SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

28TH LEGISLATIVE DAY

WEDNESDAY, APRIL 2, 2003

1:00 O'CLOCK P.M.

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28th Legislative Day

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The Senate met pursuant to adjournment.
Honorable Emil Jones Jr., President of the Senate, presiding.
Prayer by Pastor Jonathan Grubbs, First Church of God, Springfield, Illinois.
Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Friday, March 21, 2003, was being read when on motion of Senator Link further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

Senator Link moved that reading and approval of the Journals of Monday, March 24, 2003 , Tuesday, March 25, 2003 , Wednesday, March 26, 2003 and Thursday, March 27, 2003 be postponed pending arrival of the printed Journals.
The motion prevailed.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 4 to Senate Bill 2
Senate Floor Amendment No. 5 to Senate Bill 2
Senate Floor Amendment No. 3 to Senate Bill 3
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PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 103
Offered by Senator Lauzen and all Senators:
Mourns the death of Jean Ann (Rasmusen) Oleson of Yorkville.

SENATE RESOLUTION 104
Offered by Senator Lauzen and all Senators:
Mourns the death of Jules L. Stein of Woodridge.

SENATE RESOLUTION 105
Offered by Senator Lauzen and all Senators:
Mourns the death of Andrew Robert Burkholder of Elburn.

SENATE RESOLUTION 106
Offered by Senator Lauzen and all Senators:
Mourns the death of John Clifford Hedley of Aurora.

SENATE RESOLUTION 107
Offered by Senator Clayborne and all Senators:
Mourns the death of Frank H. Boyne of Belleville.

SENATE RESOLUTION 108
Offered by Senator D. Sullivan and all Senators:
Mourns the death of Robert Barker of Des Plaines.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

MESSAGES FROM THE GOVERNOR

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

April 1, 2003

Mr. President,

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

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT

To the Honorable

Members of the Senate
Ninety-Third General Assembly

Pursuant to 10 ILCS 5/1A-3, I have nominated the following named persons to the State Board Elections and respectfully ask concurrence in and confirmation of these appointments of your Honorable body.

ELECTIONS, STATE BOARD OF
To be a member of the State Board of Elections for a term commencing July 1, 2003, and ending June 30, 2007:

John Keith of Springfield Sponsor: Senator Larry K. Bomke

Salaried

ELECTIONS, STATE BOARD OF
To be a member of the State Board of Elections for a term commencing July 1, 2003, and ending June 30, 2007:

William M. McGuffage of Chicago Sponsor: Senator Barack Obama

Salaried

ELECTIONS, STATE BOARD OF
To be a member of the State Board of Elections for a term commencing July 1, 2003, and ending June 30, 2007:

Philip R. O'Connor of Chicago Sponsor: Senator John J. Cullerton

Salaried

ELECTIONS, STATE BOARD OF
To be a member of the State Board of Elections for a term commencing July 1, 2003, and ending June 30, 2007:

Jesse Smart of Bloomington Sponsor: Senator Bill Brady

Salaried

Rod Blagojevich
GOVERNOR

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

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT
SPRINGFIELD, ILLINOIS

2003-9
EXECUTIVE ORDER TO TRANSFER FUNCTIONS OF THE DEPARTMENT OF THE LOTTERY, THE LIQUOR CONTROL COMMISSION AND THE ILLINOIS RACING BOARD TO THE DEPARTMENT OF REVENUE

WHEREAS, Article V, Section 11 of the Constitution of the State of Illinois, as implemented by the Executive Reorganization Implementation Act, 15 ILCS 15/1, authorizes the Governor, by executive order, to reorganize agencies directly responsible to the Governor by (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof, (c) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof, (d) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (e) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies; and

WHEREAS, there are a number of existing executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, the collection of proceeds, charges and other forms of revenue to the State of Illinois.

