-85 through 20-160 of this Code.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Welch, **Senate Bill No. 876** 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. 882** 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. 883** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Clayborne, **Senate Bill No. 884** 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 884 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 13-509 as follows:

(220 ILCS 5/13-509) (from Ch. 111 2/3, par. 13-509) (Section scheduled to be repealed on July 1, 2005)

Sec. 13-509. Agreements for provisions of competitive telecommunications services differing from tariffs. A telecommunications carrier may negotiate with customers or prospective customers to provide competitive telecommunications service, and in so doing, may offer or agree to provide such service on such terms and for such rates or charges as are reasonable, without regard to any tariffs it may have filed with the Commission with respect to such services. Every ~~Within~~ 30 ~~business~~ days ~~after executing any such agreement~~, the telecommunications carrier shall submit to the Commission written notice (which may be provided electronically to a service list approved by the Commission) of all current agreements in effect as of the date of the notice. The notice shall identify the general nature of all such agreements, the parties to each agreement, and a description of differences between each agreement and the related tariff. A copy of each such agreement and any cost support required to be filed with the agreement by some other Section of this Act shall be provided to the Commission within 10 business days after request by the Commission. ~~file any contract or memorandum of understanding for the provision of telecommunications service, which shall include the rates or other charges, practices, rules or regulations applicable to the agreed provision of such service. Any cost support required to be filed with the agreement by some other Section of this Act shall be filed within 30 business days after executing any such agreement. Where the agreement contains the same rates, charges, practices, rules, and regulations found in a single contract or memorandum already filed by the telecommunications carrier with the Commission, instead of filing the contract or memorandum, the telecommunications carrier may elect to file a letter identifying the new agreement and specifically referencing the contract or memorandum already on file with the Commission which contains the same provisions. A single letter may be used to file more than one new agreement.~~ Upon submitting notice to the Commission of any such agreement ~~filing its contract or memorandum, or letter~~, the telecommunications carrier shall thereafter provide service according to the terms thereof, unless the Commission finds, after notice and hearing, that the continued provision of service pursuant to such agreement ~~contract or memorandum~~ would substantially and adversely affect the financial integrity of the telecommunications carrier or would violate any other provision of this Act.

Any agreement ~~contract or memorandum~~ entered into and submitted ~~filed~~ pursuant to the provisions of this Section may, in the Commission's discretion, be accorded proprietary treatment. (Source: P.A. 92-22, eff. 6-30-01.)

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 Clayborne, **Senate Bill No. 885** 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. 886** 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. 890** 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 890 on page 1, line 4, after "by," by inserting "changing Section 21-2 and"; and

on page 1, immediately below line 5, by inserting the following:

"(105 ILCS 5/21-2) (from Ch. 122, par. 21-2)

Sec. 21-2. Grades of certificates. (a) All certificates issued under this Article shall be State certificates valid, except as limited in Section 21-1, in every school district coming under the provisions of this Act and shall be limited in time and designated as follows: Provisional vocational certificate, temporary provisional vocational certificate, early childhood certificate, elementary school certificate, special certificate, secondary certificate, school service personnel certificate, administrative certificate, provisional certificate, and substitute certificate. The requirement of student teaching under close and competent supervision for obtaining a teaching certificate may be waived by the State Teacher Certification Board upon presentation to the Board by the teacher of evidence of 5 years successful teaching experience on a valid certificate and graduation from a recognized institution of higher learning with a bachelor's degree.

(b) Initial Teaching Certificate. Persons who (1) have completed an approved teacher preparation program, (2) are recommended by an approved teacher preparation program, (3) have successfully completed the Initial Teaching Certification examinations required by the State Board of Education, and (4) have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, shall be issued an Initial Teaching Certificate valid for 4 years of teaching, as defined in Section 21-14 of this Code. Initial Teaching Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language, including Asian languages), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(c) Standard Certificate.

(1) Persons who (i) have completed 4 years of teaching, as defined in Section 21-14 of this Code, with an Initial Certificate or an Initial Alternative Teaching Certificate and have met all other criteria established by the State Board of Education in consultation with the State Teacher Certification Board, (ii) have completed 4 years of teaching on a valid equivalent certificate in another State or territory of the United States, or have completed 4 years of teaching in a nonpublic Illinois elementary or secondary school with an Initial Certificate or an Initial Alternative Teaching Certificate, and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, or (iii) were issued teaching certificates prior to February 15, 2000 and are renewing those certificates after February 15, 2000, shall be issued a Standard Certificate valid for 5 years, which may be renewed thereafter every 5 years by the State Teacher Certification Board based on proof of continuing education or professional development. Beginning July 1, 2003, persons who have completed 4 years of teaching, as described in clauses (i) and (ii) of this paragraph (1), have successfully completed the requirements of paragraphs (2) through (4) of this subsection (c), and have met all other criteria established by the State Board of Education, in consultation with the State Teacher Certification Board, shall be issued Standard Certificates. Standard Certificates shall be issued for categories corresponding to Early Childhood, Elementary, Secondary, and Special K-12, with special certification designations for Special Education, Bilingual Education, fundamental learning areas (including Language Arts, Reading, Mathematics, Science, Social Science, Physical Development and Health, Fine Arts, and Foreign Language, including Asian languages), and other areas designated by the State Board of Education, in consultation with the State Teacher Certification Board.

(2) This paragraph (2) applies only to those persons required to successfully complete the

requirements of this paragraph under paragraph (1) of this subsection (c). In order to receive a Standard Teaching Certificate, a person must satisfy one of the following requirements, which the person must identify, in writing, as the requirement that the person has chosen to satisfy to the responsible local professional development committee established pursuant to subsection (f) of Section 21-14 of this Code:

(A) Completion of a program of induction and mentoring for new teachers that is based upon a specific plan approved by the State Board of Education, in consultation with the State Teacher Certification Board. The plan must describe the role of mentor teachers, the criteria and process for their selection, and how all the following components are to be provided:

(i) Assignment of a formally trained mentor teacher to each new teacher for a specified period of time, which shall be established by the employing school or school district but shall be at least 2 school years in duration, provided that a mentor teacher may not directly or indirectly participate in the evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school.

(ii) Formal mentoring for each new teacher.

(iii) Support for each new teacher in relation to the Illinois Professional Teaching Standards, the content-area standards applicable to the new teacher's area of certification, and any applicable local school improvement and professional development plans.

(iv) Professional development specifically designed to foster the growth of each new teacher's knowledge and skills.

(v) Formative assessment that is based on the Illinois Professional Teaching Standards and designed to provide feedback to the new teacher and opportunities for reflection on his or her performance, which must not be used directly or indirectly in any evaluation of a new teacher pursuant to Article 24A of this Code or the evaluation procedure of the school and which must include the activities specified in clauses (B)(i), (B)(ii), and (B)(iii) of this paragraph (2).

(vi) Assignment of responsibility for coordination of the induction and mentoring program within each school district participating in the program.

(B) Successful completion of 4 semester hours of graduate-level coursework on the assessment of one's own performance in relation to the Illinois Professional Teaching Standards. The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board; must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit; and must include demonstration of performance through all of the following activities for each of the Illinois Professional Teaching Standards:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance related to Illinois Professional Teaching Standards 1 through 9, with an emphasis on how the teacher used his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (B)(i) of this paragraph (2) and documented under clause (B)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses, and implications for improvement according to the Illinois Professional Teaching Standards.

(C) Successful completion of a minimum of 4 semester hours of graduate-level coursework addressing preparation to meet the requirements for certification by the National Board for

Professional Teaching Standards (NBPTS). The coursework must be approved by the State Board of Education, in consultation with the State Teacher Certification Board, and must be offered either by an institution of higher education, by such an institution in partnership with a teachers' association or union or with a regional office of education, or by another entity authorized to issue college credit. The course must address the 5 NBPTS Core Propositions and relevant standards through such means as the following:

(i) Observation, by the course instructor or another experienced teacher, of the new teacher's classroom practice (the observation may be recorded for later viewing) for the purpose of identifying and describing how the new teacher made content meaningful for students; how the teacher motivated individuals and the group and created an environment conducive to positive social interactions, active learning, and self-motivation; what instructional strategies the teacher used to encourage students' development of critical thinking, problem solving, and performance; how the teacher communicated using written, verbal, nonverbal, and visual communication techniques; and how the teacher maintained standards of professional conduct and provided leadership to improve students' learning.

(ii) Review and analysis, by the course instructor or another experienced teacher, of written documentation (i.e., lesson plans, assignments, assessment instruments, and samples of students' work) prepared by the new teacher for at least 2 lessons. The documentation must provide evidence of classroom performance, including how the teacher used his or her understanding of students, assessment data, and subject matter to decide on learning goals; how the teacher designed or selected activities and instructional materials and aligned instruction to the relevant Illinois Learning Standards; how the teacher adapted or modified curriculum to meet individual students' needs; and how the teacher sequenced instruction and designed or selected student assessment strategies.

(iii) Demonstration of professional expertise on the part of the new teacher in reflecting on his or her practice, which was observed under clause (C)(i) of this paragraph (2) and documented under clause (C)(ii) of this paragraph (2), in terms of teaching strengths, weaknesses, and implications for improvement.

(D) Receipt of an advanced degree from an accredited institution of higher education in an education-related field, provided that at least 8 semester hours of the coursework completed count toward a degree, certificate, or endorsement in a teaching field.

(E) Accumulation of 60 continuing professional development units (CPDUs), earned by completing selected activities that comply with paragraphs (3) and (4) of this subsection (c). However, for an individual who holds an Initial Teaching Certificate on the effective date of this amendatory Act of the 92nd General Assembly, the number of CPDUs shall be reduced to reflect the teaching time remaining on the Initial Teaching Certificate.

(F) Completion of a nationally normed, performance-based assessment, if made available by the State Board of Education in consultation with the State Teacher Certification Board, provided that the cost to the person shall not exceed the cost of the coursework described in clause (B) of this paragraph (2).

(3) This paragraph (3) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). At least one-half the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate must be earned through completion of coursework, workshops, seminars, conferences, and other similar training events that are pre-approved by the State Board of Education, in consultation with the State Teacher Certification Board, for the purpose of reflection on teaching practices in order to address all of the Illinois Professional Teaching Standards necessary to obtain a Standard Teaching Certificate. These activities must meet all of the following requirements:

(A) Each activity must be designed to advance a person's knowledge and skills in relation to one or more of the Illinois Professional Teaching Standards or in relation to the content-area standards applicable to the teacher's field of certification.

(B) Taken together, the activities completed must address each of the Illinois Professional Teaching Standards as provided in clauses (B)(i), (B)(ii), and (B)(iii) of paragraph (2) of this subsection (c).

(C) Each activity must be provided by an entity approved by the State Board of Education, in consultation with the State Teacher Certification Board, for this purpose.

(D) Each activity, integral to its successful completion, must require participants to demonstrate the degree to which they have acquired new knowledge or skills, such as through performance, through preparation of a written product, through assembling samples of students' or teachers' work, or by some other means that is appropriate to the subject matter of the activity.

(E) One CPDU shall be available for each hour of direct participation by a holder of an Initial

Teaching Certificate in a qualifying activity. An activity may be attributed to more than one of the Illinois Professional Teaching Standards, but credit for any activity shall be counted only once.

(4) This paragraph (4) applies only to those persons required to successfully complete the requirements of this paragraph under paragraph (1) of this subsection (c). The balance of the CPDUs a person must accrue in order to qualify for a Standard Teaching Certificate, in combination with those earned pursuant to paragraph (3) of this subsection (c), may be chosen from among the following, provided that an activity listed in clause (C) of this paragraph (4) shall be creditable only if its provider is approved for this purpose by the State Board of Education, in consultation with the State Teacher Certification Board:

(A) Collaboration and partnership activities related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Peer review and coaching.

(ii) Mentoring in a formal mentoring program, including service as a consulting teacher participating in a remediation process formulated under Section 24A-5 of this Code.

(iii) Facilitating parent education programs directly related to student achievement for a school, school district, or regional office of education.

(iv) Participating in business, school, or community partnerships directly related to student achievement.

(B) Teaching college or university courses in areas relevant to a teacher's field of certification, provided that the teaching may only be counted once during the course of 4 years.

(C) Conferences, workshops, institutes, seminars, and symposiums related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Completing non-university credit directly related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.

(ii) Participating in or presenting at workshops, seminars, conferences, institutes, and symposiums.

(iii) Training as external reviewers for the State Board of Education.

(iv) Training as reviewers of university teacher preparation programs.

(D) Other educational experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in action research and inquiry projects.

(ii) Observing programs or teaching in schools, related businesses, or industry that is systematic, purposeful, and relevant to a teacher's field of certification.

(iii) Participating in study groups related to student achievement, the Illinois Professional Teaching Standards, or content-area standards.

(iv) Participating in work/learn programs or internships.

(v) Developing a portfolio of students' and teacher's work.

(E) Professional leadership experiences related to improving a person's knowledge and skills as a teacher, including all of the following:

(i) Participating in curriculum development or assessment activities at the school, school district, regional office of education, State, or national level.

(ii) Participating in team or department leadership in a school or school district.

(iii) Participating on external or internal school or school district review teams.

(iv) Publishing educational articles, columns, or books relevant to a teacher's field of certification.

(v) Participating in non-strike related activities of a professional association or labor organization that are related to professional development.

(5) A person must complete his or her chosen requirement under paragraph (2) of this subsection (c) before the expiration of his or her Initial Teaching Certificate and must submit evidence of having done so to the local professional development committee. Within 30 days after receipt of a person's evidence of completion, the local professional development committee shall forward the evidence of completion to the responsible regional superintendent of schools along with the local professional development committee's recommendation, based on that evidence, as to whether the person is eligible to receive a Standard Teaching Certificate. The local professional development committee shall provide a copy of this recommendation to the affected person.

The regional superintendent of schools shall review the evidence of completion submitted by a person and, based upon compliance with all of the requirements for receipt of a Standard Teaching Certificate, shall forward to the State Board of Education a recommendation for issuance or non-issuance. The regional superintendent of schools shall notify the affected person of the recommendation forwarded.

Upon review of a regional superintendent of school's recommendations, the State Board of Education shall issue Standard Teaching Certificates to those who qualify and shall notify a person, in writing, of a decision denying a Standard Teaching Certificate. Any decision denying issuance of a Standard Teaching Certificate to a person may be appealed to the State Teacher Certification Board.

(6) The State Board of Education, in consultation with the State Teacher Certification Board, may adopt rules to implement this subsection (c) and may periodically evaluate any of the methods of qualifying for a Standard Teaching Certificate described in this subsection (c).

(d) Master Certificate. Persons who have successfully achieved National Board certification through the National Board for Professional Teaching Standards shall be issued a Master Certificate, valid for 10 years and renewable thereafter every 10 years through compliance with requirements set forth by the State Board of Education, in consultation with the State Teacher Certification Board. However, each teacher who holds a Master Certificate shall be eligible for a teaching position in this State in the areas for which he or she holds a Master Certificate without satisfying any other requirements of this Code, except for those requirements pertaining to criminal background checks. A teacher who holds a Master Certificate shall be deemed to meet State certification renewal requirements in the area or areas for which he or she holds a Master Certificate for the 10-year term of the teacher's Master Certificate. (Source: P.A. 91-102, eff. 7-12-99; 91-606, eff. 8-16-99; 91-609, eff. 1-1-00; 92-16, eff. 6-28-01; 92-796, eff. 8-10-02.)".

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 890 as follows:
on page 1, line 7, after "Asian", by inserting "Pacific American"; and
on page 1, by replacing line 10 with the following:
"events of Asian Pacific American History, which shall include the history of South Asian Americans and American Pacific Islanders"; and
on page 1, line 11, by deleting "Islands"; and
on page 1, lines 12 and 15, by replacing "Asian-Americans" each time it appears with "Asian Pacific Americans".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Woolard, **Senate Bill No. 941** 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 941 by replacing everything after the enacting clause with the following:

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

(30 ILCS 500/30-30)

Sec. 30-30. Contracts in excess of $500,000 ~~$250,000~~. For building construction contracts in excess of $500,000 ~~$250,000~~, separate specifications shall be prepared for all equipment, labor, and materials in connection with the following 6 ~~5~~ subdivisions of the work to be performed:

(1) plumbing;

(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;

(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;

(4) electric wiring; ~~and~~

(5) general contract work; and

(6) masonry.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 6 ~~5~~ subdivisions of work. All contracts awarded for any part thereof shall award the 6 ~~5~~ subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged

in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 6 ~~5~~ subdivisions of work upon compliance with the conditions of the contract. A contract may be let for one or more buildings in any project to the same contractor. The specifications shall require, however, that unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for each or all of the buildings included in the specifications. (Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

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. 1001** 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 1001 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Household Hazardous Waste Fund. Section 10. The Environmental Protection Act is amended by changing Section 22.15 as follows:

(415 ILCS 5/22.15) (from Ch. 111 1/2, par. 1022.15)

Sec. 22.15. Solid Waste Management Fund; fees. (a) There is hereby created within the State Treasury a special fund to be known as the "Solid Waste Management Fund" constituted from the fees collected by the State pursuant to this Section and from repayments of loans made from the Fund for solid waste projects. Moneys received by the Department of Commerce and Community Affairs in repayment of loans made pursuant to the Illinois Solid Waste Management Act shall be deposited into the Solid Waste Management Revolving Loan Fund.

(b) On and after January 1, 1987, the Agency shall assess and collect a fee in the amount set forth herein from the owner or operator of each sanitary landfill permitted or required to be permitted by the Agency to dispose of solid waste if the sanitary landfill is located off the site where such waste was produced and if such sanitary landfill is owned, controlled, and operated by a person other than the generator of such waste. The Agency shall deposit all fees collected into the Solid Waste Management Fund, except that the additional moneys collected from the 24 cent per cubic yard (50 cent per ton) increase in the fee imposed under subdivision (b)(1) made by this amendatory Act of the 93rd General Assembly shall be deposited into the Household Hazardous Waste Fund. If a site is contiguous to one or more landfills owned or operated by the same person, the volumes permanently disposed of by each landfill shall be combined for purposes of determining the fee under this subsection.

(1) If more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall either pay a fee of $0.69 ~~45 cents~~ per cubic yard or, alternatively, the owner or operator may weigh the quantity of the solid waste permanently disposed of with a device for which certification has been obtained under the Weights and Measures Act and pay a fee of $1.45 ~~95 cents~~ per ton of solid waste permanently disposed of. In no case shall the fee collected or paid by the owner or operator under this Section ~~paragraph~~ exceed $1.29 ~~$1.05~~ per cubic yard or $2.72 ~~$2.22~~ per ton.

(2) If more than 100,000 cubic yards but not more than 150,000 cubic yards of non-hazardous waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $25,000.

(3) If more than 50,000 cubic yards but not more than 100,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $11,300.

(4) If more than 10,000 cubic yards but not more than 50,000 cubic yards of non-hazardous solid waste is permanently disposed of at a site in a calendar year, the owner or operator shall pay a fee of $3,450.

(5) If not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed

of at a site in a calendar year, the owner or operator shall pay a fee of $500.

(c) (Blank.)

(d) The Agency shall establish rules relating to the collection of the fees authorized by this Section. Such rules shall include, but not be limited to:

(1) necessary records identifying the quantities of solid waste received or disposed;

(2) the form and submission of reports to accompany the payment of fees to the Agency;

(3) the time and manner of payment of fees to the Agency, which payments shall not be more often than quarterly; and

(4) procedures setting forth criteria establishing when an owner or operator may measure by weight or volume during any given quarter or other fee payment period.

(e) Pursuant to appropriation, all monies in the Solid Waste Management Fund shall be used by the Agency and the Department of Commerce and Community Affairs for the purposes set forth in this Section and in the Illinois Solid Waste Management Act, including for the costs of fee collection and administration.

(f) The Agency is authorized to enter into such agreements and to promulgate such rules as are necessary to carry out its duties under this Section and the Illinois Solid Waste Management Act.

(g) On the first day of January, April, July, and October of each year, beginning on July 1, 1996, the State Comptroller and Treasurer shall transfer $500,000 from the Solid Waste Management Fund to the Hazardous Waste Fund. Moneys transferred under this subsection (g) shall be used only for the purposes set forth in item (1) of subsection (d) of Section 22.2.

(h) The Agency is authorized to provide financial assistance to units of local government for the performance of inspecting, investigating and enforcement activities pursuant to Section 4(r) at nonhazardous solid waste disposal sites.

(i) The Agency is authorized to support the operations of an industrial materials exchange service, and to conduct household waste collection and disposal programs.

(j) A unit of local government, as defined in the Local Solid Waste Disposal Act, in which a solid waste disposal facility is located may establish a fee, tax, or surcharge with regard to the permanent disposal of solid waste. All fees, taxes, and surcharges collected under this subsection shall be utilized for solid waste management purposes, including long-term monitoring and maintenance of landfills, planning, implementation, inspection, enforcement and other activities consistent with the Solid Waste Management Act and the Local Solid Waste Disposal Act, or for any other environment-related purpose, including but not limited to an environment-related public works project, but not for the construction of a new pollution control facility other than a household hazardous waste facility. However, the total fee, tax or surcharge imposed by all units of local government under this subsection (j) upon the solid waste disposal facility shall not exceed:

(1) 60¢; per cubic yard if more than 150,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year, unless the owner or operator weighs the quantity of the solid waste received with a device for which certification has been obtained under the Weights and Measures Act, in which case the fee shall not exceed$1.27 per ton of solid waste permanently disposed of.

(2) $33,350 if more than 100,000 cubic yards, but not more than 150,000 cubic yards, of non-hazardous waste is permanently disposed of at the site in a calendar year.

(3) $15,500 if more than 50,000 cubic yards, but not more than 100,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(4) $4,650 if more than 10,000 cubic yards, but not more than 50,000 cubic yards, of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

(5) $$650 if not more than 10,000 cubic yards of non-hazardous solid waste is permanently disposed of at the site in a calendar year.

The corporate authorities of the unit of local government may use proceeds from the fee, tax, or surcharge to reimburse a highway commissioner whose road district lies wholly or partially within the corporate limits of the unit of local government for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

A county or Municipal Joint Action Agency that imposes a fee, tax, or surcharge under this subsection may use the proceeds thereof to reimburse a municipality that lies wholly or partially within its boundaries for expenses incurred in the removal of nonhazardous, nonfluid municipal waste that has been dumped on public property in violation of a State law or local ordinance.

If the fees are to be used to conduct a local sanitary landfill inspection or enforcement program, the unit of local government must enter into a written delegation agreement with the Agency pursuant to subsection (r) of Section 4. The unit of local government and the Agency shall enter into such a written delegation agreement within 60 days after the establishment of such fees. At least

annually, the Agency shall conduct an audit of the expenditures made by units of local government from the funds granted by the Agency to the units of local government for purposes of local sanitary landfill inspection and enforcement programs, to ensure that the funds have been expended for the prescribed purposes under the grant.

The fees, taxes or surcharges collected under this subsection (j) shall be placed by the unit of local government in a separate fund, and the interest received on the moneys in the fund shall be credited to the fund. The monies in the fund may be accumulated over a period of years to be expended in accordance with this subsection.

A unit of local government, as defined in the Local Solid Waste Disposal Act, shall prepare and distribute to the Agency, in April of each year, a report that details spending plans for monies collected in accordance with this subsection. The report will at a minimum include the following:

(1) The total monies collected pursuant to this subsection.

(2) The most current balance of monies collected pursuant to this subsection.

(3) An itemized accounting of all monies expended for the previous year pursuant to this subsection.

(4) An estimation of monies to be collected for the following 3 years pursuant to this subsection.

(5) A narrative detailing the general direction and scope of future expenditures for one, 2 and 3 years.

The exemptions granted under Sections 22.16 and 22.16a, and under subsections (c) and (k) of this Section, shall be applicable to any fee, tax or surcharge imposed under this subsection (j); except that the fee, tax or surcharge authorized to be imposed under this subsection (j) may be made applicable by a unit of local government to the permanent disposal of solid waste after December 31, 1986, under any contract lawfully executed before June 1, 1986 under which more than 150,000 cubic yards (or 50,000 tons) of solid waste is to be permanently disposed of, even though the waste is exempt from the fee imposed by the State under subsection (b) of this Section pursuant to an exemption granted under Section 22.16.

(k) In accordance with the findings and purposes of the Illinois Solid Waste Management Act, beginning January 1, 1989 the fee under subsection (b) and the fee, tax or surcharge under subsection (j) shall not apply to:

(1) Waste which is hazardous waste; or

(2) Waste which is pollution control waste; or

(3) Waste from recycling, reclamation or reuse processes which have been approved by the Agency as being designed to remove any contaminant from wastes so as to render such wastes reusable, provided that the process renders at least 50% of the waste reusable; or

(4) Non-hazardous solid waste that is received at a sanitary landfill and composted or recycled through a process permitted by the Agency; or

(5) Any landfill which is permitted by the Agency to receive only demolition or construction debris or landscape waste.

(Source: P.A. 92-574, eff. 6-26-02.) Section 15. The Household Hazardous Waste Collection Program Act is amended by adding Section 6.5 as follows:

(415 ILCS 90/6.5 new)

Sec. 6.5. Household Hazardous Waste Fund.

(a) There is hereby established a special fund in the State treasury the Household Hazardous Waste Fund.

(b) Moneys in the Fund shall be allocated by the Agency for use by the various counties throughout the State as follows:

(i) For counties over 3,000,000 population, the Legislature shall allocate to the Agency the sum of $0.50 per capita for each such county, based upon the last U.S. Federal Decennial Census. The said sum shall be distributed by the Agency to each such county for use under this Act or as otherwise approved by the Agency for the collection and disposal of household hazardous waste. Within each county, the Agency shall distribute the funds on a $0.50 per capita basis to municipalities over 1,000,000 in population and to municipal joint action agencies created under Section 3.2 of the Intergovernmental Cooperation Act, with the balance of the funds allocated to the county. All funds shall be utilized solely for the residents of the unit of local government, as defined in the Local Solid Waste Disposal Act, that received the funds.

(ii) For counties over 149,000 and under 3,000,000 population, the Legislature shall allocate to the Agency the sum of $0.50 per capita for each such county, based upon the last U.S. Federal Decennial Census. Said sum shall be distributed annually by the Agency to each such county for use under this Act or as otherwise approved by the Agency for the collection and disposal of Household Hazardous Waste.

(iii) For counties under 149,000 population, the Legislature shall allocate the remaining sum of money collected in the Household Hazardous Waste Fund to the Agency as and for the collection, management and disposal of Household Hazardous Waste in the counties of the State with a population of less than 149,000.

(iv) Each county, or division thereof as may be applicable, shall report in a form and manner as determined by the Agency, to the Agency, no later than April 1st of each year, the amount of money received from the Agency pursuant to the Household Hazardous Waste Fund for the prior year and the purposes for which the funds were used.

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 Silverstein, **Senate Bill No. 1007** 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. 1008** 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. 1035** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1035 as follows:

by replacing the title with the following:

"AN ACT in relation to child abuse."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4) (from Ch. 23, par. 2054)

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, Christian Science practitioner, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his

designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

Except as otherwise provided in subsection (b) of Section 8-803 of the Code of Civil Procedure, a member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above persons required to report suspected cases of abused or neglected children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended. (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99; 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

Section 10. The Criminal Code of 1961 is amended by changing Section 3-6 as follows:

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

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(c) Except as otherwise provided in subsection (a) of Section 3-5 of this Code and subdivision (i) or (j) of this Section, a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are family members, as defined in Section 12-12 of this Code, may be commenced within one year of the victim attaining the age of 18 years.

(d) A prosecution for child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping or exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. When the victim is under 18 years of

age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense.

Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j) When the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse or a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced at any time ~~within 10 years after the child victim attains 18 years of age~~.

Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00; 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

Section 15. The Code of Civil Procedure is amended by changing Sections 8-803 and 13-202.2 as follows:

(735 ILCS 5/8-803) (from Ch. 110, par. 8-803)

Sec. 8-803. Clergy. (a) Except as otherwise provided in subsection (b), a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs, shall not be compelled to disclose in any court, or to any administrative board or agency, or to any public officer, a confession or admission made to him or her in his or her professional character or as a spiritual advisor in the course of the discipline enjoined by the rules or practices of such religious body or of the religion which he or she professes, nor be compelled to divulge any information which has been obtained by him or her in such professional character or as such spiritual advisor.

(b) In an investigation or prosecution of a case involving an abused child as defined in Section 3 of the Abused and Neglected Child Reporting Act, a clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs shall be compelled to disclose in any court, or to any administrative board or agency, or to any public officer, an admission made to him or her in his or her capacity as an advisor not in the course of the discipline enjoined by the rules or practices of the religious body or religion to which the clergyman or practitioner professes and shall be compelled to divulge that information which has been obtained by him or her in that capacity. (Source: P.A. 82-280.)

(735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

Sec. 13-202.2. Childhood sexual abuse. (a) In this Section:

"Childhood sexual abuse" means an act of sexual abuse that occurs when the person abused is under 18 years of age.

"Sexual abuse" includes but is not limited to sexual conduct and sexual penetration as defined in Section 12-12 of the Criminal Code of 1961.

(b) An action for damages for personal injury based on childhood sexual abuse must be commenced at any time ~~within 2 years of the date the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred and that the injury was caused by the childhood sexual abuse~~.

(c) (Blank) ~~If the injury is caused by 2 or more acts of childhood sexual abuse that are part of a continuing series of acts of childhood sexual abuse by the same abuser, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use~~

~~of reasonable diligence should discover (i) that the last act of childhood sexual abuse in the continuing series occurred and (ii) that the injury was caused by any act of childhood sexual abuse in the continuing series~~.

(d) (Blank) ~~The limitation periods under subsection (b) do not begin to run before the person abused attains the age of 18 years; and, if at the time the person abused attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability~~.

(e) This Section applies to actions pending on the effective date of this amendatory Act of 1990 as well as to actions commenced on or after that date. The changes made by this amendatory Act of 1993 shall apply only to actions commenced on or after the effective date of this amendatory Act of 1993. The changes made by this amendatory Act of the 93rd General Assembly shall apply only to actions commenced on or after the effective date of this amendatory Act of the 93rd General Assembly. (Source: P.A. 88-127.)

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1035 as follows:

by replacing the title with the following:

"AN ACT to amend certain Acts in relation to abuse of children."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Abused and Neglected Child Reporting Act is amended by changing Section 4 as follows:

(325 ILCS 5/4) (from Ch. 23, par. 2054)

Sec. 4. Persons required to report; privileged communications; transmitting false report. Any physician, resident, intern, hospital, hospital administrator and hospital personnel engaged in examination, care and treatment of persons, surgeon, dentist, dentist hygienist, osteopath, chiropractor, podiatrist, physician assistant, substance abuse treatment personnel, Christian Science practitioner, funeral home director or employee, coroner, medical examiner, emergency medical technician, acupuncturist, crisis line or hotline personnel, school personnel, educational advocate assigned to a child pursuant to the School Code, truant officers, social worker, social services administrator, domestic violence program personnel, registered nurse, licensed practical nurse, respiratory care practitioner, advanced practice nurse, home health aide, director or staff assistant of a nursery school or a child day care center, recreational program or facility personnel, law enforcement officer, registered psychologist and assistants working under the direct supervision of a psychologist, psychiatrist, or field personnel of the Illinois Department of Public Aid, Public Health, Human Services (acting as successor to the Department of Mental Health and Developmental Disabilities, Rehabilitation Services, or Public Aid), Corrections, Human Rights, or Children and Family Services, supervisor and administrator of general assistance under the Illinois Public Aid Code, probation officer, or any other foster parent, homemaker or child care worker having reasonable cause to believe a child known to them in their professional or official capacity may be an abused child or a neglected child shall immediately report or cause a report to be made to the Department.

Any member of the clergy having reasonable cause to believe that a child known to that member of the clergy in his or her professional capacity may be an abused child as defined in item (c) of the definition of "abused child" in Section 3 of this Act shall immediately report or cause a report to be made to the Department.

Whenever such person is required to report under this Act in his capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, or as a member of the clergy, he shall make report immediately to the Department in accordance with the provisions of this Act and may also notify the person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent that such report has been made. Under no circumstances shall any person in charge of such institution, school, facility or agency, or church, synagogue, temple, mosque, or other religious institution, or his designated agent to whom such notification has been made, exercise any control, restraint, modification or other change in the report or the forwarding of such report to the Department.

The privileged quality of communication between any professional person required to report and his patient or client shall not apply to situations involving abused or neglected children and shall not constitute grounds for failure to report as required by this Act.

A member of the clergy may claim the privilege under Section 8-803 of the Code of Civil Procedure.

In addition to the above persons required to report suspected cases of abused or neglected

children, any other person may make a report if such person has reasonable cause to believe a child may be an abused child or a neglected child.

Any person who enters into employment on and after July 1, 1986 and is mandated by virtue of that employment to report under this Act, shall sign a statement on a form prescribed by the Department, to the effect that the employee has knowledge and understanding of the reporting requirements of this Act. The statement shall be signed prior to commencement of the employment. The signed statement shall be retained by the employer. The cost of printing, distribution, and filing of the statement shall be borne by the employer.

The Department shall provide copies of this Act, upon request, to all employers employing persons who shall be required under the provisions of this Section to report under this Act.

Any person who knowingly transmits a false report to the Department commits the offense of disorderly conduct under subsection (a)(7) of Section 26-1 of the "Criminal Code of 1961". Any person who violates this provision a second or subsequent time shall be guilty of a Class 4 felony.

Any person who knowingly and willfully violates any provision of this Section other than a second or subsequent violation of transmitting a false report as described in the preceding paragraph, is guilty of a Class A misdemeanor for a first violation and a Class 4 felony for a second or subsequent violation.

A child whose parent, guardian or custodian in good faith selects and depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care may be considered neglected or abused, but not for the sole reason that his parent, guardian or custodian accepts and practices such beliefs.

A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code, as amended. (Source: P.A. 91-259, eff. 1-1-00; 91-516, eff. 8-13-99; 92-16, eff. 6-28-01; 92-801, eff. 8-16-02.)

Section 10. The Criminal Code of 1961 is amended by changing Section 3-6 as follows:

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

Sec. 3-6. Extended limitations. The period within which a prosecution must be commenced under the provisions of Section 3-5 or other applicable statute is extended under the following conditions:

(a) A prosecution for theft involving a breach of a fiduciary obligation to the aggrieved person may be commenced as follows:

(1) If the aggrieved person is a minor or a person under legal disability, then during the minority or legal disability or within one year after the termination thereof.

(2) In any other instance, within one year after the discovery of the offense by an aggrieved person, or by a person who has legal capacity to represent an aggrieved person or has a legal duty to report the offense, and is not himself or herself a party to the offense; or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(b) A prosecution for any offense based upon misconduct in office by a public officer or employee may be commenced within one year after discovery of the offense by a person having a legal duty to report such offense, or in the absence of such discovery, within one year after the proper prosecuting officer becomes aware of the offense. However, in no such case is the period of limitation so extended more than 3 years beyond the expiration of the period otherwise applicable.

(c) Except as otherwise provided in subsection (a) of Section 3-5 of this Code and subdivision (i) or (j) of this Section, a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the victim and defendant are family members, as defined in Section 12-12 of this Code, may be commenced within one year of the victim attaining the age of 18 years.

(d) A prosecution for child pornography, indecent solicitation of a child, soliciting for a juvenile prostitute, juvenile pimping or exploitation of a child may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense. When the victim is under 18 years of age, a prosecution for criminal sexual abuse may be commenced within one year of the victim attaining the age of 18 years. However, in no such case shall the time period for prosecution expire sooner than 3 years after the commission of the offense.

(e) Except as otherwise provided in subdivision (j), a prosecution for any offense involving sexual conduct or sexual penetration, as defined in Section 12-12 of this Code, where the defendant was within a professional or fiduciary relationship or a purported professional or fiduciary relationship with the victim at the time of the commission of the offense may be commenced within one year after the discovery of the offense by the victim.

(f) A prosecution for any offense set forth in Section 44 of the "Environmental Protection Act", approved June 29, 1970, as amended, may be commenced within 5 years after the discovery of such an offense by a person or agency having the legal duty to report the offense or in the absence of such discovery, within 5 years after the proper prosecuting officer becomes aware of the offense.

(g) (Blank).

(h) (Blank).

(i) Except as otherwise provided in subdivision (j), a prosecution for criminal sexual assault, aggravated criminal sexual assault, or aggravated criminal sexual abuse may be commenced within 10 years of the commission of the offense if the victim reported the offense to law enforcement authorities within 2 years after the commission of the offense.

Nothing in this subdivision (i) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section.

(j) If ~~When~~ the victim is under 18 years of age at the time of the offense, a prosecution for criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, or aggravated criminal sexual abuse or a prosecution for failure of a person who is required to report an alleged or suspected commission of any of these offenses under the Abused and Neglected Child Reporting Act may be commenced within 10 years after the child victim attains 18 years of age.

Nothing in this subdivision (j) shall be construed to shorten a period within which a prosecution must be commenced under any other provision of this Section. (Source: P.A. 91-475, eff. 1-1-00; 91-801, eff. 6-13-00; 92-752, eff. 8-2-02; 92-801, eff. 8-16-02; revised 9-11-02.)

Section 15. The Code of Civil Procedure is amended by changing Sections 8-803 and 13-202.2 as follows:

(735 ILCS 5/8-803) (from Ch. 110, par. 8-803)

Sec. 8-803. Clergy. A clergyman or practitioner of any religious denomination accredited by the religious body to which he or she belongs, may ~~shall~~ not be compelled to disclose in any court, or to any administrative board or agency, or to any public officer, a confession or admission made to him or her in his or her professional character or as a spiritual advisor in the course of the discipline enjoined by the rules or practices of such religious body or of the religion which he or she professes, nor be compelled to divulge any information which has been obtained by him or her in such professional character or as such spiritual advisor. (Source: P.A. 82-280.)

(735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

Sec. 13-202.2. Childhood sexual abuse. (a) In this Section:

"Childhood sexual abuse" means an act of sexual abuse that occurs when the person abused is under 18 years of age.

"Sexual abuse" includes but is not limited to sexual conduct and sexual penetration as defined in Section 12-12 of the Criminal Code of 1961.

(b) An action for damages for personal injury based on childhood sexual abuse must be commenced within 2 years of the date the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred and that the injury was caused by the childhood sexual abuse.

(c) If the injury is caused by 2 or more acts of childhood sexual abuse that are part of a continuing series of acts of childhood sexual abuse by the same abuser, then the discovery period under subsection (b) shall be computed from the date the person abused discovers or through the use of reasonable diligence should discover (i) that the last act of childhood sexual abuse in the continuing series occurred and (ii) that the injury was caused by any act of childhood sexual abuse in the continuing series.

(d) The limitation periods under subsection (b) do not begin to run before the person abused attains the age of 18 years; and, if at the time the person abused attains the age of 18 years he or she is under other legal disability, the limitation periods under subsection (b) do not begin to run until the removal of the disability.

(e) This Section applies to actions pending on the effective date of this amendatory Act of 1990 as well as to actions commenced on or after that date. The changes made by this amendatory Act of 1993 ~~shall~~ apply only to actions commenced on or after the effective date of this amendatory Act of 1993. (Source: P.A. 88-127.)".

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 Crotty, **Senate Bill No. 1066** having been printed, was taken up, read by title a second time.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1066 on page 1, by replacing lines 4 and 5 with the following:

"Section 1. Short title. This Act may be cited as the Good Samaritan Energy Plan Act.

Section 5. Definitions. In this Act:

"Department" means the Department of Commerce and Economic Opportunity.

"LIHEAP" means the energy assistance program established under the Energy Assistance Act of 1989.

Section 10. Legislative findings. The General Assembly finds that high electric and gas bill arrearages are a serious problem for low-income utility consumers in Illinois, often impeding access to service. The General Assembly also finds that the inability to have electric or gas service connected due to high arrearages is a threat to the health and safety of many low-income households in Illinois. The General Assembly further finds that eligibility for LIHEAP does not alleviate the burden of high arrearages for low-income utility consumers and is not enough to enable many households to have electric or gas service connected.

Section 15. Good Samaritan Energy Trust Fund. The Good Samaritan Energy Trust Fund is created as a special fund in the State treasury. The Department shall administer the Fund. The Department shall deposit moneys received from the following sources into the Fund:

(1) Voluntary donations from individuals, foundations, corporations, and other sources.

(2) Proceeds from fundraising events held for the purpose of generating moneys for the Fund.

Section 20. Solicitation of contributions to Fund. The Department may insert a fundraising letter requesting voluntary contributions to the Fund in utility bills 2 times each year to solicit contributions to the Fund. All public utilities doing business in the State shall cooperate in allowing the Department to insert fundraising solicitation letters in their utility bills.

Section 25. Administration of Fund. The Department shall administer the Good Samaritan Energy Trust Fund with the advice and consent of the Low Income Energy Assistance Policy Advisory Council established under the Energy Assistance Act of 1989. Donations received for the Fund shall be made available for the purpose of alleviating utility bill arrearages for households determined eligible for LIHEAP. Resources from the Fund shall be awarded to local area agencies that have existing contracts with the Department to administer LIHEAP in Illinois.

Section 30. Distribution of moneys from Fund. The Department, with the advice and consent of the Low Income Energy Assistance Policy Advisory Council, shall establish priorities for the distribution of moneys from the Good Samaritan Energy Trust Fund to low-income consumers to enable them to pay gas or electric bill arrearages in order to have household gas or electric utility service connected. Low-income consumers who are unable to have their service connected even with a LIHEAP grant shall be given preference.

Section 35. Annual report. On or before May 31 of each year, beginning in 2005, the Department shall provide an annual report to the General Assembly on the use and effectiveness of the Good Samaritan Energy Trust Fund. The report shall include the amount of money deposited into the Fund, the amount of money allocated by the Fund for the direct benefit of low-income consumers, the number of low-income households served by the Fund, by county, and recommendations for improving the operation and effectiveness of the Fund.

Section 90. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Good Samaritan Energy Trust Fund. Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Halvorson, **Senate Bill No. 1067** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Health and Human Services.

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

On motion of Senator Martinez, **Senate Bill No. 1081** having been printed, was taken up, read by title a second time.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1081 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 27-8.1 as follows:

(105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

Sec. 27-8.1. Health examinations and immunizations. (1) In compliance with rules and regulations which the Department of Public Health shall promulgate, and except as hereinafter provided, all children in Illinois shall have a health examination as follows: within one year prior to entering kindergarten or the first grade of any public, private, or parochial elementary school; upon entering the fifth and ninth grades of any public, private, or parochial school; prior to entrance into any public, private, or parochial nursery school; and, irrespective of grade, immediately prior to or upon entrance into any public, private, or parochial school or nursery school, each child shall present proof of having been examined in accordance with this Section and the rules and regulations promulgated hereunder.

A tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. Additional health examinations of pupils, including dental and vision examinations, may be required when deemed necessary by school authorities. Parents are encouraged to have their children undergo dental examinations at the same points in time required for health examinations.

(2) The Department of Public Health shall promulgate rules and regulations specifying the examinations and procedures that constitute a health examination and may recommend by rule that certain additional examinations be performed. The rules and regulations of the Department of Public Health shall specify that a tuberculosis skin test screening shall be included as a required part of each health examination included under this Section if the child resides in an area designated by the Department of Public Health as having a high incidence of tuberculosis. The Department of Public Health shall specify that a diabetes screening as defined by rule shall be included as a required part of each health examination. Diabetes testing is not required.

Physicians licensed to practice medicine in all of its branches, advanced practice nurses who have a written collaborative agreement with a collaborating physician which authorizes them to perform health examinations, or physician assistants who have been delegated the performance of health examinations by their supervising physician shall be responsible for the performance of the health examinations, other than dental examinations and vision and hearing screening, and shall sign all report forms required by subsection (4) of this Section that pertain to those portions of the health examination for which the physician, advanced practice nurse, or physician assistant is responsible. If a registered nurse performs any part of a health examination, then a physician licensed to practice medicine in all of its branches must review and sign all required report forms. Licensed dentists shall perform all dental examinations and shall sign all report forms required by subsection (4) of this Section that pertain to the dental examinations. Physicians licensed to practice medicine in all its branches, or licensed optometrists, shall perform all vision exams required by school authorities and shall sign all report forms required by subsection (4) of this Section that pertain to the vision exam. Vision and hearing screening tests, which shall not be considered examinations as that term is used in this Section, shall be conducted in accordance with rules and regulations of the Department of Public Health, and by individuals whom the Department of Public Health has certified.

(3) Every child shall, at or about the same time as he or she receives a health examination required by subsection (1) of this Section, present to the local school proof of having received such immunizations against preventable communicable diseases as the Department of Public Health shall require by rules and regulations promulgated pursuant to this Section and the Communicable Disease Prevention Act.

(4) The individuals conducting the health examination shall record the fact of having conducted the examination, and such additional information as required, on uniform forms which the Department of Public Health and the State Board of Education shall prescribe for statewide use. The examiner shall summarize on the report form any condition that he or she suspects indicates a need for special services. The individuals confirming the administration of required immunizations shall record as indicated on the form that the immunizations were administered.