Streamlining and consolidating the functions of certain of these agencies in a single agency offers the opportunity to realize significant cost savings, eliminate redundancy and simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, reduce administrative support, and promote more effective sharing of best practices and state of the art technology, among other things; and

WHEREAS, the foregoing benefits can be achieved by transferring the functions of the Department of the Lottery to the Department of Revenue and then abolishing the Department of the Lottery, and by reassigning the Liquor Control Commission and the Illinois Racing Board to the Department of Revenue;

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order:

I. TRANSFER

A. All the powers, duties, rights and responsibilities vested in the Department of the Lottery shall be transferred to the Department of Revenue. The statutory powers, duties, rights and responsibilities of the Department of the Lottery derive from 20 ILCS 1605/1 et seq.

B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of the Department of the Lottery on any council, commission, board or other entity, the Director of the Department of Revenue or his/her designee(s) shall serve in that place. If more than one such commissioner/director is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Department of Revenue shall so serve.

C. The Illinois Liquor Control Commission and all the rights, powers and duties by law vested in the Illinois Liquor Control Commission, including the power to appoint investigators and hearing officers, are retained under the Commission except that clerks, other management and staff support or employees, and other resources necessary for the operation of the Liquor Control Commission shall be provided by the Department of Revenue. Services performed related to the oversight of the control, sale or disposition of alcoholic liquor will be under the supervision of the executive director of the Commission and the Commission. The secretary and the executive director of the Commission shall be appointed by the Governor. The statutory powers, duties, rights and responsibilities of the Liquor Control Commission derive from the Liquor Control Act, 235 ILCS 5/3-1 et seq.

D. The Illinois Racing Board and all the rights, powers and duties by law vested in the Illinois Racing Board, including the power to appoint a director of mutuels and investigators, are retained under the Board except that state veterinarians and representatives, licensing personnel, state seasonal employees, other management and staff support or employees, and other resources necessary for the operation of the Illinois Racing Board shall be provided by the Department of Revenue. Services performed related to the oversight of the Illinois horse racing industry will be under the supervision of the executive director of the Board and the Board. The executive director of the Board shall be appointed by the Governor. The statutory powers, duties, rights and responsibilities of the Illinois Racing Board derive from the Illinois Horse Racing Act of 1975, 230 ILCS 5/1 et seq.

II. EFFECT OF TRANSFER

A. The Department of the Lottery, and all offices, bureaus and divisions thereof are hereby abolished.

B. The powers, duties, rights and responsibilities vested in the Lottery Control Board shall not be affected by this Executive Order, including the power to appoint hearing officers, except that other management and staff support or other resources necessary to the operation of the Lottery Control Board shall be provided by the Department of Revenue.

C. The powers, duties, rights and responsibilities vested in the Liquor Control Commission shall not be affected by this Executive Order, except that clerks and other management and staff support or employees or other resources necessary to the operation of the Liquor Control Commission shall be provided by the Department of Revenue. Services performed related to the oversight of the control, sale or disposition of alcoholic liquor will be under the supervision of the executive director of the Commission and the Commission. The secretary and the executive director of the Commission shall be appointed by the Governor.

D. The powers, duties, rights and responsibilities vested in the Illinois Racing Board shall not be affected by this Executive Order, except that state veterinarians and representatives, licensing personnel, state seasonal employees, other management and staff support or employees or other resources necessary to the operation of the Illinois Racing Board shall be provided by the Department of Revenue. Services performed related to the oversight of the Illinois horse racing industry will be under the supervision of the executive director of the Board and the Board. The executive director of the Board shall be appointed by the Governor.

E. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel under the Department of the Lottery, the Liquor Control Commission and the Illinois Racing Board affected by this Executive Order shall continue their service within the Department of Revenue. All such personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code.

F. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Department of the Lottery, the Liquor Control Commission and the Illinois Racing Board to the Department of Revenue, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department of Revenue pursuant to the direction of the Director of the Department of Revenue.