(5) If a child does not submit proof of having had either the health examination or the immunization as required, then the child shall be examined or receive the immunization, as the case

may be, and present proof by October 15 of the current school year, or by an earlier date of the current school year established by a school district. To establish a date before October 15 of the current school year for the health examination or immunization as required, a school district must give notice of the requirements of this Section 60 days prior to the earlier established date. If for medical reasons one or more of the required immunizations must be given after October 15 of the current school year, or after an earlier established date of the current school year, then the child shall present, by October 15, or by the earlier established date, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay, both the schedule and the statement being issued by the physician, advanced practice nurse, physician assistant, registered nurse, or local health department that will be responsible for administration of the remaining required immunizations. If a child does not comply by October 15, or by the earlier established date of the current school year, with the requirements of this subsection, then the local school authority shall exclude that child from school until such time as the child presents proof of having had the health examination as required and presents proof of having received those required immunizations which are medically possible to receive immediately. During a child's exclusion from school for noncompliance with this subsection, the child's parents or legal guardian shall be considered in violation of Section 26-1 and subject to any penalty imposed by Section 26-10.

(6) Every school shall report to the State Board of Education by November 15, in the manner which that agency shall require, the number of children who have received the necessary immunizations and the health examination as required, indicating, of those who have not received the immunizations and examination as required, the number of children who are exempt from health examination and immunization requirements on religious or medical grounds as provided in subsection (8). This reported information shall be provided to the Department of Public Health by the State Board of Education.

(7) Upon determining that the number of pupils who are required to be in compliance with subsection (5) of this Section is below 90% of the number of pupils enrolled in the school district, 10% of each State aid payment made pursuant to Section 18-8 to the school district for such year shall be withheld by the regional superintendent until the number of students in compliance with subsection (5) is the applicable specified percentage or higher.

(8) Parents or legal guardians who object to health examinations or any part thereof, or to immunizations, on religious grounds shall not be required to submit their children or wards to the examinations or immunizations to which they so object if such parents or legal guardians present to the appropriate local school authority a signed statement of objection, detailing the grounds for the objection. If the physical condition of the child is such that any one or more of the immunizing agents should not be administered, the examining physician, advanced practice nurse, or physician assistant responsible for the performance of the health examination shall endorse that fact upon the health examination form. Exempting a child from the health examination does not exempt the child from participation in the program of physical education training provided in Sections 27-5 through 27-7 of this Code.

(9) For the purposes of this Section, "nursery schools" means those nursery schools operated by elementary school systems or secondary level school units or institutions of higher learning. (Source: P.A. 91-357, eff. 7-29-99; 92-703, eff. 7-19-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Jacobs, **Senate Bill No. 1102** having been printed, was taken up, read by title a second time.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1102, on page 1, line 16, by replacing "30" with "10".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hendon, **Senate Bill No. 1111** 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. 1105** 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. 1126** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **Senate Bill No. 1164** 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 1164 on page 1, in line 22 by inserting after the period the following:

"The State Board shall also maintain a complete set of petition forms on its web site in a downloadable format.".

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 Viverito, **Senate Bill No. 1190** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 1200** 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. 1201** 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 1201 on page 1, by replacing lines 23 through 25 with the following:

"the Supreme Court of Illinois.".

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 Collins, **Senate Bill No. 1330** having been printed, was taken up, read by title a second time.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1330 on page 5, line 27, by changing "eligible for assistance" to "a participant".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Schoenberg, **Senate Bill No. 1336** 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. 1342** 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 1342 as follows:
by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-2-4 as follows:
(730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

Sec. 5-2-4. Proceedings after Acquittal by Reason of Insanity. (a) After a finding or verdict of not guilty by reason of insanity under Sections 104-25, 115-3 or 115-4 of The Code of Criminal Procedure of 1963, the defendant shall be ordered to the Department of Human Services for an evaluation as to whether he is subject to involuntary admission or in need of mental health services. The order shall specify whether the evaluation shall be conducted on an inpatient or outpatient basis. If the evaluation is to be conducted on an inpatient basis, the defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. After the evaluation and during the period of time required to determine the appropriate placement, the defendant shall remain in jail. Upon completion of the placement process the sheriff shall be notified and shall transport the defendant to the designated facility.

The Department shall provide the Court with a report of its evaluation within 30 days of the date of this order. The Court shall hold a hearing as provided under the Mental Health and Developmental Disabilities Code to determine if the individual is: (a) subject to involuntary admission; (b) in need of mental health services on an inpatient basis; (c) in need of mental health services on an outpatient basis; (d) a person not in need of mental health services. The Court shall enter its findings.

If the defendant is found to be subject to involuntary admission or in need of mental health services on an inpatient care basis, the Court shall order the defendant to the Department of Human Services. The defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. Such defendants placed in a secure setting shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or with the prior approval of the Court for unsupervised on-grounds privileges as provided herein. Any defendant placed in a secure setting pursuant to this Section, transported to court hearings or other necessary appointments off facility grounds by personnel of the Department of Human Services, may be placed in security devices or otherwise secured during the period of transportation to assure secure transport of the defendant and the safety of Department of Human Services personnel and others. These security measures shall not constitute restraint as defined in the Mental Health and Developmental Disabilities Code. If the defendant is found to be in need of mental health services, but not on an inpatient care basis, the Court shall conditionally release the defendant, under such conditions as set forth in this Section as will reasonably assure the defendant's satisfactory progress in treatment or rehabilitation and the safety of the defendant or others. If the Court finds the person not in need of mental health services, then the Court shall order the defendant discharged from custody.

(1) Definitions: In ~~For the purposes of~~ this Section:

(A) "Subject to involuntary admission" means: a defendant has been found not guilty by reason of insanity; and

(i) who is mentally ill and who because of his mental illness is reasonably expected to inflict serious physical harm upon himself or another in the near future; or

(ii) who is mentally ill and who because of his illness is unable to provide for his basic physical needs so as to guard himself from serious harm.

(B) "In need of mental health services on an inpatient basis" means: a defendant who has been found not guilty by reason of insanity who is not subject to involuntary admission but who is reasonably expected to inflict serious physical harm upon himself or another and who would benefit from inpatient care or is in need of inpatient care.

(C) "In need of mental health services on an outpatient basis" means: a defendant who has been found not guilty by reason of insanity who is not subject to involuntary admission or in need of mental health services on an inpatient basis, but is in need of outpatient care, drug and/or alcohol rehabilitation programs, community adjustment programs, individual, group, or family therapy, or chemotherapy.

(D) "Conditional Release" means: the release from either the custody of the Department of Human Services or the custody of the Court of a person who has been found not guilty by reason

of insanity under such conditions as the Court may impose which reasonably assure the defendant's satisfactory progress in treatment or habilitation and the safety of the defendant and others. The Court shall consider such terms and conditions which may include, but need not be limited to, outpatient care, alcoholic and drug rehabilitation programs, community adjustment programs, individual, group, family, and chemotherapy, periodic checks with the legal authorities and/or the Department of Human Services. The person or facility rendering the outpatient care shall be required to periodically report to the Court on the progress of the defendant. Such conditional release shall be for a period of five years, unless the defendant, the person or facility rendering the treatment, therapy, program or outpatient care, or the State's Attorney petitions the Court for an extension of the conditional release period for an additional three years. Upon receipt of such a petition, the Court shall hold a hearing consistent with the provisions of this paragraph (a) and paragraph (f) of this Section, shall determine whether the defendant should continue to be subject to the terms of conditional release, and shall enter an order either extending the defendant's period of conditional release for a single additional three year period or discharging the defendant. In no event shall the defendant's period of conditional release exceed eight years. These provisions for extension of conditional release shall only apply to defendants conditionally released on or after July 1, 1979. However the extension provisions of Public Act 83-1449 apply only to defendants charged with a forcible felony.

(E) "Facility director" means the chief officer of a mental health or developmental disabilities facility or his or her designee or the supervisor of a program of treatment or habilitation or his or her designee. "Designee" may include a physician, clinical psychologist, social worker, or nurse.

(b) If the Court finds the defendant subject to involuntary admission or in need of mental health services on an inpatient basis, the admission, detention, care, treatment or habilitation, treatment plans, review proceedings, including review of treatment and treatment plans, and discharge of the defendant after such order shall be under the Mental Health and Developmental Disabilities Code, except that the initial order for admission of a defendant acquitted of a felony by reason of insanity shall be for an indefinite period of time. Such period of commitment shall not exceed the maximum length of time that the defendant would have been required to serve, less credit for good behavior, before becoming eligible for release had he been convicted of and received the maximum sentence for the most serious crime for which he has been acquitted by reason of insanity. The Court shall determine the maximum period of commitment by an appropriate order. During this period of time, the defendant shall not be permitted to be in the community in any manner, including but not limited to off-grounds privileges, with or without escort by personnel of the Department of Human Services, unsupervised on-grounds privileges, discharge or conditional or temporary release, except by a plan as provided in this Section. In no event shall a defendant's continued unauthorized absence be a basis for discharge. Not more than 30 days after admission and every 60 days thereafter so long as the initial order remains in effect, the facility director shall file a treatment plan report with the court and forward a copy of the treatment plan report to the clerk of the court, the State's Attorney, and the defendant's attorney, if the defendant is represented by counsel, or to a person authorized by the defendant under the Mental Health and Developmental Disabilities Confidentiality Act to be sent a copy of the report. The report shall include an opinion as to whether the defendant is currently subject to involuntary admission, in need of mental health services on an inpatient basis, or in need of mental health services on an outpatient basis. The report shall also summarize the basis for those findings and provide a current summary of the following items from the treatment plan: (1) an assessment of the defendant's treatment needs, (2) a description of the services recommended for treatment, (3) the goals of each type of element of service, (4) an anticipated timetable for the accomplishment of the goals, and (5) a designation of the qualified professional responsible for the implementation of the plan. The report may also include unsupervised on-grounds privileges, off-grounds privileges (with or without escort by personnel of the Department of Human Services), home visits and participation in work programs, but only where such privileges have been approved by specific court order, which order may include such conditions on the defendant as the Court may deem appropriate and necessary to reasonably assure the defendant's satisfactory progress in treatment and the safety of the defendant and others.

(c) Every defendant acquitted of a felony by reason of insanity and subsequently found to be subject to involuntary admission or in need of mental health services shall be represented by counsel in all proceedings under this Section and under the Mental Health and Developmental Disabilities Code.

(1) The Court shall appoint as counsel the public defender or an attorney licensed by this State.

(2) Upon filing with the Court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (1) of this subsection, the Court shall determine a

reasonable fee for such services. If the defendant is unable to pay the fee, the Court shall enter an order upon the State to pay the entire fee or such amount as the defendant is unable to pay from funds appropriated by the General Assembly for that purpose.

(d) When the facility director determines that:

(1) the defendant is no longer subject to involuntary admission or in need of mental health services on an inpatient basis; and

(2) the defendant may be conditionally released because he or she is still in need of mental health services or that the defendant may be discharged as not in need of any mental health services; or

(3) the defendant no longer requires placement in a secure setting;

the facility director shall give written notice to the Court, State's Attorney and defense attorney. Such notice shall set forth in detail the basis for the recommendation of the facility director, and specify clearly the recommendations, if any, of the facility director, concerning conditional release. Within 30 days of the notification by the facility director, the Court shall set a hearing and make a finding as to whether the defendant is:

(i) subject to involuntary admission; or

(ii) in need of mental health services in the form of inpatient care; or

(iii) in need of mental health services but not subject to involuntary admission or inpatient care; or

(iv) no longer in need of mental health services; or

(v) no longer requires placement in a secure setting.

Upon finding by the Court, the Court shall enter its findings and such appropriate order as provided in subsection (a) of this Section.

(e) A defendant admitted pursuant to this Section, or any person on his behalf, may file a petition for treatment plan review, transfer to a non-secure setting within the Department of Human Services or discharge or conditional release under the standards of this Section in the Court which rendered the verdict. Upon receipt of a petition for treatment plan review, transfer to a non-secure setting or discharge or conditional release, the Court shall set a hearing to be held within 120 days. Thereafter, no new petition may be filed for 120 days without leave of the Court.

(f) The Court shall direct that notice of the time and place of the hearing be served upon the defendant, the facility director, the State's Attorney, and the defendant's attorney. If requested by either the State or the defense or if the Court feels it is appropriate, an impartial examination of the defendant by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services shall be ordered, and the report considered at the time of the hearing.

(g) The findings of the Court shall be established by clear and convincing evidence. The burden of proof and the burden of going forth with the evidence rest with the defendant or any person on the defendant's behalf when a hearing is held to review the determination of the facility director that the defendant should be transferred to a non-secure setting, discharged, or conditionally released or when a hearing is held to review a petition filed by or on behalf of the defendant. The evidence shall be presented in open Court with the right of confrontation and cross-examination.

(h) If the Court finds that the defendant is no longer in need of mental health services it shall order the facility director to discharge the defendant. If the Court finds that the defendant is in need of mental health services, and no longer in need of inpatient care, it shall order the facility director to release the defendant under such conditions as the Court deems appropriate and as provided by this Section. Such conditional release shall be imposed for a period of five years and shall be subject to later modification by the Court as provided by this Section. If the Court finds that the defendant is subject to involuntary admission or in need of mental health services on an inpatient basis, it shall order the facility director not to discharge or release the defendant in accordance with paragraph (b) of this Section.

(i) If within the period of the defendant's conditional release, the Court determines, after hearing evidence, that the defendant has not fulfilled the conditions of release, the Court shall order a hearing to be held consistent with the provisions of paragraph (f) and (g) of this Section. At such hearing, if the Court finds that the defendant is subject to involuntary admission or in need of mental health services on an inpatient basis, it shall enter an order remanding him or her to the Department of Human Services or other facility. If the defendant is remanded to the Department of Human Services, he or she shall be placed in a secure setting unless the Court determines that there are compelling reasons that such placement is not necessary. If the Court finds that the defendant continues to be in need of mental health services but not on an inpatient basis, it may modify the conditions of the original release in order to reasonably assure the defendant's satisfactory progress in treatment and his or her safety and the safety of others. In no event shall such conditional release

be longer than eight years. Nothing in this Section shall limit a Court's contempt powers or any other powers of a Court.

(j) An order of admission under this Section does not affect the remedy of habeas corpus.

(k) In the event of a conflict between this Section and the Mental Health and Developmental Disabilities Code or the Mental Health and Developmental Disabilities Confidentiality Act, the provisions of this Section shall govern.

(l) This amendatory Act shall apply to all persons who have been found not guilty by reason of insanity and who are presently committed to the Department of Mental Health and Developmental Disabilities (now the Department of Human Services).

(m) The Clerk of the Court shall, after the entry of an order of transfer to a non-secure setting of the Department of Human Services or discharge or conditional release, transmit a certified copy of the order to the Department of Human Services, and the sheriff of the county from which the defendant was admitted. In cases where the arrest of the defendant or the commission of the offense took place in any municipality with a population of more than 25,000 persons, the Clerk of the Court shall also transmit a certified copy of the order of discharge or conditional release to the proper law enforcement agency for said municipality provided the municipality has requested such notice in writing. (Source: P.A. 90-105, eff. 7-11-97; 90-593, eff. 6-19-98; 91-536, eff. 1-1-00; 91-770, eff. 1-1-01.)".

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1342, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 5-2-4 as follows:

(730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

Sec. 5-2-4. Proceedings after Acquittal by Reason of Insanity. (a) After a finding or verdict of not guilty by reason of insanity under Sections 104-25, 115-3 or 115-4 of The Code of Criminal Procedure of 1963, the defendant shall be ordered to the Department of Human Services for an evaluation as to whether he is subject to involuntary admission or in need of mental health services. The order shall specify whether the evaluation shall be conducted on an inpatient or outpatient basis. If the evaluation is to be conducted on an inpatient basis, the defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. If the defendant's conduct that was charged involved a first degree murder, an attempt to commit first degree murder, or a second degree murder, then the court shall order inpatient treatment. After the evaluation and during the period of time required to determine the appropriate placement, the defendant shall remain in jail. Upon completion of the placement process the sheriff shall be notified and shall transport the defendant to the designated facility.

The Department shall provide the Court with a report of its evaluation within 30 days of the date of this order. The Court shall hold a hearing as provided under the Mental Health and Developmental Disabilities Code to determine if the individual is: (a) subject to involuntary admission; (b) in need of mental health services on an inpatient basis; (c) in need of mental health services on an outpatient basis; (d) a person not in need of mental health services. The Court shall enter its findings.

If the defendant is found to be subject to involuntary admission or in need of mental health services on an inpatient care basis, the Court shall order the defendant to the Department of Human Services. The defendant shall be placed in a secure setting unless the Court determines that there are compelling reasons why such placement is not necessary. Such defendants placed in a secure setting shall not be permitted outside the facility's housing unit unless escorted or accompanied by personnel of the Department of Human Services or with the prior approval of the Court for unsupervised on-grounds privileges as provided herein. Any defendant placed in a secure setting pursuant to this Section, transported to court hearings or other necessary appointments off facility grounds by personnel of the Department of Human Services, shall ~~may~~ be placed in security devices or otherwise secured during the period of transportation to assure secure transport of the defendant and the safety of Department of Human Services personnel and others. These security measures shall not constitute restraint as defined in the Mental Health and Developmental Disabilities Code. If the defendant is found to be in need of mental health services, but not on an inpatient care basis, the Court shall conditionally release the defendant, under such conditions as set forth in this Section as will reasonably assure the defendant's satisfactory progress and participation in treatment or rehabilitation and the safety of the defendant and ~~or~~ others. If the Court finds the person not in need of mental health services, then the Court shall order the defendant discharged from custody.

(1) Definitions: For the purposes of this Section:

(A) "Subject to involuntary admission" means: a defendant has been found not guilty by reason of insanity; and

(i) who is mentally ill and who because of his mental illness is reasonably expected to inflict serious physical harm upon himself or another in the ~~near~~ future; or

(ii) who is mentally ill and who because of his illness is unable to provide for his basic physical needs so as to guard himself from serious harm.

(B) "In need of mental health services on an inpatient basis" means: a defendant who has been found not guilty by reason of insanity who is not subject to involuntary admission but who is reasonably expected to inflict serious physical harm upon himself or another and who would benefit from inpatient care or is in need of inpatient care. It also includes a person whose conduct for which a disposition under this Section was ordered involved a first degree murder, an attempt to commit first degree murder, or a second degree murder.

(C) "In need of mental health services on an outpatient basis" means: a defendant who has been found not guilty by reason of insanity who is not subject to involuntary admission or in need of mental health services on an inpatient basis, but is in need of outpatient care, drug and/or alcohol rehabilitation programs, community adjustment programs, individual, group, or family therapy, or chemotherapy.

(D) "Conditional Release" means: the release from either the custody of the Department of Human Services or the custody of the Court of a person who has been found not guilty by reason of insanity under such conditions as the Court may impose which reasonably assure the defendant's satisfactory progress in treatment or habilitation and the safety of the defendant and others. The Court shall consider such terms and conditions which may include, but need not be limited to, outpatient care, alcoholic and drug rehabilitation programs, community adjustment programs, individual, group, family, and chemotherapy, random testing to insure the defendant's timely and continuous taking of any medicines prescribed to control or manage his or her conduct or mental state, periodic checks with the legal authorities and/or the Department of Human Services. The report of the evaluation as to whether the defendant is subject to involuntary admission or in need of mental health services, including any conditions or recommendations, shall be in writing and submitted to the court and the State at least 30 days prior to any hearing to insure proper input from the State's Attorney of record in the case and consideration by the court. The person or facility rendering the outpatient care shall be required to submit written reports every 90 days ~~periodically report~~ to the Court on the progress of the defendant with a copy provided to the State's Attorney of record in the case. Such conditional release shall be for a period of 10 ~~five~~ years, unless the defendant, the person or facility rendering the treatment, therapy, program or outpatient care, or the State's Attorney petitions the Court for an extension of the conditional release period for an additional 5 ~~three~~ years. Upon receipt of such a petition, the Court shall hold a hearing consistent with the provisions of this paragraph (a) and paragraph (f) of this Section, shall determine whether the defendant should continue to be subject to the terms of conditional release, and shall enter an order either extending the defendant's period of conditional release for a single additional 5 ~~three~~ year period or discharging the defendant. In no event shall the defendant's period of conditional release exceed 15 ~~eight~~ years. These provisions for extension of conditional release shall only apply to defendants conditionally released on or after July 1, 1979. ~~However the extension provisions of Public Act 83-1449 apply only to defendants charged with a forcible felony.~~

(E) "Facility director" means the chief officer of a mental health or developmental disabilities facility or his or her designee or the supervisor of a program of treatment or habilitation or his or her designee. "Designee" may include a physician, clinical psychologist, social worker, or nurse.

(b) If the Court finds the defendant subject to involuntary admission or in need of mental health services on an inpatient basis, the admission, detention, care, treatment or habilitation, treatment plans, review proceedings, including review of treatment and treatment plans, and discharge of the defendant after such order shall be under the Mental Health and Developmental Disabilities Code, except that the initial order for admission of a defendant acquitted of a felony by reason of insanity shall be for an indefinite period of time. Such period of commitment shall not exceed the maximum length of time that the defendant would have been required to serve, less credit for good behavior except in the case of an original charge of first degree murder, an attempt to commit first degree murder, or a second degree murder, before becoming eligible for release had he been convicted of and received the maximum sentence for the most serious crime for which he has been acquitted by reason of insanity. The Court shall determine the maximum period of commitment by an appropriate order. During this period of time, the defendant shall not be permitted to be in the community in any manner, including but not limited to off-grounds privileges, with or without escort by personnel of

the Department of Human Services, unsupervised on-grounds privileges, discharge or conditional or temporary release, except by a plan as provided in this Section. In no event shall a defendant's continued unauthorized absence be a basis for discharge. Not more than 30 days after admission and every 120 ~~60~~ days thereafter so long as the initial order remains in effect, the facility director shall file a treatment plan report in writing with the court and forward a copy of the treatment plan report to the clerk of the court, the State's Attorney, and the defendant's attorney, if the defendant is represented by counsel, in the case of an original charge of first degree murder, an attempt to commit first degree murder, or a second degree murder to the defendant's victim or to a person authorized by the defendant under the Mental Health and Developmental Disabilities Confidentiality Act to be sent a copy of the report. The report shall include a statement ~~an opinion~~ as to whether the defendant is currently subject to involuntary admission, in need of mental health services on an inpatient basis, or in need of mental health services on an outpatient basis. The report shall also summarize the basis for those findings and provide a current summary of the following items from the treatment plan: (1) an assessment of the defendant's treatment needs, (2) a description of the services recommended for treatment, (3) the goals of each type of element of service, (4) an anticipated timetable for the accomplishment of the goals, and (5) a designation of the qualified professional responsible for the implementation of the plan. The report may also include unsupervised on-grounds privileges, off-grounds privileges (with or without escort by personnel of the Department of Human Services), home visits and participation in work programs, but only where such privileges have been approved by specific court order, which order may include such conditions on the defendant as the Court may deem appropriate and necessary to reasonably assure the defendant's satisfactory progress in treatment and the safety of the defendant and others.

(c) Every defendant acquitted of a felony by reason of insanity and subsequently found to be subject to involuntary admission or in need of mental health services shall be represented by counsel in all proceedings under this Section and under the Mental Health and Developmental Disabilities Code.

(1) The Court shall appoint as counsel the public defender or an attorney licensed by this State.

(2) Upon filing with the Court of a verified statement of legal services rendered by the private attorney appointed pursuant to paragraph (1) of this subsection, the Court shall determine a reasonable fee for such services. If the defendant is unable to pay the fee, the Court shall enter an order upon the State to pay the entire fee or such amount as the defendant is unable to pay from funds appropriated by the General Assembly for that purpose.

(d) When the facility director determines that:

(1) the defendant is no longer subject to involuntary admission or in need of mental health services on an inpatient basis; and

(2) the defendant may be conditionally released because he or she is still in need of mental health services or that the defendant may be discharged as not in need of any mental health services; or

(3) the defendant no longer requires placement in a secure setting;

the facility director shall give written notice to the Court, State's Attorney and defense attorney. Such notice shall set forth in detail the basis for the recommendation of the facility director, and specify clearly the recommendations, if any, of the facility director, concerning conditional release. Within 30 days of the notification by the facility director, the Court shall set a hearing and make a finding as to whether the defendant is:

(i) subject to involuntary admission; or

(ii) in need of mental health services in the form of inpatient care; or

(iii) in need of mental health services but not subject to involuntary admission or inpatient care; or

(iv) no longer in need of mental health services; or

(v) no longer requires placement in a secure setting.

Upon finding by the Court, the Court shall enter its findings and such appropriate order as provided in subsection (a) of this Section.

(e) A defendant admitted pursuant to this Section, or any person on his behalf, may file a petition for treatment plan review, transfer to a non-secure setting within the Department of Human Services or discharge or conditional release under the standards of this Section in the Court which rendered the verdict. Upon receipt of a petition for treatment plan review, transfer to a non-secure setting or discharge or conditional release, the Court shall set a hearing to be held within 365 ~~120~~ days. Thereafter, no new petition may be filed for 365 ~~120~~ days without leave of the Court.

(f) The Court shall direct that notice of the time and place of the hearing be served upon the defendant, the facility director, the State's Attorney, and the defendant's attorney. If requested by

either the State or the defense or if the Court feels it is appropriate, an impartial examination of the defendant by a psychiatrist or clinical psychologist as defined in Section 1-103 of the Mental Health and Developmental Disabilities Code who is not in the employ of the Department of Human Services shall be ordered, and the report considered at the time of the hearing.

(g) The findings of the Court shall be established by clear and convincing evidence. The burden of proof and the burden of going forth with the evidence rest with the defendant or any person on the defendant's behalf when a hearing is held to review a petition filed by or on behalf of the defendant. The evidence shall be presented in open Court with the right of confrontation and cross-examination. If the defendant has been charged with a first degree murder, an attempt to commit first degree murder, or a second degree murder, such evidence shall include, but is not limited to:

(1) whether the defendant appreciates the criminality of his or her prior conduct that resulted in the finding of not guilty by reason of insanity;

(2) the current state of the defendant's illness;

(3) what, if any, medications the defendant is taking to control his or her mental illness;

(4) what, if any, adverse physical side effects the medication has on the defendant;

(5) the length of time it would take for the defendant's mental health to deteriorate if the defendant stopped taking prescribed medication;

(6) the defendant's history or potential for alcohol and drug abuse;

(7) the defendant's past criminal history;

(8) any specialized physical or medical needs of the defendant;

(9) any family participation or involvement expected upon release;

(10) the defendant's potential to be a danger to himself, herself, or others; and

(11) any other factor or factors the court deems appropriate.

(h) If the Court finds, consistent with the provisions of this Section, that the defendant is no longer in need of mental health services it shall order the facility director to discharge the defendant. If the Court finds, consistent with the provisions of this Section, that the defendant is in need of mental health services, and no longer in need of inpatient care, it shall order the facility director to release the defendant under such conditions as the Court deems appropriate and as provided by this Section. Such conditional release shall be imposed for a period of 15 ~~five~~ years and shall be subject to later modification by the Court as provided by this Section. If the Court finds consistent with the provisions in this Section that the defendant is subject to involuntary admission or in need of mental health services on an inpatient basis, it shall order the facility director not to discharge or release the defendant in accordance with paragraph (b) of this Section.

(i) If within the period of the defendant's conditional release, the Court determines, after hearing evidence, that the defendant has not fulfilled the conditions of release, the Court shall order a hearing to be held consistent with the provisions of paragraph (f) and (g) of this Section. At such hearing, if the Court finds that the defendant has violated his or her conditional discharge, is otherwise subject to involuntary admission or in need of mental health services on an inpatient basis, it shall enter an order remanding him or her to the Department of Human Services or other facility. If the defendant is remanded to the Department of Human Services, he or she shall be placed in a secure setting unless the Court determines that there are compelling reasons that such placement is not necessary. Notwithstanding any other provision of this Section, a court may, in its discretion, deny a defendant whose conditional discharge is revoked due to violation of its conditions any credit for any prior time served as involuntary admission or on conditional discharge for purpose of satisfying the maximum time for involuntary admission under this Act. If the Court finds that the defendant continues to be in need of mental health services but not on an inpatient basis, it may modify the conditions of the original release in order to reasonably assure the defendant's satisfactory progress in treatment and his or her safety and the safety of others. In no event shall such conditional release be longer than 15 ~~eight~~ years. Nothing in this Section shall limit a Court's contempt powers or any other powers of a Court.

(j) An order of admission under this Section does not affect the remedy of habeas corpus.

(k) In the event of a conflict between this Section and the Mental Health and Developmental Disabilities Code or the Mental Health and Developmental Disabilities Confidentiality Act, the provisions of this Section shall govern.

(l) This amendatory Act shall apply to all persons who have been found not guilty by reason of insanity and who are presently committed to the Department of Mental Health and Developmental Disabilities (now the Department of Human Services).

(m) The Clerk of the Court shall, after the entry of an order of transfer to a non-secure setting of the Department of Human Services or discharge or conditional release, transmit a certified copy of the order to the Department of Human Services, and the sheriff of the county from which the defendant was admitted. In cases where the arrest of the defendant or the commission of the offense

took place in any municipality with a population of more than 25,000 persons, the Clerk of the Court shall also transmit a certified copy of the order of discharge or conditional release to the proper law enforcement agency for said municipality provided the municipality has requested such notice in writing. (Source: P.A. 90-105, eff. 7-11-97; 90-593, eff. 6-19-98; 91-536, eff. 1-1-00; 91-770, eff. 1-1-01.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Harmon, **Senate Bill No. 1359** having been printed, was taken up, read by title a second time.

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

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1359 on page 8, line 6, after "discount" by inserting "but not a retiree who had been receiving a retirement annuity pursuant to subsection (d) of Section 13-301"; and

on page 13, line 1, after "discount" by inserting "but not the surviving spouse of a retiree who had been receiving a retirement annuity pursuant to subsection (d) of Section 13-301".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended, was held on the order of second reading.

On motion of Senator Garrett, **Senate Bill No. 1373** 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 1373 on page 1, by replacing line 5 with the following:

"Sections 9-230 and 16-55 as follows:"; and

on page 1, by replacing lines 12 through 21 with the following:

"assessments. The township or multi-township assessors in counties with 500,000 or more but no more than 700,000 inhabitants shall, on or before before October 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. The township or multi-township assessors in counties with less than 3,000,000 inhabitants, but more than 700,000 ~~600,000~~ inhabitants, shall, on or before November 15 of the assessment year, return the assessment books or workbooks to the supervisor of assessments. If a township or"; and

on page 4, by deleting lines 14 through 33; and

on page 5, by deleting lines 1 through 18.

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 Welch, **Senate Bill No. 1380** having been printed, was taken up, read by title a second time.

Senator Welch offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1380 on page 2, lines 33 and 34, by replacing "Commerce and Community Affairs" with "the Illinois Environmental Protection Agency".

Senator Welch moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

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

On motion of Senator Hunter, **Senate Bill No. 1384** having been printed, was taken up, read by title a second time.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1384 on page 1, line 27, by replacing "Any municipality" with "A municipality with a population of 1,000,000 or more".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Obama, **Senate Bill No. 1408** 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 1408 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Interagency Coordinating Committee on Transportation Act.

Section 5. Findings; purpose. The General Assembly finds that safe, reliable, and convenient transportation to and from (i) work and related destinations such as child care and education, (ii) medical appointments and related destinations such as a pharmacy, and (iii) ancillary services necessary to the health, well-being, and independence of the family such as grocery shopping, adult day services, and pharmacy related services are extremely important in the ability to find and retain employment and insure the continued independence and well-being of all citizens of Illinois, particularly in the lower income sectors of the economy. For many people, these transportation needs are not met by existing mass transit. In a national survey by the University of Illinois at Chicago of over 500 riders of 23 federally funded community transportation projects under the Job Access and Reverse Commute (JARC) program across the nation, 68% of riders indicated that they would not be able to reach their employment without this service. Furthermore, the national evaluation of the JARC program by the General Accounting Office illustrates that 65% of all projects have extended existing fixed routes by schedule or location as well as created connections to existing services. This creates a need for innovative transportation to work strategies that fit within local circumstances in Illinois. Many localities around Illinois do not have the resources or the expertise to develop and support innovative transportation options. Localities need access to technical assistance both in designing programs and in accessing various sources of State and federal funds. Illinois also leaves substantial federal transportation funds unclaimed because of the failure to put forward projects to use the funds. Thus, Illinois would benefit from an Interagency Coordinating Committee to set priorities for improving access to transportation for the transportation disadvantaged. The General Accounting Office has found in its evaluation that interagency collaboration has informed transit agencies of how to better serve low-income communities by knowing where jobs are located and a system of supports are found. Illinois would also benefit from a unified State process to apply for federal transportation assistance for innovative transportation to work projects and strategies and for identifying the matching funds necessary to access that federal assistance. The purpose of this Act is to establish the Interagency Coordinating Committee on Transportation.

Section 10. Definitions. As used in this Act:

(1) "Agency" means an official, commission, authority, council, department, committee, division, bureau, board, or any other unit or entity of the State, a municipality, a county, or other local governing body or a private not-for-profit transportation service providing agency.

(2) "Committee" means the Illinois Coordinating Committee on Transportation.

(3) "Coordination" means the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.

(4) "Transportation disadvantaged" means those persons who, because of physical or mental disability, income status, age, location of residence, or other reasons are unable to transport

themselves or to purchase affordable transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities.

Section 15. Committee. The Illinois Coordinating Committee on Transportation is created and shall consist of the following members:

(1) The Governor or his or her designee.

(2) The Secretary of Transportation or his or her designee.

(3) The Secretary of Human Services or his or her designee.

(4) The Director of Aging or his or her designee.

(5) The Director of Public Aid or his or her designee.

(6) The Director of Commerce and Community Affairs or his or her designee.

(7) A representative of the Illinois Rural Transit Assistance Center.

(8) A person who is a member of a recognized statewide organization representing older residents of Illinois.

(9) A representative of centers for independent living.

(10) A representative of the Illinois Public Transportation Association.

(11) A representative of an existing transportation system that coordinates and provides transit services in a multi-county area for the Department of Transportation, Department of Human Services, Department of Commerce and Community Affairs, or Department on Aging.

(12) A representative of a statewide organization of rehabilitation facilities or other providers of services for persons with one or more disabilities.

(13) A representative of a community based organization.

(14) A representative of the Department of Public Health.

(15) A representative of the Rural Partners.

(16) The Director of Employment Security or his or her designee.

(17) A representative of a state-wide business association.

(18) A representative of the Illinois Council on Developmental Disabilities.

The Governor shall appoint the members of the Committee other than those named in paragraphs (1) through (6) and paragraph (16) of this Section. The Governor or his or her designee shall serve as chairperson of the Committee and shall convene the meetings of the Committee. The Secretary of Transportation and a representative of a community based organization involved in transportation or their designees, shall serve as co-vice-chairpersons and shall be responsible for staff support for the committee.

Section 20. Duties of Committee. The Committee shall encourage the coordination of public and private transportation services, with priority given to services directed toward those populations who are currently not served or who are underserved by existing public transit.

The Committee shall seek innovative approaches to providing and funding local transportation services and offer their expertise to communities statewide. Specifically, the Committee shall:

(1) Coordinate a State process within federal guidelines to facilitate coordination of community-based transportation programs. This process should include: developing objectives for providing essential transportation services to the transportation disadvantaged; providing technical assistance to communities that are addressing transportation gaps that affect low-income populations; developing a process for requesting federal funds such as the Job Access and Reverse Commute (JARC) Grant program that is based on input from communities statewide; assisting communities in identifying funds from other available sources for projects that are not an eligible use of JARC funds; and developing a plan to identify and recruit potential stakeholders in future community transportation initiatives to the committee.

(2) Develop goals and objectives to reduce duplication of services and achieve coverage that is as complete as possible.

(3) Serve as a clearinghouse for information about funding sources and innovations in serving the transportation disadvantaged.

(4) Submit a report, not later than February 1, 2006, to the Governor and the General Assembly that outlines the progress made by the Committee in performing its duties set forth in paragraphs (1) through (4) of this Section and makes recommendations for statutory and regulatory changes to promote coordination.

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 E. Jones, **Senate Bill No. 1431** having been printed, was taken up, read by title a second time.

Senator E. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1431 by replacing everything after the enacting clause with the following:

"Section 5. The Cemetery Protection Act is amended by changing Section 16 as follows:

(765 ILCS 835/16)

Sec. 16. When a multiple interment right owner becomes deceased, the ownership of any unused rights of interment shall pass in accordance with the specific bequest in the decedent's will. If there is no will or specific bequest then the ownership and use of the unused rights of interment shall be determined by a cemetery authority in accordance with the information set out on a standard affidavit for cemetery interment rights use form if such a form has been prepared. The unused right of interment shall be used for the interment of the first deceased heir listed on the standard affidavit and continue in sequence until all listed heirs are deceased. In the event that an interment right is not used, the interment right shall pass to the heirs of the heirs of the deceased interment right owner in perpetuity. This shall not preclude the ability of the heirs to sell said interment rights, in the event that all listed living heirs are in agreement. If the standard affidavit for cemetery interment rights use, showing heirship of decedent interment right owner's living heirs is provided to and followed by a cemetery authority, the cemetery authority shall be released of any liability in relying on that affidavit.

The following is the form of the standard affidavit:

STATE OF ILLINOIS)
) SS
COUNTY OF .....)

AFFIDAVIT FOR CEMETERY INTERMENT RIGHTS USE

I, ..., being first duly sworn on oath depose and say that:

1. A. My place of residence is .....

B. My post office address is .....

C. I understand that I am providing the information contained in this affidavit to the ..... ("Cemetery") and the Cemetery shall, in the absence of directions to the contrary in my will, rely on this information to allow the listed individuals to be interred in any unused interment rights in the order of their death.

D. I understand that, if I am an out-of-state resident, I submit myself to the jurisdiction of Illinois courts for all matters related to the preparation and use of this affidavit. My agent for service of process in Illinois is:

Name ..... Address .....

City ..... Telephone .....

Items 2 through 6 must be completed by the executor of the decedent's estate, a personal representative, owner's surviving spouse, or surviving heir.

2. The decedent's name is .....

3. The date of decedent's death was .....

4. The decedent's place of residence immediately before his or her death was .....

5. My relationship to the decedent is ..... and I am authorized to sign and file this affidavit.

6. At the time of death, the decedent (had no) (had a) surviving spouse. The name of the surviving spouse, if any, is ....., and he or she (has) (has not) remarried.

7. The following is a list of the cemetery interment rights that may be used by the heirs if the owner is deceased:

.....

.....

8. The following persons have an ownership interest in and the ~~a~~ right to use the cemetery interment rights in the order of their death:

..... Address .....

..... Address .....

..... Address .....

..... Address .....

..... Address .....

..... Address .....

..... Address .....

9. This affidavit is made for the purpose of obtaining the consent of the undersigned to transfer the right of interment at the above mentioned cemetery property to the listed heirs. Affiants agree that they will save, hold harmless, and indemnify Cemetery, its heirs, successors, employees, and assigns, from all claims, loss, or damage whatsoever that may result from relying on this affidavit to record said transfer in its records and allow interments on the basis of the information contained in this affidavit.

WHEREFORE affiant requests Cemetery to recognize the above named heirs-at-law as those rightfully entitled to the ownership of and use of said interment (spaces) (space).

THE FOREGOING STATEMENT IS MADE UNDER THE PENALTIES OF PERJURY. (A FRAUDULENT STATEMENT MADE UNDER THE PENALTIES OF PERJURY IS PERJURY AS DEFINED IN THE CRIMINAL CODE OF 1961.)

Dated this ..... day of ....., ...

..... (Seal) (To be signed by the owner or the individual who completes items 2 through 6 above.)

Subscribed and sworn to before me, a Notary Public in and for the County and State of ..... aforesaid this ..... day of ....., ...

..... Notary Public. (Source: P.A. 92-419, eff. 1-1-02.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Woolard, **Senate Bill No. 1442** having been printed, was taken up, 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 Welch, **Senate Bill No. 1461** 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 1461 by replacing everything after the enacting clause with the following:

"Section 5. The State Revenue Sharing Act is amended by changing Section 0.1 as follows:

(30 ILCS 115/0.1) (from Ch. 85, par. 610)

Sec. 0.1. Short title. This Act ~~shall be known and~~ may be cited as the State Revenue Sharing Act. (Source: P.A. 91-51, eff. 6-30-99.)".

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 Silverstein, **Senate Bill No. 1466** 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. 1462** 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. 1477** 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. 1504** 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. 1478** 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. 1480** 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. 1506** having been printed, was taken up, 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 Harmon, **Senate Bill No. 1507** 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 1507 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Consumer Contract Plain Language Act.".

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. 1513** 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 1513 by deleting all of Sections 5 through 99.

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. 1515** 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 1515 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Section 7 as follows:

(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners Licenses. (a) The Board shall issue owners licenses to persons, firms or corporations that ~~which~~ apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $25,000 license fee for the first year of operation and a $5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board.

A person, firm or corporation is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant, or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of riverboat gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;

(4) the good faith affirmative action plan of each applicant to recruit, train and upgrade minorities in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat; and

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule.

(c) Each owners license shall specify the place where riverboats shall operate and dock.

(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis, and one of which shall authorize riverboat gambling on the Mississippi River or in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2) on the effective date of this amendatory Act of the 92nd General Assembly has a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision.

The Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons.

Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.

(j) The Board may issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas. (Source: P.A. 91-40, eff. 6-25-99; 92-600, eff. 6-28-02.)".

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. 1518** 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 1518 by replacing the title with the following:

"AN ACT concerning telecommunications."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by adding Section 13-306 as follows:

(220 ILCS 5/13-306 new) (Section scheduled to be repealed on July 1, 2005)

Sec. 13-306. Broadband services.

(a) The Commission shall not, by entering or enforcing any order, adopting or enforcing any rule, or otherwise taking or enforcing any agency action, impose or enforce any regulation upon a provider of high speed internet access service or broadband service in its provision of that service regardless of technology or medium used to provide that service. Nothing in this Section shall be construed to deprive the Commission of authority over voice grade local exchange telecommunications services provided to end users.

(b) For purposes of this Section, "high speed internet access service" or "broadband service" means those services and underlying facilities that provide upstream, from customer to provider, or downstream, from provider to customer, transmission to or from the Internet or have the capability to transmit information in excess of 150 kilobits per second, regardless of the technology or medium used, including, but not limited to, wireless, copper wire, fiber optic cable, or coaxial cable, to provide that service.

(c) A local exchange carrier subject to the provisions of 47 U.S.C. Section 251(c) shall be required to provide unbundled access to network elements related to high speed internet access or broadband service including, but not limited to, loops, subloops, and collocation space within the facilities of the incumbent local exchange carrier, only to the extent specifically required under Federal Communications Commission regulations.

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

Floor Amendment No. 2 was held in the Committee on Environment and Energy.

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 Crotty, **Senate Bill No. 1523** 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. 1535** 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. 1543** having been printed, was taken up, read by title a second time.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1543 on page 4, by replacing line 28 with the following:

"(a) Every reported case of sexual assault of a nursing home resident that is confirmed".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Collins, **Senate Bill No. 1592** 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. 1678** 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. 1679** 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. 1680** 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. 1681** 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. 1682** 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. 1683** 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. 1691** 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. 1762** 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. 1774** 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 1774 by replacing the title with the following:

"AN ACT concerning insurance."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 368d as follows:

(215 ILCS 5/368d new)

Sec. 368d. Fairness in contracting procedures.

(a) A health care professional or health care provider offered a contract for signature after the effective date of this amendatory Act of the 93rd General Assembly shall be provided with a complete copy of any proposed professional services contract. Upon request, a health care professional or health care provider, paid on a service by service basis, shall be given the opportunity to review the relevant medical policies, fee schedules, and claims submission and payment procedures related to the covered services. If the health care professional or health care provider is not paid on a service by service basis, the amounts payable and terms of payment under that alternative payment system shall be provided upon request. The health care professional or

health care provider shall be allowed at least 30 days to review the complete contract before signing.

(b) An insurer, health maintenance organization, independent practice association, or physician hospital organization shall notify a health care professional or health care provider within 35 days of the effective date of any material changes to the payment rates. This notice may be provided by mail, e-mail, newsletter, website listing, or other reasonable method.

(c) Upon termination of a contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization, a health care professional or health care provider shall, at the request of a patient, transfer copies of medical records.

Section 99. Effective date. This Act takes effect on December 1, 2003.".

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. 1787** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator E. Jones, **Senate Bill No. 1882** having been printed, was taken up, read by title a second time and ordered to a third reading.

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Obama, **Senate Bill No. 4**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 45; Nays None; Present 12.

The following voted in the affirmative:

Althoff	Geo-Karis	Maloney	Sieben
Bomke	Haine	Martinez	Silverstein
Brady	Halvorson	Meeks	Sullivan, J.
Clayborne	Harmon	Munoz	Trotter
Collins	Hendon	Obama	Viverito
Cronin	Hunter	Petka	Walsh
Crotty	Jacobs	Righter	Welch
Cullerton	Jones, J.	Ronen	Woolard
del Valle	Jones, W.	Rutherford	Mr. President
DeLeo	Lauzen	Sandoval	
Demuzio	Lightford	Schoenberg	
Garrett	Link	Shadid	

The following voted present:

Burzynski	Radogno	Syverson
Dillard	Rauschenberger	Watson
Luechtefeld	Risinger	Winkel
Peterson	Roskam	Wojcik

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Woolard, **Senate Bill No. 22** was recalled from the order of third reading to the order of second reading.

Senator Woolard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 22, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 25, line 29, by replacing "20%" with "5%".

The motion prevailed.

And the amendment was adopted.

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

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READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 58**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 39; Nays 16; Present 1.