III. SAVINGS CLAUSE

A. The powers, duties, rights and responsibilities transferred to the Department of Revenue by this Executive Order shall be vested in and shall be exercised by the Department of Revenue. Each act done in exercise of such powers, duties, rights and responsibilities shall have the same legal effect as if done by the Department of the Lottery, the Liquor Control Commission, the Illinois Racing Board, or their divisions, officers or employees.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights

and responsibilities as had been exercised by the Department of the Lottery, the Liquor Control Commission, the Illinois Racing Board, or their divisions, officers or employees.

C. Every officer of the Department of Revenue shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Department of the Lottery, the Liquor Control Commission or the Illinois Racing Board in connection with any of the functions transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Department of Revenue.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Department of the Lottery, the Liquor Control Commission or the Illinois Racing Board before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Department of Revenue.

F. Any rules of the Department of the Lottery that are in full force on the effective date of this Executive Order and that have been duly adopted by the Department of the Lottery shall become the rules of the Department of Revenue. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Department of the Lottery that are pending in the rulemaking process on the effective date of this Executive Order, shall be deemed to have been filed by the Department of Revenue. As soon as practicable hereafter, the Department of Revenue shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Revenue may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Department of Revenue.

G. Any rules of the Liquor Control Commission or the Illinois Racing Board that are in full force on the effective date of this Executive Order and that have been duly adopted by the Liquor Control Commission or the Illinois Racing Board and pertain to the functions transferred shall become the rules of the Department of Revenue. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Liquor Control Commission or the Illinois Racing Board that are pending in the rulemaking process on the effective date of this Executive Order and pertain to the functions transferred, shall be deemed to have been filed by the Department of Revenue. As soon as practicable hereafter, the Department of Revenue shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Revenue may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Department of Revenue.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE
This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.

s/ROD R. BLAGOJEVICH
Governor

Issued by the Governor: March 30, 2003

Filed with the Secretary of State: March 31, 2003

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT
SPRINGFIELD, ILLINOIS

2003-10

EXECUTIVE ORDER TO CONSOLIDATE FACILITIES MANAGEMENT, INTERNAL AUDITING AND STAFF LEGAL FUNCTIONS

WHEREAS, there is a need to increase efficiency and produce cost savings in the administration of state government; and

WHEREAS, there is currently no statewide agency coordinating certain common functions, such as real estate management, auditing and legal services; and

WHEREAS, the lack of coordination in managing facilities of the state results in leases and contracts on facilities that are overly expensive, and

WHEREAS, there are no statewide policies or procedures that coordinate the facilities management of differing agencies and thus no guarantee that facilities are being managed efficiently or effectively; and

WHEREAS, agencies are using different standards and procedures for internal audits, resulting in the inability of agencies to share management knowledge and gain efficiencies; and

WHEREAS, there is a need for a statewide risk management structure for effective management control, proactive risk management, governance and ongoing business process improvement; and

WHEREAS, redundancy in legal functions across state agencies has led to inefficiencies in time for attorneys; and

WHEREAS, consolidating facilities management would, among other things, provide major cost savings to the State by allowing the State to take advantage of economies of scale and organize lease arrangements; and

WHEREAS, consolidating internal auditing functions would, among other things, allow the State to invest in "state of the art" auditing techniques, aid management in identifying solutions, reduce the need for administrative support, and allow for more efficient use of specialized expertise; and

WHEREAS, consolidating staff legal functions would, among other things, result in significant cost savings, higher quality legal work as attorneys are able to specialize, decreased litigation, and less costly legal contracts with outside counsel; and

WHEREAS, Article V, Section 11 of the Constitution of the State of Illinois authorizes the Governor to reassign functions among or reorganize executive agencies, which are directly responsible to him by means of an executive order; and

WHEREAS, Section 3.2 of the Executive Reorganization Implementation Act, 15 ILCS 15/3.2, provides that "Reorganization" includes the "transfer of . . . functions" from one agency to another; and

THEREFORE, I hereby order:

I. TRANSFER OF FUNCTIONS

A. The function of facilities management, internal auditing, and staff legal functions for each agency, office, division, department, bureau, board and commission directly responsible to the Governor shall be consolidated under the jurisdiction of the Department of Central Management Services.