The following voted in the affirmative:

Althoff	Garrett	Maloney	Shadid
Bomke	Geo-Karis	Martinez	Silverstein
Clayborne	Haine	Meeks	Trotter
Collins	Halvorson	Munoz	Walsh
Cronin	Harmon	Obama	Welch
Crotty	Hendon	Peterson	Winkel
Cullerton	Hunter	Radogno	Wojcik
del Valle	Jones, J.	Ronen	Woolard
DeLeo	Lightford	Sandoval	Mr. President
Dillard	Link	Schoenberg	

The following voted in the negative:

Brady	Luechtefeld	Roskam	Watson
Burzynski	Petka	Rutherford	
Jacobs	Rauschenberger	Sieben	
Jones, W.	Righter	Sullivan, J.	
Lauzen	Risinger	Syverson	

The following voted present:

Demuzio

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator del Valle, **Senate Bill No. 90** was recalled from the order of third reading to the order of second reading.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 90 on page 2, by inserting after line 13 the following:

"Section 10. The Day and Temporary Labor Services Act is amended by changing Section 10 as follows:

(820 ILCS 175/10)

Sec. 10. Statement. (a) Whenever a day and temporary labor service agency agrees to send one or more persons to work as day or temporary laborers, the day and temporary labor service agency shall, upon request by a day or temporary laborer, provide to the day or temporary laborer a statement containing the following items: "Name and nature of the work to be performed", "wages offered", "destination of the person employed", "terms of transportation", and whether a meal and equipment is provided, either by the day and temporary labor service or the third party employer, and the cost of the meal and equipment, if any.

(b) No day and temporary labor service agency may send any day or temporary laborer to any place where a strike, a lockout, or other labor trouble exists ~~without first notifying the day or temporary laborer of the conditions~~.

(c) The Department shall recommend to day and temporary labor service agencies that those agencies employ personnel who can effectively communicate information required in subsections (a) and (b) to day or temporary laborers in Spanish, Polish, or any other language that is generally used in the locale of the day and temporary labor agency. (Source: P.A. 91-579, eff. 1-1-00; 92-783, eff. 1-1-03.)".

The motion prevailed.

And the amendment was adopted.

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 Cullerton, **Senate Bill No. 100** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 100, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 1, in line 17 by replacing "time" with "terms".

The motion prevailed.

And the amendment was adopted.

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 Obama, **Senate Bill No. 130** was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 130 on page 1, line 6, by changing "Section 97" to "Sections 20 and 97"; and

on page 1 by inserting immediately below line 6 the following:

"(215 ILCS 106/20) (Section scheduled to be repealed on July 1, 2003)

Sec. 20. Eligibility. (a) To be eligible for this Program, a person must be a person who has a child eligible under this Act and who is eligible under a waiver of federal requirements pursuant to an application made pursuant to subdivision (a)(1) of Section 40 of this Act or who is a child who:

(1) is a child who is not eligible for medical assistance;

(2) is a child whose annual household income, as determined by the Department, is above 133% of the federal poverty level and at or below 200% ~~185%~~ of the federal poverty level;

(3) is a resident of the State of Illinois; and

(4) is a child who is either a United States citizen or included in one of the following categories of non-citizens:

(A) unmarried dependent children of either a United States Veteran honorably discharged or a person on active military duty;

(B) refugees under Section 207 of the Immigration and Nationality Act;

(C) asylees under Section 208 of the Immigration and Nationality Act;

(D) persons for whom deportation has been withheld under Section 243(h) of the Immigration and Nationality Act;

(E) persons granted conditional entry under Section 203(a)(7) of the Immigration and Nationality Act as in effect prior to April 1, 1980;

(F) persons lawfully admitted for permanent residence under the Immigration and Nationality Act; and

(G) parolees, for at least one year, under Section 212(d)(5) of the Immigration and Nationality Act.

Those children who are in the categories set forth in subdivisions (4)(F) and (4)(G) of this subsection, who enter the United States on or after August 22, 1996, shall not be eligible for 5 years beginning on the date the child entered the United States.

(b) A child who is determined to be eligible for assistance may remain eligible for 12 months, provided the child maintains his or her residence in the State, has not yet attained 19 years of age, and is not excluded pursuant to subsection (c). A child who has been determined to be eligible for assistance must reapply or otherwise establish eligibility at least annually. An eligible child shall be required, as determined by the Department by rule, to report promptly those changes in income and other circumstances that affect eligibility. The eligibility of a child may be redetermined based on the information reported or may be terminated based on the failure to report or failure to report accurately. A child's responsible relative or caretaker may also be held liable to the Department for any payments made by the Department on such child's behalf that were inappropriate. An applicant shall be provided with notice of these obligations.

(c) A child shall not be eligible for coverage under this Program if:

(1) the premium required pursuant to Section 30 of this Act has not been paid. If the required premiums are not paid the liability of the Program shall be limited to benefits incurred under the Program for the time period for which premiums had been paid. If the required monthly premium is not paid, the child shall be ineligible for re-enrollment for a minimum period of 3 months. Re-enrollment shall be completed prior to the next covered medical visit and the first month's required premium shall be paid in advance of the next covered medical visit. The Department shall promulgate rules regarding grace periods, notice requirements, and hearing procedures pursuant to this subsection;

(2) the child is an inmate of a public institution or a patient in an institution for mental diseases; or

(3) the child is a member of a family that is eligible for health benefits covered under the State of Illinois health benefits plan on the basis of a member's employment with a public agency. (Source: P.A. 92-597, eff. 6-28-02.)".

The motion prevailed.

And the amendment was adopted.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Garrett, **Senate Bill No. 133**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 52; Nays 2.

The following voted in the affirmative:

Althoff	Geo-Karis	Munoz	Sullivan, J.
Bomke	Haine	Obama	Trotter
Brady	Halvorson	Peterson	Viverito
Burzynski	Harmon	Petka	Walsh
Clayborne	Hendon	Radogno	Watson
Collins	Hunter	Righter	Welch
Cronin	Jacobs	Risinger	Winkel
Crotty	Jones, J.	Ronen	Wojcik
Cullerton	Lauzen	Roskam	Woolard
del Valle	Lightford	Sandoval	Mr. President
DeLeo	Link	Schoenberg	
Demuzio	Maloney	Shadid	

Dillard	Martinez	Sieben
Garrett	Meeks	Silverstein

The following voted in the negative:

Jones, W.
Rauschenberger

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Jacobs, **Senate Bill No. 179**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 51; Nays 3.

The following voted in the affirmative:

Althoff	Garrett	Maloney	Silverstein
Bomke	Geo-Karis	Martinez	Sullivan, J.
Brady	Haine	Meeks	Syverson
Burzynski	Halvorson	Obama	Trotter
Clayborne	Harmon	Peterson	Viverito
Collins	Hendon	Petka	Walsh
Cronin	Hunter	Righter	Watson
Crotty	Jacobs	Risinger	Welch
Cullerton	Jones, J.	Ronen	Winkel
del Valle	Jones, W.	Sandoval	Wojcik
DeLeo	Lightford	Schoenberg	Woolard
Demuzio	Link	Shadid	Mr. President
Dillard	Luechtefeld	Sieben	

The following voted in the negative:

Lauzen
Rauschenberger
Roskam

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Walsh, **Senate Bill No. 185**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, J.
Bomke	Halvorson	Obama	Syverson
Brady	Harmon	Peterson	Trotter

Burzynski	Hendon	Petka	Viverito
Clayborne	Hunter	Radogno	Walsh
Collins	Jacobs	Rauschenberger	Watson
Cronin	Jones, J.	Righter	Welch
Crotty	Jones, W.	Risinger	Winkel
Cullerton	Lauzen	Ronen	Wojcik
del Valle	Lightford	Roskam	Woolard
DeLeo	Link	Sandoval	Mr. President
Demuzio	Luechtefeld	Schoenberg	
Dillard	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 211** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 211 as follows:
on page 1, line 19 by replacing "a" with "the"; and
on page 1, line 22 after "(g)" by inserting "but does not include amounts recoverable under Section 3-806 of the Uniform Commercial Code and Section 17-1a of this Code"; and
on page 3, by inserting between lines 15 and 16 the following:

"(g) (1) The private entity shall be required to maintain adequate general liability insurance of $1,000,000 per occurrence as well as adequate coverage for potential loss resulting from employee dishonesty. The State's Attorney may require a surety bond payable to the State's Attorney if in the State's Attorney's opinion it is determined that the private entity is not adequately insured or funded.

(2) (A) Each private entity that has a contract with the State's Attorney to conduct a bad check diversion program shall at all times maintain a separate bank account in which all moneys received from the offenders participating in the program shall be deposited, referred to as a "Trust Account", except that negotiable instruments received may be forwarded directly to a victim of the deceptive practice committed by the offender if that procedure is provided for by a writing executed by the victim. Moneys received shall be so deposited within 5 business days after posting to the private entity's books of account. There shall be sufficient funds in the trust account at all times to pay the victims the amount due them.

(B) The trust account shall be established in a bank, savings and loan association, or other recognized depository which is federally or State insured or otherwise secured as defined by rule. If the account is interest bearing, the private entity shall pay to the victim interest earned on funds on deposit after the 60th day.

(C) Each private entity shall keep on file the name of the bank, savings and loan association, or other recognized depository in which each trust account is maintained, the name of each trust account, and the names of the persons authorized to withdraw funds from each account. The private entity, within 30 days of the time of a change of depository or person authorized to make withdrawal, shall update its files to reflect that change. An examination and audit of a private entity's trust accounts may be made by the State's Attorney as the State's Attorney deems appropriate. A trust account financial report shall be submitted annually on forms acceptable to the State's Attorney.

(3) The State's Attorney may cancel a contract entered into with a private entity under this Section for any one or any combination of the following causes:

(A) Conviction of the private entity or the principals of the private entity of any crime under the laws of any U.S. jurisdiction which is a felony, a misdemeanor an essential element of which is dishonesty, or of any crime which directly relates to the practice of the profession.

(B) A determination that the private entity has engaged in conduct prohibited in item (4).

(4) The State's Attorney may determine whether the private entity has engaged in the following prohibited conduct:

(A) Using or threatening to use force or violence to cause physical harm to an offender, his or her family, or his or her property.

(B) Threatening the seizure, attachment, or sale of an offender's property where such action can only be taken pursuant to court order without disclosing that prior court proceedings are required.

(C) Disclosing or threatening to disclose information adversely affecting an offender's reputation for credit worthiness with knowledge the information is false.

(D) Initiating or threatening to initiate communication with an offender's employer unless there has been a default of the payment of the obligation for at least 30 days and at least 5 days prior written notice, to the last known address of the offender, of the intention to communicate with the employer has been given to the employee, except as expressly permitted by law or court order.

(E) Communicating with the offender or any member of the offender's family at such a time of day or night and with such frequency as to constitute harassment of the offender or any member of the offender's family. For purposes of this clause (E) the following conduct shall constitute harassment:

(i) Communicating with the offender or any member of his or her family at any unusual time or place or a time or place known or which should be known to be inconvenient to the offender. In the absence of knowledge of circumstances to the contrary, a private entity shall assume that the convenient time for communicating with a consumer is after 8 o'clock a.m. and before 9 o'clock p.m. local time at the offender's residence.

(ii) The threat of publication or publication of a list of offenders who allegedly refuse to pay restitution, except by the State's Attorney.

(iii) The threat of advertisement or advertisement for sale of any restitution to coerce payment of the restitution.

(iv) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

(v) Using profane, obscene or abusive language in communicating with a offender, his or her family, or others.

(vi) Disclosing or threatening to disclose information relating to a offender's case to any other person except the victim and appropriate law enforcement personnel.

(vii) Disclosing or threatening to disclose information concerning the alleged criminal act which the private entity knows to be reasonably disputed by the offender without disclosing the fact that the offender disputes the accusation.

(viii) Engaging in any conduct which the State's Attorney finds was intended to cause and did cause mental or physical illness to the offender or his or her family.

(ix) Attempting or threatening to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist.

(x) Except as authorized by the State's Attorney, using any form of communication which simulates legal or judicial process or which gives the appearance of being authorized, issued or approved by a governmental agency or official or by an attorney at law when it is not.

(xi) Using any badge, uniform, or other indicia of any governmental agency or official, except as authorized by law or by the State's Attorney.

(xii) Except as authorized by the State's Attorney, conducting business under any name or in any manner which suggests or implies that the private entity is bonded if such private entity is or is a branch of or is affiliated with any governmental agency or court if such private entity is not.

(xiii) Misrepresenting the amount of the restitution alleged to be owed.

(xiv) Except as authorized by the State's Attorney, representing that an existing restitution amount may be increased by the addition of attorney's fees, investigation fees, or any other fees or charges when those fees or charges may not legally be added to the existing restitution.

(xv) Except as authorized by the State's Attorney, representing that the private entity is an attorney at law or an agent for an attorney if the entity is not.

(xvi) Collecting or attempting to collect any interest or other charge or fee in excess of the actual restitution or claim unless the interest or other charge or fee is expressly authorized by the State's Attorney, who shall determine what constitutes a reasonable collection fee.

(xvii) Communicating or threatening to communicate with a offender when the private entity is informed in writing by an attorney that the attorney represents the offender

concerning the claim, unless authorized by the attorney. If the attorney fails to respond within a reasonable period of time, the private entity may communicate with the offender. The private entity may communicate with the offender when the attorney gives his consent.

(xviii) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(5) The State's Attorney shall audit the accounts of the bad check diversion program after notice in writing to the private entity.

(6) Any information obtained by a private entity that has a contract with the State's Attorney to conduct a bad check diversion program is confidential information between the State's Attorney and the private entity and may not be sold or used for any other purpose but may be shared with other authorized law enforcement agencies as determined by the State's Attorney."; and

on page 3, line 16, by replacing "(g)" with "(h)"; and

on page 3, line 17, by replacing "may" with "shall"; and

on page 3, line 21, after "The", by inserting "face amount of the dishonored check or draft and the"; and

on page 3, line 21, after "paid", by inserting "by the State's Attorney or private entity under contract with the State's Attorney"; and

on page 3, by inserting below line 30 the following:

"(i) The offender, if aggrieved by an action of the private entity contracted to operate a bad check diversion program, may submit a grievance to the State's Attorney who may then resolve the grievance. The private entity must give notice to the offender that the grievance procedure is available. The grievance procedure shall be established by the State's Attorney.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Clayborne, **Senate Bill No. 212**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 31; Nays 20; Present 3.

The following voted in the affirmative:

Clayborne	Halvorson	Maloney	Trotter
Collins	Harmon	Martinez	Viverito
Crotty	Hendon	Meeks	Walsh
Cullerton	Hunter	Munoz	Watson
del Valle	Jacobs	Sandoval	Winkel
DeLeo	Jones, W.	Schoenberg	Woolard
Demuzio	Lightford	Shadid	Mr. President
Haine	Link	Silverstein	

The following voted in the negative:

Bomke	Lauzen	Righter	Welch
Brady	Luechtefeld	Risinger	Wojcik
Burzynski	Peterson	Roskam	
Garrett	Petka	Sieben	
Geo-Karis	Radogno	Sullivan, J.	
Jones, J.	Rauschenberger	Syverson	

The following voted present:

Dillard

Obama
Ronen

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Clayborne, **Senate Bill No. 216**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 49; Nays 6.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Brady	Halvorson	Obama	Syverson
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Petka	Viverito
Cronin	Hunter	Radogno	Walsh
Crotty	Jacobs	Righter	Watson
Cullerton	Jones, J.	Risinger	Winkel
del Valle	Jones, W.	Ronen	Wojcik
DeLeo	Lightford	Roskam	Woolard
Demuzio	Link	Sandoval	Mr. President
Dillard	Maloney	Schoenberg	
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

The following voted in the negative:

Bomke	Lauzen	Sullivan, J.
Burzynski	Rauschenberger	Welch

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 4:40 o'clock p.m., Senator Welch presiding.

On motion of Senator Link, **Senate Bill No. 229**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 39; Nays 17.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Silverstein
Clayborne	Haine	Meeks	Sullivan, J.
Collins	Halvorson	Munoz	Trotter
Crotty	Harmon	Obama	Viverito
Cullerton	Hendon	Peterson	Walsh
del Valle	Hunter	Risinger	Welch
DeLeo	Jacobs	Ronen	Wojcik
Demuzio	Lightford	Sandoval	Woolard
Dillard	Link	Schoenberg	Mr. President

Garrett	Maloney	Shadid	

The following voted in the negative:

Bomke	Jones, W.	Rauschenberger	Watson
Brady	Lauzen	Righter	Winkel
Burzynski	Luechtefeld	Roskam	
Cronin	Petka	Sieben	
Jones, J.	Radogno	Syverson	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Trotter, **Senate Bill No. 232** was recalled from the order of third reading to the order of second reading.

Senator Risinger offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 232 on page 1, in line 10 by deleting "(a)"; and on page 1, by deleting lines 23 through 27.

Senator Risinger moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 232 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The Road Fees Refund Fund. ".

The motion prevailed.

And the amendment was adopted.

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 Jacobs, **Senate Bill No. 268** was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 268 on page 1, by replacing line 5 with the following: "by changing Sections 3.160 and 22.1 as follows:

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

Sec. 3.160. Construction or demolition debris. (a) "General construction or demolition debris" means non-hazardous, uncontaminated materials resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads, limited to the following: bricks, concrete, and other masonry materials; soil; rock; wood, including non-hazardous painted, treated, and coated wood and wood products; wall coverings; plaster; drywall; plumbing fixtures; non-asbestos insulation; roofing shingles and other roof coverings; reclaimed asphalt pavement; glass; plastics that are not sealed in a manner that conceals waste; electrical wiring and components containing no hazardous substances; and piping or metals incidental to any of those materials.

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

(b) "Clean construction or demolition debris" means uncontaminated broken concrete without protruding metal bars, bricks, rock, stone, reclaimed asphalt pavement, or soil generated from construction or demolition activities.

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

To the extent allowed by federal law, clean construction or demolition debris shall not be considered "waste" if it is (i) used as fill material ~~below grade~~ outside of a setback zone if the fill is placed no higher than the highest point of elevation existing prior to the filling immediately adjacent to the fill area, and if covered by sufficient uncontaminated soil to support vegetation within 30 days of the completion of filling or if covered by a road or structure, or (ii) separated or processed and returned to the economic mainstream in the form of raw materials or products, if it is not speculatively accumulated and, if used as a fill material, it is used in accordance with item (i) within 30 days of its generation, or (iii) solely broken concrete without protruding metal bars used for erosion control, or (iv) generated from the construction or demolition of a building, road, or other structure and used to construct, on the site where the construction or demolition has taken place, a ~~an above-grade area shaped so as to blend into an extension of the surrounding topography or an above-grade~~ manmade functional structure not to exceed 20 feet above the highest point of elevation of the property immediately adjacent to the new manmade functional structure as that elevation existed prior to the creation of that new structure ~~in height~~, provided that the ~~area or~~ structure shall be covered with sufficient soil materials to sustain vegetation or by a road or structure, and further provided that no such ~~area or~~ structure shall be constructed within a home rule municipality with a population over 500,000 without the consent of the municipality. (Source: P.A. 91-909, eff. 7-7-00; 92-574, eff. 6-26-02.)".

The motion prevailed.

And the amendment was adopted.

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 Walsh, **Senate Bill No. 272** was recalled from the order of third reading to the order of second reading.

Senator Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 272 on page 5, lines 6 and 7, by replacing "devices, including temporary stop signs, between" with "devices between"; and
on page 5, line 17, after the period, by inserting "The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required signs.".

The motion prevailed.

And the amendment was adopted.

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. 330** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 330 on page 11, line 14, after the period, by inserting "This movement shall be valid only on State routes approved by the Department of Transportation. The tower must abide by posted bridge weight limits."; and
on page 19, lines 14 and 15, by deleting "or combination of vehicles"; and
on page 19, line 16, after the period, by inserting "This movement shall be valid only on State routes approved by the Department of Transportation. The tower must abide by posted bridge weight limits.".

The motion prevailed.

And the amendment was adopted.

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 DeLeo, **Senate Bill No. 332** was recalled from the order of third reading to the order of second reading.

Senator DeLeo offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 332 by replacing everything after the enacting clause with the following:

"Section 5. The Regulatory Sunset Act is amended by changing Sections 4.14 and 4.24 as follows:

(5 ILCS 80/4.14) (from Ch. 127, par. 1904.14)

Sec. 4.14. Acts repealed. (a) The following Acts are repealed December 31, 2003:

The Private Detective, Private Alarm, and Private Security Act of 1993.

The Illinois Occupational Therapy Practice Act.

(b) The following Act is ~~Acts are~~ repealed January 1, 2004:

~~The Illinois Certified Shorthand Reporters Act of 1984.~~

The Veterinary Medicine and Surgery Practice Act of 1994.

(Source: P.A. 92-457, eff 8-21-01.)

(5 ILCS 80/4.24)

Sec. 4.24. Acts repealed on January 1, 2014. The following Acts are repealed on January 1, 2014:

The Electrologist Licensing Act.

The Illinois Certified Shorthand Reporters Act of 1984.

The Illinois Public Accounting Act. (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

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

The motion prevailed.

And the amendment was adopted.

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 Peterson, **Senate Bill No. 354** was recalled from the order of third reading to the order of second reading.

Senator Peterson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 354, AS AMENDED, by replacing all of Section 35 with the following:

"Section 35. Title protection. No person shall hold himself or herself out as a registered surgical assistant or registered surgical technologist without being so registered by the Department.".

The motion prevailed.

And the amendment was adopted.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Hunter, **Senate Bill No. 372**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 33; Nays 22; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Martinez	Trotter

Collins	Halvorson	Meeks	Viverito
Crotty	Harmon	Munoz	Walsh
Cullerton	Hendon	Obama	Welch
del Valle	Hunter	Ronen	Woolard
DeLeo	Jacobs	Sandoval	Mr. President
Demuzio	Lightford	Schoenberg	
Garrett	Link	Shadid	
Geo-Karis	Maloney	Silverstein	

The following voted in the negative:

Althoff	Jones, W.	Rauschenberger	Syverson
Bomke	Lauzen	Righter	Watson
Brady	Luechtefeld	Risinger	Winkel
Burzynski	Peterson	Roskam	Wojcik
Cronin	Petka	Sieben	
Jones, J.	Radogno	Sullivan, J.	

The following voted present:

Dillard

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Trotter, **Senate Bill No. 461** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 461 on page 1, line 29 by deleting "opposed unionization by their employees and"; and

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

"outcome of union representation elections, including requiring employees to attend meetings on work time."; and

on page 2, by replacing line 15 with the following:

"meetings to influence employees regarding unionization."; and

on page 4, line 29 by changing "in connection with" to "that is funded by"; and

on page 5, by replacing lines 3 though 9 with the following:

"areas."; and

by replacing lines 31 through 33 on page 5 and lines 1 through 24 on page 6 with the following:

"Section 20. Reporting.

(a) Any contractor or grantee who is subject to this Act and who makes expenditures to assist, promote, or deter union organizing shall maintain records sufficient to show that no State funds were used for those expenditures. Expenditures to be included in this record include, but are not limited to, the cost of: literature or other similar communications related to union representation; the hiring of vendors, including lawyers and consultants, for the purpose of influencing a unionization effort; the holding of meetings, including meetings with supervisors and managerial employees, to influence employees regarding unionization; and the wages of employees, including supervisory and management employees, during any activity aimed at influencing a unionization effort or the preparation for the activity.