B. The facilities management functions in this executive order include the operation and maintenance of state-owned or state-leased facilities in all agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor. The statutory powers, duties, rights, responsibilities and liabilities regarding facilities management derive from, among others, the following named statutory provisions:

1. Department of Aging: 20 ILCS 105/4.01, 6.05.
2. Department of Agriculture: 20 ILCS 205/205-405; 20 ILCS 210/2; 510 ILCS 10/1(a).
3. Department of Central Management Services: 20 ILCS 405/405-300, 315; 30 ILCS 605/1 et seq.
4. Department of Children and Family Services: 20 ILCS 505/1 et seq.
5. Department of Commerce and Economic Opportunity (formerly Department of Commerce and Community Affairs): 20 ILCS 605/605-55.
6. Department of Corrections: 730 ILCS 5/3-2-2.
7. Illinois Emergency Management Agency: 20 ILCS 3305/6(c)(3), 7(a)(4), 19.
8. Illinois Department of Employment Security: 20 ILCS 5/5-630; 20 ILCS 1005/1005-115, 1005-150; 20 ILCS 1010/2; 20 ILCS 1015/1, 3; 820 ILCS 405/802, 1705.
9. Illinois Environmental Protection Agency: 20 ILCS 405/405-300.
10. Department of Financial Institutions: 20 ILCS 405/405-300.
11. Historic Preservation Agency: 20 ILCS 3405 et seq.; 20 ILCS 3430; 5 ILCS 412/5-1.
12. Department of Human Rights: 20 ILCS 405/405-300.
13. Department of Human Services: 20 ILCS 1705/4, 14; 20 ILCS 2405/10, 11.
14. Department of Insurance: 20 ILCS 1405-1405-5.
15. Department of Labor: 20 ILCS 405/405-300.
16. Department of the Lottery: 20 ILCS 405/405-300.
17. Department of Military Affairs: 20 ILCS 1805/22-2, 22-5, 65; 20 ILCS 1810/1 et seq.
18. Department of Natural Resources: 20 ILCS 801/1-15c, 5-5; 20 ILCS 805/805-210, 805-230, 805-300, 805-305, 805-500; 20 ILCS 835; 20 ILCS 860; 20 ILCS 862; 20 ILCS 870.
19. Department of Nuclear Safety: 420 ILCS 35/4, 5; 420 ILCS 20/5; 20 ILCS 2005-25.

20. Department of Professional Regulation: 20 ILCS 2105/2105-15(a)(6).
21. Department of Public Aid: 20 ICLS 405/405-300.
22. Department of Public Health: 20 ILCS 2305/2(f); 20 ILCS 2310/2310-90; 410 ILCS 47/15; 410 ILCS 535/2.
23. Department of Revenue: 20 ILCS 2505/205-730.
24. Department of the State Fire Marshal: 20 ILCS 405/405-300.
25. Department of State Police: 20 ILCS 405/405-300.
26. Department of Transportation: 20 ILCS 5/5-630.
27. Department of Veteran Affairs: 20 ILCS 2805/2-11.
28. Bureau of the Budget: 20 ILCS 405/405-300.
29. Office of Banks and Real Estate: 20 ILCS 405/405-300.
30. Capital Development Board: 20 ILCS 3105/9.01.
31. Illinois Medical District Commission: 20 ILCS 405/405-300.
32. Illinois Property Tax Appeal Board: 20 ILCS 405/405-300.
33. Illinois Racing Board, 230 ILCS 5/9.
34. Illinois Toll Highway Authority: 605 ILCS 10/1.

C. The statutory powers, duties, rights, responsibilities and liabilities regarding internal auditing by agencies, offices, divisions, departments, bureaus, boards and commissions directly responsible to the Governor derive from, among others, the Fiscal Control and Internal Auditing Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing Act, 30 ILCS 5/1-1 et seq.