(b) Any taxpayer, employee, or employee representative may file a complaint with the Illinois Attorney General if the person believes that a contractor or grantee is expending funds in violation of this Act. The Illinois Attorney General shall, within 10 business days after a complaint is filed, notify the contractor or grantee that the contractor or grantee must provide the records described in subsection (a). The contractor or grantee shall provide the records to the Illinois Attorney General within 15 business days after the contractor or grantee receives the notice from the Illinois Attorney

General, unless the Illinois Attorney General gives the contractor or grantee a 10-day extension of time to provide the records based upon a showing of good cause for the extension by the contractor or grantee. If the Illinois Attorney General determines that the contractor or grantee has expended funds in violation of this Act, the Illinois Attorney General shall make the records available to the complainant.".

The motion prevailed.

And the amendment was adopted.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Garrett, **Senate Bill No.** 466, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 56; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, J.
Bomke	Halvorson	Obama	Syverson
Brady	Harmon	Peterson	Trotter
Burzynski	Hendon	Petka	Viverito
Clayborne	Hunter	Radogno	Walsh
Collins	Jacobs	Rauschenberger	Watson
Cronin	Jones, J.	Righter	Welch
Crotty	Jones, W.	Risinger	Winkel
Cullerton	Lauzen	Ronen	Wojcik
del Valle	Lightford	Roskam	Woolard
DeLeo	Link	Sandoval	Mr. President
Demuzio	Luechtefeld	Schoenberg	
Dillard	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Collins, **Senate Bill No. 505**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 54; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Silverstein
Bomke	Haine	Meeks	Sullivan, J.
Brady	Halvorson	Munoz	Syverson
Burzynski	Harmon	Obama	Trotter
Clayborne	Hendon	Peterson	Viverito
Collins	Hunter	Petka	Walsh
Cronin	Jacobs	Radogno	Watson
Crotty	Jones, J.	Righter	Welch
Cullerton	Jones, W.	Risinger	Winkel

del Valle	Lauzen	Ronen	Wojcik
DeLeo	Lightford	Roskam	Woolard
Demuzio	Link	Schoenberg	Mr. President
Dillard	Luechtefeld	Shadid	
Garrett	Maloney	Sieben	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

Senator Sandoval asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **Senate Bill No. 505.**

SENATE BILL RECALLED

On motion of Senator Harmon, **Senate Bill No. 559** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 559, AS AMENDED, in Section 5 of the bill, in Sec. 143.17a, in subsection b., by deleting "The proof of mailing requirements in subsection (a) do not apply to this subsection."; and

in Section 5 of the bill, in Sec. 143.17a, in subsection c., by replacing "The proof of mailing requirements in subsection (a) do not apply to this subsection." with "~~The~~".

The motion prevailed.

And the amendment was adopted.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended was ordered to a third reading.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Dillard, **Senate Bill No. 607**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 42; Nays 7; Present 3.

The following voted in the affirmative:

Althoff	Haine	Maloney	Silverstein
Bomke	Halvorson	Martinez	Sullivan, J.
Clayborne	Harmon	Meeks	Trotter
Collins	Hendon	Munoz	Viverito
Cronin	Hunter	Righter	Walsh
Crotty	Jacobs	Risinger	Winkel
DeLeo	Jones, J.	Ronen	Wojcik
Demuzio	Jones, W.	Sandoval	Woolard
Dillard	Lightford	Schoenberg	Mr. President
Garrett	Link	Shadid	
Geo-Karis	Luechtefeld	Sieben	

The following voted in the negative:

Burzynski	Petka	Roskam	Welch
Obama	Rauschenberger	Syverson	

The following voted present:

Cullerton
Peterson
Radogno

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Shadid, **Senate Bill No. 633** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 633 on page 1, by deleting lines 9 through 12; and
on page 1, line 13, by changing "(3)" to "(1)"; and
on page 1, line 15, by changing "(4)" to "(2)"; and
on page 1, line 17, by changing "(5)" to "(3)"; and
on page 3, line 14, before the comma, by inserting "(including amounts awarded)"; and
on page 4, after line 19, by inserting the following:

"(7) Provide documentation that funds were requested from other sources, including, but not limited to, units of local government, local donors, local Area Agencies on Aging, or private or religious foundations.

(8) Include letters of support for the awarding of the grant, from sources such as local government officials, community leaders, other human service providers, the local Area Agency on Aging, private or religious foundations, or local membership-based organizations."; and
on page 5, lines 2 and 4, by changing "12" to "14" each time it appears; and
on page 5, between lines 20 and 21, by inserting the following:

"(7) Two members who are directors of Area Agencies on Aging."; and
on page 5, line 24, by changing "4" to "5" each time it appears; and
on page 6, after line 26, by inserting the following:

"Section 85. The Deposit of State Moneys Act is amended by changing Section 7 as follows:
(15 ILCS 520/7) (from Ch. 130, par. 26)

Sec. 7. (a) Proposals made may either be approved or rejected by the State Treasurer. A bank or savings and loan association whose proposal is approved shall be eligible to become a State depositary for the class or classes of funds covered by its proposal. A bank or savings and loan association whose proposal is rejected shall not be so eligible. The State Treasurer shall seek to have at all times a total of not less than 20 banks or savings and loan associations which are approved as State depositaries for time deposits.

(b) The State Treasurer may, in his discretion, accept a proposal from an eligible institution which provides for a reduced rate of interest provided that such institution documents the use of deposited funds for community development projects.

(b-5) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for a reduced rate of interest, provided that such institution agrees to expend an amount of money equal to the amount of the reduction for the preservation of Cahokia Mounds.

(b-10) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for a reduced rate of interest, provided that the institution agrees to expend an amount of money equal to the amount of the reduction for senior centers.

(c) The State Treasurer may, in his or her discretion, accept a proposal from an eligible institution that provides for interest earnings on deposits of State moneys to be held by the institution in a separate account that the State Treasurer may use to secure up to 10% of any (i) home loans to Illinois citizens purchasing a home in Illinois in situations where the participating financial institution would not offer the borrower a home loan under the institution's prevailing credit standards without the incentive of a reduced rate of interest on deposits of State moneys, (ii) existing home loans of Illinois citizens who have failed to make payments on a home loan as a result of a financial hardship due to circumstances beyond the control of the borrower where there is a reasonable prospect that the borrower will be able to resume full mortgage payments, and (iii) loans in amounts that do not exceed the amount of arrearage on a mortgage and that are extended to enable

a borrower to become current on his or her mortgage obligation.

The following factors shall be considered by the participating financial institution to determine whether the financial hardship is due to circumstances beyond the control of the borrower: (i) loss, reduction, or delay in the receipt of income because of the death or disability of a person who contributed to the household income, (ii) expenses actually incurred related to the uninsured damage or costly repairs to the mortgaged premises affecting its habitability, (iii) expenses related to the death or illness in the borrower's household or of family members living outside the household that reduce the amount of household income, (iv) loss of income or a substantial increase in total housing expenses because of divorce, abandonment, separation from a spouse, or failure to support a spouse or child, (v) unemployment or underemployment, (vi) loss, reduction, or delay in the receipt of federal, State, or other government benefits, and (vii) participation by the homeowner in a recognized labor action such as a strike. In determining whether there is a reasonable prospect that the borrower will be able to resume full mortgage payments, the participating financial institution shall consider factors including, but not necessarily limited to the following: (i) a favorable work and credit history, (ii) the borrower's ability to and history of paying the mortgage when employed, (iii) the lack of an impediment or disability that prevents reemployment, (iv) new education and training opportunities, (v) non-cash benefits that may reduce household expenses, and (vi) other debts.

For the purposes of this Section, "home loan" means a loan, other than an open-end credit plan or a reverse mortgage transaction, for which (i) the principal amount of the loan does not exceed 50% of the conforming loan size limit for a single-family dwelling as established from time to time by the Federal National Mortgage Association, (ii) the borrower is a natural person, (iii) the debt is incurred by the borrower primarily for personal, family, or household purposes, and (iv) the loan is secured by a mortgage or deed of trust on real estate upon which there is located or there is to be located a structure designed principally for the occupancy of no more than 4 families and that is or will be occupied by the borrower as the borrower's principal dwelling.

(d) If there is an agreement between the State Treasurer and an eligible institution that details the use of deposited funds, the agreement may not require the gift of money, goods, or services to a third party; this provision does not restrict the eligible institution from contracting with third parties in order to carry out the intent of the agreement or restrict the State Treasurer from placing requirements upon third-party contracts entered into by the eligible institution. (Source: P.A. 92-482, eff. 8-23-01; 92-531, eff. 2-8-02; 92-625, eff. 7-11-02; revised 8-26-02.)

"; and

on page 6, after line 31, by inserting the following:

"Section 92. The Public Funds Investment Act is amended by adding Section 2.10 as follows:

(30 ILCS 235/2.10 new)

Sec. 2.10. Unit of local government; deposit at reduced rate of interest. The treasurer of a unit of local government may, in his or her discretion, deposit public moneys of that unit of local government in a financial institution pursuant to an agreement that provides for a reduced rate of interest, provided that the institution agrees to expend an amount of money equal to the amount of the reduction for senior centers.

Section 95. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 7 as follows:

(815 ILCS 505/7) (from Ch. 121 1/2, par. 267)

Sec. 7. Injunctive relief; restitution; and civil penalties. (a) Whenever the Attorney General or a State's Attorney has reason to believe that any person is using, has used, or is about to use any method, act or practice declared by this Act to be unlawful, and that proceedings would be in the public interest, he or she may bring an action in the name of the People of the State against such person to restrain by preliminary or permanent injunction the use of such method, act or practice. The Court, in its discretion, may exercise all powers necessary, including but not limited to: injunction; revocation, forfeiture or suspension of any license, charter, franchise, certificate or other evidence of authority of any person to do business in this State; appointment of a receiver; dissolution of domestic corporations or association suspension or termination of the right of foreign corporations or associations to do business in this State; and restitution.

(b) In addition to the remedies provided herein, the Attorney General or State's Attorney may request and the Court may impose a civil penalty in a sum not to exceed $50,000 against any person found by the Court to have engaged in any method, act or practice declared unlawful under this Act. In the event the court finds the method, act or practice to have been entered into with the intent to defraud, the court has the authority to impose a civil penalty in a sum not to exceed $50,000 per violation.

(c) In addition to any other civil penalty provided in this Section, if a person is found by the

court to have engaged in any method, act, or practice declared unlawful under this Act, and the violation was committed against a person 65 years of age or older, the court may impose an additional civil penalty not to exceed $10,000 for each violation.

A civil penalty imposed under this subsection (c) shall be paid to the State Treasurer who shall deposit the money in the State treasury in a special fund designated the Elderly Victim Fund. The Treasurer shall deposit such moneys into the Fund monthly. All of the moneys deposited into the Fund shall be appropriated to the Department on Aging for grants to senior centers in Illinois. ~~Fifty percent of all moneys deposited in the Fund shall be appropriated to the Attorney General for the investigation and prosecution of frauds against persons 65 years of age or older and 50% of all moneys in the Fund shall be appropriated to the Attorney General to develop and implement State-wide education initiatives to inform persons 65 years of age or older, law enforcement agencies, the judicial system, social service professionals, and the general public about prevention of consumer crimes against persons 65 years of age or older, and about the provisions of this Section, the penalties for violations of this Section, and the remedies available for victims of those violations.~~

An award of restitution under subsection (a) has priority over a civil penalty imposed by the court under this subsection.

In determining whether to impose a civil penalty under this subsection and the amount of any penalty, the court shall consider the following:

(1) Whether the defendant's conduct was in willful disregard of the rights of the person 65 years of age or older.

(2) Whether the defendant knew or should have known that the defendant's conduct was directed to a person 65 years of age or older.

(3) Whether the person 65 years of age or older was substantially more vulnerable to the defendant's conduct because of age, poor health, infirmity, impaired understanding, restricted mobility, or disability, than other persons.

(4) Any other factors the court deems appropriate.

(d) This Section applies if: (i) a court orders a party to make payments to the Attorney General and the payments are to be used for the operations of the Office of the Attorney General or (ii) a party agrees, in an Assurance of Voluntary Compliance under this Act, to make payments to the Attorney General for the operations of the Office of the Attorney General.

(e) Moneys paid under any of the conditions described in subsection (d) shall be deposited into the Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund, which is created as a special fund in the State Treasury. Moneys in the Fund shall be used, subject to appropriation, for the performance of any function pertaining to the exercise of the duties of the Attorney General including but not limited to enforcement of any law of this State and conducting public education programs; however, any moneys in the Fund that are required by the court or by an agreement to be used for a particular purpose shall be used for that purpose. (Source: P.A. 90-414, eff. 1-1-98.)".

The motion prevailed.

And the amendment was adopted.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 703**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 40; Nays 6; Present 8.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Trotter
Brady	Haine	Munoz	Viverito
Clayborne	Halvorson	Obama	Walsh
Collins	Harmon	Peterson	Watson
Cronin	Hendon	Radogno	Welch
Crotty	Hunter	Ronen	Woolard

Cullerton	Jacobs	Sandoval	Mr. President
del Valle	Lightford	Schoenberg	
Demuzio	Link	Shadid	
Dillard	Maloney	Silverstein	
Garrett	Martinez	Sullivan, J.	

The following voted in the negative:

Bomke	Jones, W.	Syverson
Jones, J.	Rauschenberger	Wojcik

The following voted present:

Burzynski	Petka	Sieben
Lauzen	Risinger	Winkel
Luechtefeld	Roskam	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Garrett, **Senate Bill No. 901** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 901, AS AMENDED, in Section 5, Sec. 12-602.1, by deleting subsection (c).

The motion prevailed.

And the amendment was adopted.

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 W. Jones, **Senate Bill No. 974** was recalled from the order of third reading to the order of second reading.

Senator W. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 974 on page 1, line 15, after "SOUTHWEST QUARTER," by inserting the following:

"AND THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER,".

The motion prevailed.

And the amendment was adopted.

Senator W. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 974, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 5, by changing "Section 291" to "Sections 291 and 292"; and

on page 3, immediately below line 15, by inserting the following:

"(70 ILCS 2605/292 new)

Sec. 292. District enlarged. Upon the effective date of this amendatory Act of the 93rd General Assembly, the corporate limits of the Metropolitan Water Reclamation District are extended to include within the limits the following described tracts of land, and those tracts are annexed to the district:

THAT PART OF THE SOUTHWEST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

PARCEL A:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, BOUNDED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND RUNNING THENCE NORTH 89 DEGREES AND 10 MINUTES WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER 16 CHAINS AND 52 LINKS; THENCE NORTH 16 1/4 DEGREES EAST 26.23 CHAINS; THENCE SOUTH 82 DEGREES EAST 9.31 CHAINS TO A STAKE ON THE EAST LINE OF SAID QUARTER SECTION; THENCE SOUTH 1/2 DEGREE WEST 23.60 CHAINS TO THE PLACE OF BEGINNING.

PARCEL B:

THAT PART OF THE SOUTHEAST QUARTER OF SAID SECTION 9, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, BEING NORTH 1/2 DEGREE EAST 44 LINKS FROM THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER SECTION AND RUNNING THENCE NORTH 1/2 DEGREE EAST 23.60 CHAINS ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER; THENCE SOUTH 82 DEGREES EAST 30.23 CHAINS; THENCE SOUTH 13.49 CHAINS; THENCE SOUTH 79 1/4 DEGREES WEST 29.72 CHAINS TO THE PLACE OF BEGINNING (EXCEPTING THEREFROM A PART OF LOT 7 AS SHOWN ON PLAT OF TIMBERED LAND IN SECTIONS 8 AND 9 TOWNSHIP AND RANGE AFORESAID RECORDED JULY 1, 1848 AS DOCUMENT 20213 IN BOOK 29 OF MAPS PAGE 9 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTH 79 ¼ DEGREES WEST 8.24 CHAINS; THENCE 16.14 CHAINS TO THE NORTH LINE OF SAID LOT; THENCE ON SAID LINE SOUTH 82 DEGREES EAST 8.22 CHAINS TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 13.49 CHAINS TO THE POINT OF BEGINNING).

PARCEL C:

LOT 3 AS SHOWN ON THE MAP OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS, RECORDED OCTOBER 24, 1859 AS DOCUMENT NO. 24733 IN BOOK H OF MAPS PAGE 176, (EXCEPTING THEREFROM THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 3, THENCE NORTH ON THE WEST LINE OF SAID LOT 2.68 CHAINS; THENCE NORTH 87 DEGREES EAST 25.30 CHAINS; THENCE SOUTH 54 DEGREES EAST 4.34 CHAINS TO THE NORTHEAST CORNER OF LOT 5 OF SAID SECTION 16; THENCE SOUTH 87 DEGREES WEST ON THE NORTH LINE OF SAID LOT 5 TO THE PLACE OF BEGINNING); ALSO (EXCEPTING THE FOLLOWING TWO PIECES OF LAND DESCRIBED AS FOLLOWS: (A) BEGINNING AT THE SOUTHEAST CORNER OF LOT 3 IN SECTION 16 AFORESAID; THENCE 54 DEGREES WEST 5.47 CHAINS; THENCE NORTH 2 3/4 DEGREES EAST 11.05 CHAINS; THENCE SOUTH 43 1/4 DEGREES EAST 11.76 CHAINS; THENCE SOUTH 36 DEGREES WEST 7 CHAINS TO THE POINT OF BEGINNING, ALSO (B) A STRIP OF LAND 1/2 CHAIN WIDE EXTENDING FROM THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED LAND ALONG THE SOUTH LINE AND IN SAID LOT 3, 13.55 CHAINS ACROSS POPLAR CREEK); ALSO (EXCEPTING A RIGHT OF WAY 3 RODS WIDE, COMMENCING AT OR ABOUT THE SOUTHEAST CORNER OF LOT 4 OF SAID SECTION 16, AND RUNNING THENCE ON A LINE OF THE ROAD RUNNING EASTWARD THROUGH SAID PREMISES AND THE FARM OF A. B. HINSDELL AND PREMISES FORMERLY OWNED BY AARON BAILEY); AND ALSO (EXCEPTING THOSE PORTIONS OF SAID LOT 3 LYING WESTERLY OF THE CENTERLINE OF THE PUBLIC ROAD RUNNING NORTHEASTERLY THROUGH THE WESTERLY PART OF SAID LOT 3 CONVEYED TO WILLIAM GRUEL, ROLAND A. MC LAUGHLIN AND ANTOINETTE H. MC LAUGHLIN, HIS WIFE, BY DEEDS RECORDED AS DOCUMENTS 910046, 1710603 AND 10627871).

EXCEPTING FROM SAID PARCELS A, B AND C THAT PART THEREOF LYING EASTERLY OF THE WESTERLY LINE OF THE ELGIN, JOLIET AND EASTERN

RAILWAY COMPANY RIGHT OF WAY, IN COOK COUNTY, ILLINOIS.
ALSO EXCEPTING FROM SAID PARCEL C THAT PART FALLING WITHIN THE RIGHT OF WAY AS MONUMENTED OF STATE ROUTE 58.".

The motion prevailed.

And the amendment was adopted.

There being no further amendments, the foregoing Amendments numbered 2 and 3 were ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1044** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1044, on page 1, line 24, by replacing "The" with "Beginning with the taxable year ending on December 31, 2003, the".

The motion prevailed.

And the amendment was adopted.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Jacobs, **Senate Bill No. 1101**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 51; Nays None; Present 1.

The following voted in the affirmative:

Althoff	Geo-Karis	Meeks	Shadid
Bomke	Haine	Munoz	Sieben
Brady	Halvorson	Obama	Silverstein
Burzynski	Harmon	Peterson	Sullivan, J.
Clayborne	Hendon	Petka	Syverson
Collins	Hunter	Radogno	Trotter
Cronin	Jones, J.	Rauschenberger	Walsh
Cullerton	Jones, W.	Righter	Welch
del Valle	Lightford	Risinger	Winkel
DeLeo	Link	Ronen	Wojcik
Demuzio	Luechtefeld	Roskam	Woolard
Dillard	Maloney	Sandoval	Mr. President
Garrett	Martinez	Schoenberg	

The following voted present:

Lauzen

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Hendon, **Senate Bill No. 1108** was recalled from the order of third reading to the order of second reading.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1108, AS AMENDED, 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.

(a) It shall be unlawful for an owner or other person in lawful possession or control of private property to remove or employ a commercial relocator 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 relocator, if any.

(b) Except as provided in subsection (c), such notice shall consist of a sign, posted in a conspicuous place in the affected area, of a size at least 24 inches in height by 36 inches in width. Such sign shall be at least 4 feet from the ground but less than 8 feet from the ground and shall be either illuminated or 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.

(c) In private lots in a municipality with a population of 1,000,000 or more, the notice shall consist of a sign, posted in a conspicuous place in the affected area, of a size at least 48 inches in height by 48 inches in width. The sign shall be at least 4 feet from the ground but less than 9 feet from the ground and shall be either illuminated or brightly painted with reflective paint, or both. The sign shall state the amount of towing charges to which the person parking may be subject. This provision does not prohibit any unit of local government from imposing additional or greater notice requirements.

(d) 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.".

The motion prevailed.

And the amendment was adopted.

There being no further amendments, the foregoing Amendment No. 2 was ordered printed.

And the question then being, "Shall the bill, as amended, be transcribed and type for a third reading?" it was decided in the affirmative.

On motion of Senator Hendon, **Senate Bill No. 1109** was recalled from the order of third reading to the order of second reading.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1109, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-4.1 as follows:

(305 ILCS 5/5-4.1) (from Ch. 23, par. 5-4.1)

Sec. 5-4.1. Co-payments. The Department may by rule provide that recipients under any Article of this Code shall pay a fee as a co-payment for services. Co-payments may not exceed $2 ~~$3~~ for brand name drugs, $1 for other pharmacy services other than for generic drugs, and $2 for physicians services, dental services, optical services and supplies, chiropractic services, podiatry services, and encounter rate clinic services. There shall be no co-payment for generic drugs. Co-payments may not exceed $3 for hospital outpatient and clinic services. Provided, however, that any such rule must provide that no co-payment requirement can exist for renal dialysis, radiation therapy, cancer chemotherapy, or insulin, and other products necessary on a recurring basis, the absence of which would be life threatening, or where co-payment expenditures for required services and/or medications for chronic diseases that the Illinois Department shall by rule designate shall cause an extensive financial burden on the recipient, and provided no co-payment shall exist for emergency room encounters which are for medical emergencies. (Source: P.A. 92-597, eff. 6-28-02.)

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

The motion prevailed.

And the amendment was adopted.

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 Shadid, **Senate Bill No. 1149** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1149 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 3-205 as follows:

(625 ILCS 5/3-205) (from Ch. 95 1/2, par. 3-205)

Sec. 3-205. Release of security interest. (a) Within 21 days after receiving payment to satisfy ~~Upon the satisfaction of~~ a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, he shall~~, within ten (10) days after demand and, in any event, within thirty (30) days,~~ execute a release of his security interest, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. If the payment is in the form of cash, a cashier's check, or a certified check, the number of days is reduced to 5 business days. If the owner desires a new certificate reflecting no lien, the certificate and release from the lienholder may be submitted to the Secretary of State, along with the prescribed application and required fee, for issuance of that new certificate.

(b) Within 21 days after receiving payment to satisfy ~~Upon the satisfaction of~~ a security interest in a vehicle for which the certificate of title is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall ~~within ten (10) days after demand and, in any event, within thirty (30) days~~ execute a release and deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive it. If the payment is in the form of cash, a cashier's check, or a certified check, the number of days is reduced to 5 business days. The lienholder in possession of the certificate of title may either deliver the certificate to the owner, or the person authorized by him, for delivery to the Secretary of State, or, upon receipt of the release, may mail or may deliver the certificate and release, along with prescribed application and require fee, to the Secretary of State, who shall issue a new certificate.

(c) Any lienholder who fails to execute a release of his or her security interest or who fails to mail or deliver the certificate and release within the time limit provided in subsection (a) or (b) is guilty of a petty offense and shall be fined $250.

(d) In addition to any other penalty, a lienholder who fails to execute a release of his or her security interest or who fails to mail or deliver the certificate and release within the time limit provided in subsection (a) or (b) is liable to the person or entity that was supposed to receive the release or certificate for $250 plus attorney fees and court costs. An action under this Section may be brought in small claims court or in any other appropriate court. (Source: P.A. 81-557.)

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

The motion prevailed.

And the amendment was adopted.

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. 1204** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1204 on page 1, by replacing lines 21 through 25 with the following:

"(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity."; and

on page 4, by deleting lines 19 and 20.

The motion prevailed.

And the amendment was adopted.

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 del Valle, **Senate Bill No. 1364** was recalled from the order of third reading to the order of second reading.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1364 on page 1, line 9 by replacing "annually on January 1" with "on January 1 of each even-numbered year".

The motion prevailed.

And the amendment was adopted.

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 Woolard, **Senate Bill No. 1403** was recalled from the order of third reading to the order of second reading.

Senator Woolard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1403 on page 1, line 26, after "programs", by inserting ", enrolls a majority of its students in degree programs,".

The motion prevailed.

And the amendment was adopted.

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 Obama, **Senate Bill No. 1412** was recalled from the order of third reading to the order of second reading.

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1412 on page 47, by replacing lines 30 through 32 with the following:

"(1) an individual acting as the decedent's"; and

on page 48, line 3, by replacing "(3)" with "(2)"; and

on page 48, by inserting after line 5 the following:

"(3) the guardian of the decedent's person at the time of death,"; and

on page 52, by deleting line 33; and

on page 53, line 1 by replacing "(2)" with "(1)"; and

on page 53, line 3, by replacing "(3)" with "(2)"; and

on page 53, by inserting after line 5 the following:

"(3) the guardian of the decedent's person at the time of death;"; and

on page 55, by deleting lines 14 and 15; and

on page 55, line 16 by replacing "(2)" with "(1)"; and

on page 55, line 18, by replacing "(3)" with "(2)"; and

on page 55, by inserting after line 20 the following:

"(3) the guardian of the decedent's person at the time of death;".

The motion prevailed.

And the amendment was adopted.

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 Obama, **Senate Bill No. 1415** was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1415 on page 1, by replacing lines 10 and 11 with the following:

""Candidate" means any person seeking election to the office of Judge of the Illinois Supreme".

The motion prevailed.

And the amendment was adopted.

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. 1500** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1500 on page 1 by replacing line 5 with the following:

"changing Sections 17 and 37 and adding Section 13.6 as follows:

(205 ILCS 5/13.6 new)

Sec. 13.6. Banks as limited liability companies. A State bank may be chartered as a limited liability company, may convert to a limited liability company, or may merge with and into a limited liability company pursuant to the applicable laws of this State and any rule promulgated by the Commissioner or by the appropriate federal banking agency. If federal law or the federal Office of the Comptroller of the Currency authorizes a national bank to be chartered as a limited liability company or to convert to or merge with a limited liability company, a State bank shall be permitted similar authority subject to terms and conditions that are not more onerous than those applicable to the national bank.

(205 ILCS 5/17) (from Ch. 17, par. 324)

Sec. 17. Changes in charter. (a) By compliance with the provisions of this Act a State bank may:

(1) (blank);

(2) increase, decrease or change its capital stock, whether issued or unissued, provided that in no case shall the capital be diminished to the prejudice of its creditors;

(3) provide for authorized but unissued capital stock reserved for issuance for one or more of the purposes provided for in subsection (5) of Section 14 hereof;

(4) authorize preferred stock, or increase, decrease or change the preferences, qualifications, limitations, restrictions or special or relative rights of its preferred stock, whether issued or unissued, or delegate authority to its board of directors as provided in subsection (d), provided that in no case shall the capital be diminished to the prejudice of its creditors;

(5) increase, decrease or change the par value of its shares of its capital stock or preferred stock, whether issued or unissued, or delegate authority to its board of directors as provided in subsection (d);

(6) (blank);

(7) eliminate cumulative voting rights under all or specified circumstances, or eliminate voting rights entirely, as to any class or classes or series of stock of the bank pursuant to paragraph (3) of Section 15, provided that one class of shares or series thereof shall always have voting in respect to all matters in the bank, and provided further that the proposal to eliminate such voting rights receives the approval of the holders of 70% of the outstanding shares of stock entitled to vote as provided in paragraph (7) of subsection (b) of this Section 17;

(8) increase, decrease, or change its capital stock or preferred stock, whether issued or unissued, for the purpose of eliminating fractional shares or avoiding the issuance of fractional shares, provided that in no case shall the capital be diminished to the prejudice of its creditors; or

(9) make such other change in its charter as may be authorized in this Act.

(b) To effect a change or changes in a State bank's charter as provided for in this Section 17:

(1) The board of directors shall adopt a resolution setting forth the proposed amendment and directing that it be submitted to a vote at a meeting of stockholders, which may be either an annual or special meeting.

(2) If the meeting is a special meeting, written or printed notice setting forth the proposed amendment or summary thereof shall be given to each stockholder of record entitled to vote at

such meeting at least 30 days before such meeting and in the manner provided in this Act for the giving of notice of meetings of stockholders.

(3) At such special meeting, a vote of the stockholders entitled to vote shall be taken on the proposed amendment. Except as provided in paragraph (7) of this subsection (b), the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of stock entitled to vote at such meeting, unless holders of preferred stock are entitled to vote as a class in respect thereof, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and of the total outstanding shares entitled to vote at such meeting. Any number of amendments may be submitted to the stockholders and voted upon by them at one meeting. A certificate of the amendment, or amendments, verified by the president, or a vice-president, or the cashier, shall be filed immediately in the office of the Commissioner.

(4) At any annual meeting without a resolution of the board of directors and without a notice and prior publication, as hereinabove provided, a proposition for a change in the bank's charter as provided for in this Section 17 may be submitted to a vote of the stockholders entitled to vote at the annual meeting, except that no proposition for authorized but unissued capital stock reserved for issuance for one or more of the purposes provided for in subsection (5) of Section 14 hereof shall be submitted without complying with the provisions of said subsection. The proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of stock entitled to vote at such meeting, unless holders of preferred stock are entitled to vote as a class in respect thereof, in which event the proposed amendment shall be adopted upon receiving the affirmative vote of the holders of at least two-thirds of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and the total outstanding shares entitled to vote at such meeting. A certificate of the amendment, or amendments, verified by the president, or a vice-president or cashier, shall be filed immediately in the office of the Commissioner.

(5) If an amendment or amendments shall be approved in writing by the Commissioner, the amendment or amendments so adopted and so approved shall be accomplished in accordance with the vote of the stockholders. The Commissioner may impose such terms and conditions on the approval of the amendment or amendments as he deems necessary or appropriate. The Commissioner shall revoke such approval in the event such amendment or amendments are not effected within one year from the date of the issuance of the Commissioner's certificate and written approval except for transactions permitted under subsection (5) of Section 14 of this Act.

(6) No amendment or amendments shall affect suits in which the bank is a party, nor affect causes of action, nor affect rights of persons in any particular, nor shall actions brought against such bank by its former name be abated by a change of name.

(7) A proposal to amend the charter to eliminate cumulative voting rights under all or specified circumstances, or to eliminate voting rights entirely, as to any class or classes or series or stock of a bank, pursuant to paragraph (3) of Section 15 and paragraph (7) of subsection (a) of this Section 17, shall be adopted only upon such proposal receiving the approval of the holders of 70% of the outstanding shares of stock entitled to vote at the meeting where the proposal is presented for approval, unless holders of preferred stock are entitled to vote as a class in respect thereof, in which event the proposed amendment shall be adopted upon receiving the approval of the holders of 70% of the outstanding shares of each class of shares entitled to vote as a class in respect thereof and of the total outstanding shares entitled to vote at the meeting where the proposal is presented for approval. The proposal to amend the charter pursuant to this paragraph (7) may be voted upon at the annual meeting or a special meeting.

(8) Written or printed notice of a stockholders' meeting to vote on a proposal to increase, decrease or change the capital stock or preferred stock pursuant to paragraph (8) of subsection (a) of this Section 17 and to eliminate fractional shares or avoid the issuance of fractional shares shall be given to each stockholder of record entitled to vote at the meeting at least 30 days before the meeting and in the manner provided in this Act for the giving of notice of meetings of stockholders, and shall include all of the following information:

(A) A statement of the purpose of the proposed reverse stock split.

(B) A statement of the amount of consideration being offered for the bank's stock.

(C) A statement that the bank considers the transaction fair to the stockholders, and a statement of the material facts upon which this belief is based.

(D) A statement that the bank has secured an opinion from a third party with respect to the fairness, from a financial point of view, of the consideration to be paid, the identity and qualifications of the third party, how the third party was selected, and any material

relationship between the third party and the bank.

(E) A summary of the opinion including the basis for and the methods of arriving at the findings and any limitation imposed by the bank in arriving at fair value and a statement making the opinion available for reviewing or copying by any stockholder.

(F) A statement that objecting stockholders will be entitled to the fair value of those shares that are voted against the charter amendment, if a proper demand is made on the bank and the requirements are satisfied as specified in this Section.

If a stockholder shall file with the bank, prior to or at the meeting of stockholders at which the proposed charter amendment is submitted to a vote, a written objection to the proposed charter amendment and shall not vote in favor thereof, and if the stockholder, within 20 days after receiving written notice of the date the charter amendment was accomplished pursuant to paragraph (5) of subsection (a) of this Section 17, shall make written demand on the bank for payment of the fair value of the stockholder's shares as of the day prior to the date on which the vote was taken approving the charter amendment, the bank shall pay to the stockholder, upon surrender of the certificate or certificates representing the stock, the fair value thereof. The demand shall state the number of shares owned by the objecting stockholder. The bank shall provide written notice of the date on which the charter amendment was accomplished to all stockholders who have filed written objections in order that the objecting stockholders may know when they must file written demand if they choose to do so. Any stockholder failing to make demand within the 20-day period shall be conclusively presumed to have consented to the charter amendment and shall be bound by the terms thereof. If within 30 days after the date on which a charter amendment was accomplished the value of the shares is agreed upon between the objecting stockholders and the bank, payment therefor shall be made within 90 days after the date on which the charter amendment was accomplished, upon the surrender of the stockholder's certificate or certificates representing the shares. Upon payment of the agreed value the objecting stockholder shall cease to have any interest in the shares or in the bank. If within such period of 30 days the stockholder and the bank do not so agree, then the objecting stockholder may, within 60 days after the expiration of the 30-day period, file a complaint in the circuit court asking for a finding and determination of the fair value of the shares, and shall be entitled to judgment against the bank for the amount of the fair value as of the day prior to the date on which the vote was taken approving the charter amendment with interest thereon to the date of the judgment. The practice, procedure and judgment shall be governed by the Civil Practice Law. The judgment shall be payable only upon and simultaneously with the surrender to the bank of the certificate or certificates representing the shares. Upon payment of the judgment, the objecting stockholder shall cease to have any interest in the shares or the bank. The shares may be held and disposed of by the bank. Unless the objecting stockholder shall file such complaint within the time herein limited, the stockholder and all persons claiming under the stockholder shall be conclusively presumed to have approved and ratified the charter amendment, and shall be bound by the terms thereof. The right of an objecting stockholder to be paid the fair value of the stockholder's shares of stock as herein provided shall cease if and when the bank shall abandon the charter amendment.

(c) The purchase and holding and later resale of treasury stock of a state bank pursuant to the provisions of subsection (6) of Section 14 may be accomplished without a change in its charter reflecting any decrease or increase in capital stock.

(d) A State bank may amend its charter for the purpose of authorizing its board of directors to issue preferred stock; to increase, decrease, or change the par value of shares of its preferred stock, whether issued or unissued; or to increase, decrease, or change the preferences, qualifications, limitations, restrictions, or special or relative rights of its preferred stock, whether issued or unissued; provided that in no case shall the capital be diminished to the prejudice of the bank's creditors. An amendment to the bank's charter granting such authority shall establish ranges, limits, or restrictions that must be observed when the board exercises the discretion authorized by the amendment.

Once such an amendment is adopted and approved as provided in this subsection, and without further action by the bank's stockholders, the board may exercise its delegated authority by adopting a resolution specifying the actions that it is taking with respect to the preferred stock. The board may fully exercise its delegated authority through one resolution or it may exercise its delegated authority through a series of resolutions, provided that the board's actions remain at all times within the ranges, limitations, and restrictions specified in the amendment to the bank's charter.

A resolution adopted by the board under this authority shall be submitted to the Commissioner for approval. The Commissioner shall approve the resolution, or state any objections to the resolution, within 30 days after the receipt of the resolution adopted by the board. If no objections are specified by the Commissioner within that time frame, the resolution will be deemed to be approved by the Commissioner. Once approved, the resolution shall be incorporated as an addendum

to the bank's charter and the board may proceed to effect the changes set forth in the resolution. (Source: P.A. 91-322, eff. 1-1-00; 92-483, eff. 8-23-01.)

"; and

on page 2 by inserting immediately below line 32 the following:

"Section 10. The Savings Bank Act is amended by adding Section 1007.125 and changing Section 1008 as follows:

(205 ILCS 205/1007.125 new)

Sec. 1007.125. Limited liability company. "Limited liability company" means a limited liability company organized under the Limited Liability Company Act.

(205 ILCS 205/1008) (from Ch. 17, par. 7301-8)

Sec. 1008. General corporate powers. (a) A savings bank operating under this Act shall be a body corporate and politic and shall have all of the powers conferred by this Act including, but not limited to, the following powers:

(1) To sue and be sued, complain, and defend in its corporate name and to have a common seal, which it may alter or renew at pleasure.

(2) To obtain and maintain insurance by a deposit insurance corporation as defined in this Act.

(3) To act as a fiscal agent for the United States, the State of Illinois or any department, branch, arm, or agency of the State or any unit of local government or school district in the State, when duly designated for that purpose, and as agent to perform reasonable functions as may be required of it.

(4) To become a member of or deal with any corporation or agency of the United States or the State of Illinois, to the extent that the agency assists in furthering or facilitating its purposes or powers and to that end to purchase stock or securities thereof or deposit money therewith, and to comply with any other conditions of membership or credit.

(5) To make donations in reasonable amounts for the public welfare or for charitable, scientific, religious, or educational purposes.

(6) To adopt and operate reasonable insurance, bonus, profit sharing, and retirement plans for officers and employees and for directors including, but not limited to, advisory, honorary, and emeritus directors, who are not officers or employees.

(7) To reject any application for membership; to retire deposit accounts by enforced retirement as provided in this Act and the bylaws; and to limit the issuance of, or payments on, deposit accounts, subject, however, to contractual obligations.

(8) To purchase stock in service corporations and to invest in any form of indebtedness of any service corporation as defined in this Act, subject to regulations of the Commissioner.

(9) To purchase stock of a corporation whose principal purpose is to operate a safe deposit company or escrow service company.

(10) To exercise all the powers necessary to qualify as a trustee or custodian under federal or State law, provided that the authority to accept and execute trusts is subject to the provisions of the Corporate Fiduciary Act and to the supervision of those activities by the Commissioner.

(11) (Blank).

(12) To establish, maintain, and operate terminals as authorized by the Electronic Fund Transfer Act.

(13) To pledge its assets:

(A) to enable it to act as agent for the sale of obligations of the United States;

(B) to secure deposits;

(C) to secure deposits of money whenever required by the National Bankruptcy Act;

(D) (blank); and

(E) to secure trust funds commingled with the savings bank's funds, whether deposited by the savings bank or an affiliate of the savings bank, as required under Section 2-8 of the Corporate Fiduciary Act.

(14) To accept for payment at a future date not to exceed one year from the date of acceptance, drafts drawn upon it by its customers; and to issue, advise, or confirm letters of credit authorizing holders thereof to draw drafts upon it or its correspondents.

(15) Subject to the regulations of the Commissioner, to own and lease personal property acquired by the savings bank at the request of a prospective lessee and, upon the agreement of that person, to lease the personal property.

(16) To establish temporary service booths at any International Fair in this State that is approved by the United States Department of Commerce for the duration of the international fair for the purpose of providing a convenient place for foreign trade customers to exchange their home countries' currency into United States currency or the converse. To provide temporary

periodic service to persons residing in a bona fide nursing home, senior citizens' retirement home, or long-term care facility. These powers shall not be construed as establishing a new place or change of location for the savings bank providing the service booth.

(17) To indemnify its officers, directors, employees, and agents, as authorized for corporations under Section 8.75 of the Business Corporations Act of 1983.

(18) To provide data processing services to others on a for-profit basis.

(19) To utilize any electronic technology to provide customers with home banking services.

(20) Subject to the regulations of the Commissioner, to enter into an agreement to act as a surety.

(21) Subject to the regulations of the Commissioner, to issue credit cards, extend credit therewith, and otherwise engage in or participate in credit card operations.

(22) To purchase for its own account shares of stock of a bankers' bank, described in Section 13(b)(1) of the Illinois Banking Act, on the same terms and conditions as a bank may purchase such shares. In no event shall the total amount of such stock held by a savings bank in such bankers' bank exceed 10% of its capital and surplus (including undivided profits) and in no event shall a savings bank acquire more than 5% of any class of voting securities of such bankers' bank.

(23) With respect to affiliate facilities:

(A) to conduct at affiliate facilities any of the following transactions for and on behalf of any affiliated depository institution, if so authorized by the affiliate or affiliates: receiving deposits; renewing deposits; cashing and issuing checks, drafts, money orders, travelers checks, or similar instruments; changing money; receiving payments on existing indebtedness; and conducting ministerial functions with respect to loan applications, servicing loans, and providing loan account information; and

(B) to authorize an affiliated depository institution to conduct for and on behalf of it, any of the transactions listed in this subsection at one or more affiliate facilities.

A savings bank intending to conduct or to authorize an affiliated depository institution to conduct at an affiliate facility any of the transactions specified in this subsection shall give written notice to the Commissioner at least 30 days before any such transaction is conducted at an affiliate facility. All conduct under this subsection shall be on terms consistent with safe and sound banking practices and applicable law.

(24) Subject to Article XLIV of the Illinois Insurance Code, to act as the agent for any fire, life, or other insurance company authorized by the State of Illinois, by soliciting and selling insurance and collecting premiums on policies issued by such company; and may receive for services so rendered such fees or commissions as may be agreed upon between the said savings bank and the insurance company for which it may act as agent; provided, however, that no such savings bank shall in any case assume or guarantee the payment of any premium on insurance policies issued through its agency by its principal; and provided further, that the savings bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

(25) To become a member of the Federal Home Loan Bank and to have the powers granted to a savings association organized under the Illinois Savings and Loan Act of 1985 or the laws of the United States, subject to regulations of the Commissioner.

(26) To offer any product or service that is at the time authorized or permitted to a bank by applicable law, but subject always to the same limitations and restrictions that are applicable to the bank for the product or service by such applicable law and subject to the applicable provisions of the Financial Institutions Insurance Sales Law and rules of the Commissioner.

(b) If this Act or the regulations adopted under this Act fail to provide specific guidance in matters of corporate governance, the provisions of the Business Corporation Act of 1983 may be used.

(c) A savings bank operating under this Act may, subject to rules of the Commissioner, convert to a limited liability company upon an authorization by the deposit insurance corporation. (Source: P.A. 91-97, eff. 7-9-99; 91-357, eff. 7-29-99; 92-483, eff. 8-23-01.)

Section 15. The Limited Liability Company Act is amended by changing Section 1-25 as follows:

(805 ILCS 180/1-25)

Sec. 1-25. Nature of business. A limited liability company may be formed for any lawful purpose or business except:

(1) (blank) ~~banking, exclusive of fiduciaries organized for the purpose of accepting and executing trusts~~;

(2) insurance unless, for the purpose of carrying on business as a member of a group including incorporated and individual unincorporated underwriters, the Director of Insurance

finds that the group meets the requirements of subsection (3) of Section 86 of the Illinois Insurance Code and the limited liability company, if insolvent, is subject to liquidation by the Director of Insurance under Article XIII of the Illinois Insurance Code;

(3) the practice of dentistry unless all the members and managers are licensed as dentists under the Illinois Dental Practice Act; or

(4) the practice of medicine unless all the managers, if any, are licensed to practice medicine under the Medical Practice Act of 1987 and any of the following conditions apply:

(A) the member or members are licensed to practice medicine under the Medical Practice Act of 1987; or

(B) the member or members are a registered medical corporation or corporations organized pursuant to the Medical Corporation Act; or

(C) the member or members are a professional corporation organized pursuant to the Professional Service Corporation Act of physicians licensed to practice medicine in all its branches; or

(D) the member or members are a medical limited liability company or companies.

(Source: P.A. 91-593, eff. 8-14-99; 92-144, eff. 7-24-01.)".

The motion prevailed.

And the amendment was adopted.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Jacobs, **Senate Bill No. 1521**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 47; Nays 7; Present 1.

The following voted in the affirmative:

Althoff	Halvorson	Meeks	Sullivan, J.
Bomke	Harmon	Munoz	Syverson
Brady	Hendon	Petka	Trotter
Burzynski	Hunter	Radogno	Viverito
Clayborne	Jacobs	Rauschenberger	Walsh
Cronin	Jones, J.	Righter	Watson
Crotty	Jones, W.	Risinger	Welch
del Valle	Lauzen	Roskam	Winkel
DeLeo	Lightford	Sandoval	Wojcik
Demuzio	Luechtefeld	Shadid	Woolard
Dillard	Maloney	Sieben	Mr. President
Geo-Karis	Martinez	Silverstein	

The following voted in the negative:

Collins	Garrett	Peterson	Schoenberg
Cullerton	Link	Ronen	

The following voted present:

Haine

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Dillard, **Senate Bill No. 1525**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 54; Nays 2.