D. Staff legal functions across agencies shall be transferred from individual agencies to the Department of Central Management Services. Legal functions specific to each particular agency may remain at that agency.

II. EFFECT OF TRANSFERS

A. Personnel who are employed by agencies, offices, divisions, departments, bureaus, boards and commissions and who are assigned to facilities management, auditing and staff legal functions shall be transferred to the Department of Central Management Services. Each agency that currently has a General Counsel may retain one General Counsel and only other attorneys whose work is primarily adjudicatory. In consultation with the General Counsel for the Governor and agency directors, the Director of Central Management Services shall determine where legal work specific to each agency should be performed. All other legal work shall be performed by attorneys within the Department of Central Management Services. In consultation with the appropriate staff in the Governor's office and in the executive agencies, the Director of Central Management Services shall determine which facilities management and auditing staff shall be transferred to the Department of Central Management Services. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension retirement or annuity plan shall not be affected by the Executive Order.

B. All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business pertaining to the functions transferred by this Executive Order to the Department of Central Management Services shall be delivered to the Department of Central Management Services pursuant to the direction of the Director of the Department of Central Management Services.

III. SAVINGS CLAUSE

A. The rights, powers, duties and functions transferred to the Department of Central Management Services by this Executive Order shall be vested in and shall be exercised by the Department of Central Management Services. Each act done in exercise of such rights, powers, duties and functions shall have the same legal effect as if done by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such rights, powers and duties as had been exercised by the agencies, offices, divisions, departments, bureaus, boards and commissions from which they were transferred.

C. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person in regards to the functions transferred to or upon the agencies, offices, divisions, departments, bureaus, boards and commissions from which the functions were transferred, the same shall be made, given, furnished or served in the same manner to or upon the Department of Central Management Services.

D. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the functions transferred, but such proceedings may be continued by the Department of Central Management Services.

E. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code regarding the functions transferred in this Executive Order that are in force on the effective date of this Executive Order. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order.

IV. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

V. EFFECTIVE DATE

This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.

s/ROD R. BLAGOJEVICH
Governor

Issued by the Governor: March 30, 2003

Filed with the Secretary of State: March 31, 2003

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT
SPRINGFIELD, ILLINOIS

2003-11

EXECUTIVE ORDER TO TRANSFER FUNCTIONS OF THE PRAIRIE STATE 2000 AUTHORITY AND PROGRAMS OF THE ILLINOIS DEPARTMENT OF EMPLOYMENT SECURITY AND THE ILLINOIS COMMUNITY COLLEGE BOARD TO THE DEPARTMENT OF COMMERCE AND ECONOMIC OPPORTUNITY

WHEREAS, improving Illinois' system of workforce development is a primary goal of State government, especially within small and medium-sized businesses; and

WHEREAS, there are a number of existing executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, employment training and development. Streamlining and consolidating the functions of certain of these agencies in a single agency offers the opportunity to realize significant cost savings, eliminate redundancy and simplify the organizational structure of the Executive Branch, improve accessibility and accountability, provide more efficient use of specialized expertise and facilities, reduce administrative support, and promote more effective sharing of best practices and state of the art technology, among other things; and

WHEREAS, strengthening Illinois' system of workforce and economic development to build a highly skilled and globally competitive workforce throughout the State is a primary goal of State government; and

WHEREAS, State government must continue to improve the effective utilization of existing resources in support of workforce and economic development to significantly reduce fragmentation and duplication of efforts; and

WHEREAS, Article V, Section 11 of the Constitution of the State of Illinois, as implemented by the Executive Reorganization Implementation Act, 15 ILCS 15/1, authorizes the Governor, by executive order, to reorganize agencies directly responsible to the Governor by (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof, (c) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof, (d) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (e) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies;

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order the following:

VI. TRANSFER

A. All the powers, duties, rights and responsibilities vested in the Prairie State 2000 Authority shall be transferred to the Department of Commerce and Economic Opportunity (formerly known as the Department of Commerce and Community Affairs). The statutory powers, duties, rights and responsibilities of the Prairie State 2000 Authority derive from 20 ILCS 420/1 et seq.

B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of the Prairie State 2000 Authority on any council, commission, board or other entity, the Director of the Department of Commerce and Economic Opportunity or his/her designee(s) shall serve in that place. If more than one such commissioner/director is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Department of Commerce and Economic Opportunity shall so serve.

C. All the powers, duties, rights and responsibilities vested in the Illinois Department of Employment Security with respect to the administration of the federal Workforce Investment Act of 1998, Title I, the federal Illinois

Trade Adjustment Assistance Program, and the federal and state funded Welfare to Work program, including, but not limited to those not vested in statute, and all liabilities arising therefrom are transferred to the Department of Commerce and Economic Opportunity.

D. All the powers, duties, rights and responsibilities vested in the Illinois Community College Board with respect to the administration of the state funded Current Workforce Training Grant, including, but not limited to those not vested in statute, and all liabilities arising therefrom are transferred to the Department of Commerce and Economic Opportunity.

VII. EFFECT OF TRANSFER

G. The Prairie State 2000 Authority and all boards, offices, bureaus and divisions thereof are hereby abolished.

H. Personnel in the Prairie State 2000 Authority shall continue their service within the Department of Commerce and Economic Opportunity. All personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.

I. All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business pertaining to the rights, powers and duties transferred by this Executive Order from the Prairie State 2000 Authority to the Department of Commerce and Economic Opportunity, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department of Commerce and Economic Opportunity pursuant to the direction of the Director of the Department of Commerce and Economic Opportunity.

J. Personnel in the Illinois Department of Employment Security and the Illinois Community College Board who are assigned directly or indirectly to programs transferred by this Executive Order shall continue their service within the Department of Commerce and Economic Opportunity. All personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in accordance with the Personnel Code. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order.

K. All books, records, papers, documents, property (real and personal), unexpended appropriations and pending business pertaining to the rights, powers and duties transferred by this Executive Order from the Illinois Department of Employment Security and the Illinois Community College Board to the Department of Commerce and Economic Opportunity, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Department of Commerce and Economic Opportunity pursuant to the direction of the Director of the Department of Commerce and Economic Opportunity.

VIII. SAVINGS CLAUSE

A. The rights, powers and duties transferred to the Department of Commerce and Economic Opportunity by this Executive Order shall be vested in and shall be exercised by the Department of Commerce and Economic Opportunity. Each act done in exercise of such rights, powers and duties shall have the same legal effect as if done by the Prairie State 2000 Authority, the Illinois Department of Employment Security, the Illinois Community College Board, their divisions, officers or employees thereof as it pertains to the programs transferred by this Executive Order.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such rights, powers and duties as had been exercised by the Prairie State 2000 Authority, the Illinois Department of Employment Security or the Illinois Community College Board as it pertains to the programs transferred.

C. Every officer of the Department of Commerce and Economic Opportunity shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the Prairie State 2000 Authority, the Illinois Department of Employment Security or the Illinois Community College Board in connection with any functions transferred in the Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Department of Commerce and Economic Opportunity.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Prairie State 2000 Authority, the Illinois Department of Employment Security or the Illinois Community College Board as it pertains to the programs transferred before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Department of Commerce and Economic Opportunity.

F. Any rules of the Prairie State 2000 Authority that are in full force on the effective date of this Executive Order and that have been duly adopted by the agencies reorganized shall become the rules of the Department of Commerce and Economic Opportunity. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Prairie State 2000 Authority that are pending in the rulemaking process on the effective date of this Executive Order, shall be deemed to have been filed by the Department of Commerce and Economic Opportunity. As soon as practicable hereafter, the Department of Commerce and Economic Opportunity shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Commerce and Economic Opportunity may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Department of Commerce and Economic Opportunity.