The following voted in the affirmative:

Althoff	Haine	Meeks	Silverstein
Bomke	Halvorson	Munoz	Sullivan, J.
Brady	Harmon	Obama	Syverson
Burzynski	Hendon	Peterson	Trotter
Clayborne	Hunter	Petka	Viverito
Cronin	Jacobs	Radogno	Walsh
Crotty	Jones, J.	Rauschenberger	Watson
Cullerton	Jones, W.	Righter	Welch
del Valle	Lauzen	Risinger	Winkel
DeLeo	Lightford	Ronen	Wojcik
Demuzio	Link	Roskam	Woolard
Dillard	Luechtefeld	Schoenberg	Mr. President
Garrett	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	

The following voted in the negative:

Collins
Sandoval

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 1601** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1601, on page 1, immediately below line l, by inserting the following:

"WHEREAS, The General Assembly takes note that governmental units in the State must borrow funds in the current bond market, and the issuance of bonds or other obligations as what are commonly referred to as variable rate demand bonds, auction bonds, or commercial paper bonds is ever increasing, and is frequently the most advisable and economic means of borrowing; and

WHEREAS, It is sometimes most advantageous in connection with such borrowings to enter into cap, collar, swap, or other derivative transactions relating to interest rates which serve to hedge interest rate risk and it is frequently necessary to procure credit enhancement in the forms commonly referred to as municipal bond insurance, letters of credit, lines of credit, standby bond purchase agreements, or surety bonds, and the like, in such demand bond and similar transactions; and

WHEREAS, Existing law authorizes such transactions, but it is advisable for the law to be more fully stated to accommodate same, expressly permitting certain aspects of such transactions; therefore"; and

on page 1, by replacing lines 4 through 22 with the following:

"Section 5. The Bond Authorization Act is amended by changing Section 7 as follows:

(30 ILCS 305/7) (from Ch. 17, par. 6607)

Sec. 7. Interest rate swaps. For purposes of this Section, terms are as defined in the Local Government Debt Reform Act. With respect to all or part of any currently outstanding or proposed issue of its bonds, a governmental unit ~~public corporation~~ whose aggregate principal amount of

bonds outstanding or proposed exceeds $10,000,000 may, without prior appropriation, enter into agreements or contracts with any necessary or appropriate person (the counter party) that will have the benefit of providing to the governmental unit: (i) ~~public corporation~~ an interest rate basis, cash flow basis, or other basis different from that provided in the bonds for the payment of interest or (ii) with respect to a future delivery of bonds, one or more of a guaranteed interest rate, interest rate basis, cash flow basis, or purchase price. Such agreements or contracts include without limitation agreements or contracts commonly known as "interest rate swap, collar, cap, or derivative agreements", "forward payment conversion agreements", interest rate locks, forward bond purchase agreements, bond warrant agreements, or bond purchase option agreements and also include agreements or contracts providing for payments based on levels of or changes in interest rates, including a change in an interest rate index, to exchange cash flows or a series of payments, or to hedge payment, rate spread, or similar exposure (such agreements or contracts, collectively, being "swaps"). Without limiting other permitted terms which may be included in swaps, the following provisions may or, if hereinafter so required, shall apply:

(a) Payments made pursuant to a swap (the swap payments) which are to be made by the governmental unit may be paid by such governmental unit, without limitation, from proceeds of the bonds, including bonds for future delivery, identified to such swaps, or from bonds issued to refund such bonds, or from whatever enterprise revenues or revenue source, including taxes pledged or to be pledged to the payment of such bonds, which enterprise revenues or revenue source may be increased to make such swap payments, and swap payments to be received by the governmental unit, which may be periodic, up-front, or on termination, shall be used solely for and limited to any lawful corporate purpose of the governmental unit.

(b) Up-front or periodic net swap payments to be paid by the governmental unit under the swaps (the standard swap payments) ~~such agreements or contracts~~ shall be treated as interest for the purpose of calculating any interest rate limit applicable to the bonds, provided, however, that for purposes of making such standard swap payments only (and not with respect to the bonds so issued or to be issued), the bonds shall be deemed not exempt from income taxation under the Internal Revenue Code for purposes of State law, as contained in this Bond Authorization Act, relating to the permissible rate of interest to be borne thereon, and, provided further, that if payments of any standard swap payments are to be made by the governmental unit and the counterparty on different dates, the net effect of such payments for purposes of such interest rate limitation shall be determined using a true interest cost (yield) calculation.

(c) Any such agreement or contract and the swap payments to be made thereunder shall not be taken into account with respect to any debt limit applicable to the governmental unit ~~public corporation~~.

(d) Swap payments upon the termination of any swap may be paid to a counterparty upon any terms customary for swaps, including, without limitation, provisions using market quotations available for giving the net benefit of the swap at the time of termination to the persons entitled thereto (viz., the governmental unit or the counterparty) or reasonable fair market value determinations of the value at termination made in good faith by either such persons.

(e) The term of the swap shall not exceed the term of any currently outstanding bonds identified to such swap or, for bonds to be delivered, not greater than 5 years plus the term of years proposed for such bonds to be delivered, but in no event longer than 40 years, plus, in each case, any time period necessary to cure any defaults under such swap.

(f) The choice of law for enforcement of swaps as to any counterparty may be made for any state of these United States, but the law which shall apply to the obligations of the governmental unit shall be the law of the State of Illinois, and jurisdiction to enforce the swaps as against the governmental units shall be exclusively in the courts of the State of Illinois or in the applicable federal court having jurisdiction and located within the State of Illinois.

(g) Governmental units, in entering into swaps, may not waive any sovereign immunities from time to time available under the laws of the State of Illinois as to jurisdiction, procedures, and remedies, but such swaps shall otherwise be fully enforceable as valid and binding contracts as and to the extent provided herein and by other applicable law. (Source: P.A. 87-1176.)

Section 10. The Local Government Credit Enhancement Act is amended by changing Sections 2 and 3 as follows:

(50 ILCS 410/2) (from Ch. 85, par. 4302)

Sec. 2. For the purposes of this Act, terms are as defined in the Local Government Debt Reform Act. ~~unless the context requires otherwise:~~

~~(a) "Unit of local government" shall have the meaning ascribed to it in Article VII, Section 1 of the Illinois Constitution.~~

~~(b) "School district" means any public school district organized under the School Code or prior~~

~~law and includes any dual or unit school district, high school district, special charter district and non high school district. "School district" also means any community college district organized under the Public Community College Act or prior law.~~

~~(c) "Governing board" means the corporate authorities of the municipality, county board, board of trustees, board of education, board of school directors, or other governing body of the unit of local government or school district.~~ (Source: P.A. 83-1536.)

(50 ILCS 410/3) (from Ch. 85, par. 4303)

Sec. 3. In connection with the issuance of its bonds ~~and notes~~, a governmental unit ~~of local government or school district~~ may enter into agreements (credit agreements) ~~arrangements~~ to provide additional security or ~~and~~ liquidity, or both, for the bonds ~~and notes~~. These may include, without limitation, municipal bond insurance, letters of credit, lines of credit, standby bond purchase agreements, surety bonds, and the like, by which the governmental unit ~~of local government or school district~~ may borrow funds to pay or redeem or purchase and hold its bonds and a governmental unit may enter into agreements for the purchase or remarketing of bonds (remarketing agreements) ~~arrangements~~ for providing a mechanism for remarketing bonds tendered for purchase in accordance with their terms. The term of such credit agreements or remarketing agreements shall not exceed the term of the bonds, plus any time period necessary to cure any defaults under such agreements ~~assuring the ability of owners of the issuing local government's or school district's bonds to sell or to have redeemed their bonds. The unit of local government or school district may enter into contracts and may agree to pay fees to persons providing such arrangements, including from bond proceeds~~.

Without limiting the terms which may be included in any such credit agreements or remarketing agreements, the ordinance ~~The resolution of the governing board authorizing the issuance of the bonds~~ may or, if hereinafter so required, shall provide as follows:

(a) ~~that~~ Interest rates on the bonds may vary from time to time depending upon criteria established by the governing body ~~board~~, which may include, without limitation: (i)~~,~~ a variation in interest rates as may be necessary to cause bonds to be remarketed ~~remarketable~~ from time to time at a price equal to their principal amount plus any accrued interest; (ii) rates set by auctions; or (iii) rates set by formula. ~~and may provide for appointment of,~~

(b) A national banking association, bank, trust company, investment banker or other financial institution may be appointed to serve as a remarketing agent in that connection, and such remarketing agent may be delegated authority by the governing body to determine interest rates in accordance with criteria established by the governing body. ~~The resolution of the governing board authorizing the issuance of the bonds may provide that~~

(c) Alternative interest rates or provisions may ~~will~~ apply during such times as the bonds are held by the ~~a~~ person or persons (financial providers) providing a credit agreement or remarketing agreement ~~letter of credit or other credit enhancement arrangement~~ for those bonds and during such times, the interest on the bonds may be deemed not exempt from income taxation under the Internal Revenue Code for purposes of State law, as contained in the Bond Authorization Act, relating to the permissible rate of interest to be borne thereon.

(d) Fees may be paid to the financial providers, including all reasonably related costs, including therein costs of enforcement and litigation (all such fees and costs being financial provider payments) and financial provider payments may be paid, without limitation, from proceeds of the bonds being the subject of such agreements, or from bonds issued to refund such bonds, or from whatever enterprise revenues or revenue source, including taxes, pledged to the payment of such bonds, which enterprise revenues or revenue source may be increased to make such financial provider payments, and such financial provider payments shall be made subordinate to the payments on the bonds.

(e) The bonds need not be held in physical form by the financial providers when providing funds to purchase or carry the bonds from others but may be represented in uncertificated form in the credit agreements or remarketing agreements.

(f) The debt or obligation of the governmental unit represented by a bond tendered for purchase to or otherwise made available to the governmental unit and thereupon acquired by either such governmental unit or a financial provider shall not be deemed to be extinguished for purposes of State law until cancelled by the governmental unit or its agent.

(g) The choice of law for the obligations of a financial provider may be made for any state of these United States, but the law which shall apply to the obligations of the governmental unit shall be the law of the State of Illinois, and jurisdiction to enforce such credit agreement or remarketing agreement as against the governmental unit shall be exclusively in the courts of the State of Illinois or in the applicable federal court having jurisdiction and located within the State of Illinois.

(h) The governmental unit may not waive any sovereign immunities from time to time available

under the laws of the State of Illinois as to jurisdiction, procedures, and remedies, but any such credit agreement and remarketing agreement shall otherwise by fully enforceable as valid and binding contracts as and to the extent provided by applicable law.

(i) Such credit agreement or remarketing agreement may provide for acceleration of the principal amounts due on the bonds, provided, however, that such acceleration shall be deferred for not less than 18 months from the time any such bond is acquired pursuant to any such agreement. (Source: P.A. 83-1536.)".

The motion prevailed.

And the amendment was adopted.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Schoenberg, **Senate Bill No. 1757**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 33; Nays 13; Present 9.

The following voted in the affirmative:

Collins	Halvorson	Meeks	Trotter
Crotty	Harmon	Munoz	Viverito
Cullerton	Hendon	Obama	Walsh
del Valle	Hunter	Ronen	Welch
DeLeo	Jacobs	Sandoval	Woolard
Demuzio	Lightford	Schoenberg	Mr. President
Dillard	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	

The following voted in the negative:

Bomke	Jones, J.	Righter	Winkel
Brady	Lauzen	Roskam	
Burzynski	Petka	Sieben	
Cronin	Rauschenberger	Syverson	

The following voted present:

Althoff	Luechtefeld	Risinger
Geo-Karis	Peterson	Watson
Jones, W.	Radogno	Wojcik

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Obama, **Senate Bill No. 1765** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Rules.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1765, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, by replacing line 6 with the following:
"her designee; and (ii) the Executive Director of the Illinois Economic and Fiscal Commission, or his or her".

And on that motion, a call of the roll was had resulting as follows:

Yeas 33; Nays 22; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Munoz	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, J.	Radogno	Syverson
Bomke	Jones, W.	Rauschenberger	Watson
Brady	Lauzen	Righter	Winkel
Burzynski	Luechtefeld	Risinger	Wojcik
Cronin	Peterson	Roskam	
Dillard	Petka	Sieben	

The following voted present:

Geo-Karis

The motion prevailed.
And the amendment was adopted.
There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1869** was recalled from the order of third reading to the order of second reading.
Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1869 by replacing everything after the enacting clause with the following:
"Section 5. The Frauds Act is amended by changing Section 1 as follows:
(740 ILCS 80/1) (from Ch. 59, par. 1)
Sec. 1. Except as provided in Section 3 of the Illinois Parentage Act in the case of the paternity of a child conceived by artificial insemination, ~~That~~ no action shall be brought, whereby to charge any executor or administrator upon any special promise to answer any debt or damages out of his own estate, or whereby to charge the defendant upon any special promise to answer for the debt, default or miscarriage of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any agreement that is not to be performed within the space of one year from the making thereof, unless the promise or agreement upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized. (Source: R.S. 1874, p. 540.)
Section 10. The Illinois Parentage Act is amended by changing the title of the Act and Section 3 as follows:
(750 ILCS 40/Act Title)

An Act to define the legal relationships of a child born to a woman ~~wife~~ and a man ~~husband~~ requesting and consenting to heterologous artificial insemination.

(750 ILCS 40/3) (from Ch. 40, par. 1453)

Sec. 3. (a) If, under the supervision of a licensed physician and with the consent of the intended father of the child ~~her husband~~, a woman ~~wife~~ is inseminated artificially with semen donated by a man other than the intended father ~~not her husband~~, the intended father ~~husband~~ shall be treated in law as if he were the natural father of a child thereby conceived. The intended father's ~~husband's~~ consent (i) shall ~~must~~ be in writing executed and acknowledged by both the intended father ~~husband~~ and the woman ~~wife~~ or (ii) may be inferred from the intended father's conduct evidencing his actual consent to the artificial insemination procedure. If the intended father and the woman execute a written consent to the procedure, the physician who is to perform the technique shall certify their signatures and the date of the insemination, and file the intended father's ~~husband's~~ consent in the medical record where it shall be kept confidential and held by the patient's physician. However, the physician's failure to do so shall not affect the legal relationship between father and child. All papers and records pertaining to the insemination, whether part of the permanent medical record held by the physician or not, are subject to inspection only upon an order of the court for good cause shown.

(b) The donor of semen provided to a licensed physician for use in artificial insemination of a woman other than the donor's wife shall be treated in law as if he were not the natural father of a child thereby conceived. (Source: P.A. 83-1026.)".

The motion prevailed.

And the amendment was adopted.

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. 1872** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1872 on page 2, by deleting lines 1 through 4; and
on page 2, line 5 by changing "30" to "25"; and
on page 2, line 7 by changing "35" to "30"; and
on page 2, line 18 by changing "40" to "35".

The motion prevailed.

And the amendment was adopted.

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. 1906** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1906 by replacing everything after the enacting clause with the following:

"Section 5. The Civil Administrative Code of Illinois is amended by changing Sections 1-5, 5-15, 5-20, and 5-120 as follows:

(20 ILCS 5/1-5)

Sec. 1-5. Articles. The Civil Administrative Code of Illinois consists of the following Articles:

Article 1. General Provisions (20 ILCS 5/1-1 and following).

Article 5. Departments of State Government Law (20 ILCS 5/5-1 and following).

Article 50. State Budget Law (15 ILCS 20/).

Article 110. Department on Aging Law (20 ILCS 110/).

Article 205. Department of Agriculture Law (20 ILCS 205/).

Article 250. State Fair Grounds Title Law (5 ILCS 620/).

Article 310. Department of Human Services (Alcoholism and Substance Abuse) Law (20 ILCS 310/).

Article 405. Department of Central Management Services Law (20 ILCS 405/).

Article 510. Department of Children and Family Services Powers Law (20 ILCS 510/).

Article 605. Department of Commerce and Economic Opportunity ~~Community Affairs~~ Law (20 ILCS 605/).

Article 805. Department of Natural Resources (Conservation) Law (20 ILCS 805/).

Article 1005. Department of Employment Security Law (20 ILCS 1005/).

Article 1405. Department of Insurance Law (20 ILCS 1405/).

Article 1505. Department of Labor Law (20 ILCS 1505/).

Article 1710. Department of Human Services (Mental Health and Developmental Disabilities) Law (20 ILCS 1710/).

Article 1905. Department of Natural Resources (Mines and Minerals) Law (20 ILCS 1905/).

Article 2005. Department of Nuclear Safety Law (20 ILCS 2005/).

Article 2105. Department of Professional Regulation Law (20 ILCS 2105/).

Article 2205. Department of Public Aid Law (20 ILCS 2205/).

Article 2310. Department of Public Health Powers and Duties Law (20 ILCS 2310/).

Article 2505. Department of Revenue Law (20 ILCS 2505/).

Article 2510. Certified Audit Program Law (20 ILCS 2510/).

Article 2605. Department of State Police Law (20 ILCS 2605/).

Article 2705. Department of Transportation Law (20 ILCS 2705/).

Article 3000. University of Illinois Exercise of Functions and Duties Law (110 ILCS 355/). (Source: P.A. 91-239, eff. 1-1-00; 92-16, eff. 6-28-01; 92-651, eff. 7-11-02.)

(20 ILCS 5/5-15) (was 20 ILCS 5/3)

Sec. 5-15. Departments of State government. The Departments of State government are created as follows:

The Department on Aging.

The Department of Agriculture.

The Department of Central Management Services.

The Department of Children and Family Services.

The Department of Commerce and Economic Opportunity ~~Community Affairs~~.

The Department of Corrections.

The Department of Employment Security.

The Department of Financial Institutions.

The Department of Human Rights.

The Department of Human Services.

The Department of Insurance.

The Department of Labor.

The Department of the Lottery.

The Department of Natural Resources.

The Department of Nuclear Safety.

The Department of Professional Regulation.

The Department of Public Aid.

The Department of Public Health.

The Department of Revenue.

The Department of State Police.

The Department of Transportation.

The Department of Veterans' Affairs. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 5/5-20) (was 20 ILCS 5/4)

Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

Director of Central Management Services, for the Department of Central Management Services.

Director of Children and Family Services, for the Department of Children and Family Services.

Director of Commerce and Economic Opportunity ~~Community Affairs~~, for the Department of Commerce and Economic Opportunity ~~Community Affairs~~.

Director of Corrections, for the Department of Corrections.

Director of Employment Security, for the Department of Employment Security.

Director of Financial Institutions, for the Department of Financial Institutions.

Director of Human Rights, for the Department of Human Rights.

Secretary of Human Services, for the Department of Human Services.

Director of Insurance, for the Department of Insurance.
Director of Labor, for the Department of Labor.
Director of the Lottery, for the Department of the Lottery.
Director of Natural Resources, for the Department of Natural Resources.
Director of Nuclear Safety, for the Department of Nuclear Safety.
Director of Professional Regulation, for the Department of Professional Regulation.
Director of Public Aid, for the Department of Public Aid.
Director of Public Health, for the Department of Public Health.
Director of Revenue, for the Department of Revenue.
Director of State Police, for the Department of State Police.
Secretary of Transportation, for the Department of Transportation.
Director of Veterans' Affairs, for the Department of Veterans' Affairs. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 5/5-120) (was 20 ILCS 5/5.13g)

Sec. 5-120. In the Department of Commerce and Economic Opportunity ~~Community Affairs~~. Assistant Director of Commerce and Economic Opportunity ~~Community Affairs~~. (Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The Department of Commerce and Community Affairs Law of the Civil Administrative Code of Illinois is amended by changing Sections 605-1 and 605-5 and by adding Section 605-7 as follows:

(20 ILCS 605/605-1)

Sec. 605-1. Article short title. This Article 605 of the Civil Administrative Code of Illinois may be cited as the Department of Commerce and Economic Opportunity ~~Community Affairs~~ Law. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-5) (was 20 ILCS 605/46.1 in part)

Sec. 605-5. Definitions. As used in the Sections following this Section:

"Department" means the Department of Commerce and Economic Opportunity ~~Community Affairs~~.

"Director" means the Director of Commerce and Economic Opportunity ~~Community Affairs~~.

"Local government" means every county, municipality, township, school district, and other local political subdivision having authority to enact laws and ordinances, to administer laws and ordinances, to raise taxes, or to expend funds. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 605/605-7 new)

Sec. 605-7. Name change. On the effective date of this amendatory Act of the 93rd General Assembly, the name of the Department of Commerce and Community Affairs is changed to the Department of Commerce and Economic Opportunity. References in any law, appropriation, rule, form, or other document (i) to the Department of Commerce and Community Affairs or to DCCA are deemed, in appropriate contexts, to be references to the Department of Commerce and Economic Opportunity for all purposes and (ii) to the Director of Commerce and Community Affairs are deemed, in appropriate contexts, to be references to the Director of Commerce and Economic Opportunity for all purposes.

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

The motion prevailed.

And the amendment was adopted.

There being no further amendments, the foregoing Amendment No. 1 was ordered engrossed; and the bill, as amended was 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 10
Senate Floor Amendment No. 2 to Senate Bill 14
Senate Floor Amendment No. 1 to Senate Bill 67
Senate Floor Amendment No. 2 to Senate Bill 75
Senate Floor Amendment No. 3 to Senate Bill 75
Senate Floor Amendment No. 2 to Senate Bill 96
Senate Floor Amendment No. 1 to Senate Bill 173
Senate Floor Amendment No. 2 to Senate Bill 199

Senate Floor Amendment No. 1 to Senate Bill 254
Senate Floor Amendment No. 1 to Senate Bill 521
Senate Floor Amendment No. 1 to Senate Bill 553
Senate Floor Amendment No. 3 to Senate Bill 559
Senate Floor Amendment No. 2 to Senate Bill 629
Senate Floor Amendment No. 1 to Senate Bill 690
Senate Floor Amendment No. 1 to Senate Bill 810
Senate Floor Amendment No. 1 to Senate Bill 908
Senate Floor Amendment No. 2 to Senate Bill 1116
Senate Floor Amendment No. 1 to Senate Bill 1126
Senate Floor Amendment No. 3 to Senate Bill 1150
Senate Floor Amendment No. 1 to Senate Bill 1330
Senate Floor Amendment No. 3 to Senate Bill 1497
Senate Floor Amendment No. 1 to Senate Bill 1506
Senate Floor Amendment No. 2. to Senate Bill 1510
Senate Floor Amendment No. 3 to Senate Bill 1527
Senate Floor Amendment No. 2 to Senate Bill 1530
Senate Floor Amendment No. 3 to Senate Bill 1765
Senate Floor Amendment No. 1 to Senate Bill 1872
Senate Floor Amendment No. 1 to Senate Bill 1906

At the hour of 6:15 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, March 26, 2003, at 10:00 o'clock a.m.