G. Any rules of the Illinois Department of Employment Security or the Illinois Community College Board as they pertain to the transferred programs and functions that are in full force on the effective date of this Executive Order

and that have been duly adopted by the agencies reorganized shall become the rules of the Department of Commerce and Economic Opportunity. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Illinois Department of Employment Security or the Illinois Community College Board as they pertain to the transferred programs and functions that are pending in the rulemaking process on the effective date of this Executive Order, shall be deemed to have been filed by the Department of Commerce and Economic Opportunity. As soon as practicable hereafter, the Department of Commerce and Economic Opportunity shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Commerce and Economic Opportunity may propose and adopt under the Illinois Administrative Act such other rules of the reorganized agencies that will now be administered by the Department of Commerce and Economic Opportunity.

IX. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

X. EFFECTIVE DATE

This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.

s/ROD R. BLAGOJEVICH
Governor

Issued by the Governor: March 30, 2003
Filed with the Secretary of State: March 31, 2003

STATE OF ILLINOIS
EXECUTIVE DEPARTMENT
SPRINGFIELD, ILLINOIS

2003-12

EXECUTIVE ORDER TO TRANSFER FUNCTIONS OF THE DEPARTMENT OF NUCLEAR SAFETY TO THE ILLINOIS EMERGENCY MANAGEMENT AGENCY

WHEREAS, nuclear power generates a significant amount of electricity and is essential to the industry and economy of Illinois; and

WHEREAS, the threat of terrorist attacks in the United States is real, as witnessed by the events of September 11, 2001. The unfortunate threat of terrorism places nuclear facilities potentially at risk; and

WHEREAS, Illinois' preparedness to respond to terrorist attacks is a priority of the highest magnitude for the State; and

WHEREAS, any emergency response to a terrorist threat or other potential disaster involving nuclear power facilities necessitates centralized coordination and communication among various entities at the State level; and

WHEREAS, there are a number of existing executive agencies directly responsible to the Governor which have rights, powers, duties and responsibilities that involve, in significant part, the preparedness for and response to emergencies involving nuclear facilities and power. Streamlining and consolidating the functions of certain of these agencies in a single agency enables the State to realize more efficient communication and use of informational resources, and to provide more efficient use of specialized expertise and facilities. Consolidation also improves accessibility and accountability, eliminates redundancy, and simplifies the organizational structure of the Executive Branch, promoting more effective sharing of best practices and state of the art technology, among other things; and

WHEREAS, Article V, Section 11 of the Constitution of the State of Illinois, as implemented by the Executive Reorganization Implementation Act, 15 ILCS 15/1, authorizes the Governor, by executive order, to reorganize agencies directly responsible to the Governor by (a) the transfer of the whole or any part of any agency, or of the whole or any part of the functions thereof, to the jurisdiction and control of any other agency, (b) the consolidation or coordination of the whole or any part of any other agency, or of the whole or any part of the functions thereof, with the whole or any part of any other agency or the functions thereof, (c) the consolidation or coordination of any part of any agency or the functions thereof with any other part of the same agency or the functions thereof, (d) the abolition of the whole or any part of any agency which does not have, or upon the taking effect of such reorganization will not have, any functions, and (e) the establishment of a new agency to perform all or any part of the functions of an existing agency or agencies; and

WHEREAS, the foregoing benefits can be achieved by transferring the functions of the Department of Nuclear Safety to the Illinois Emergency Management Agency and then abolishing the Department of Nuclear Safety.

THEREFORE, pursuant to the powers vested in me by Article V, Section 11 of the Illinois Constitution, I hereby order the following:

XI. TRANSFER

A. All the powers, duties, rights and responsibilities vested in the Department of Nuclear Safety shall be transferred to the Illinois Emergency Management Agency, effective July 1, 2003. The statutory powers, duties, rights and responsibilities of the Department of Nuclear Safety derive from 20 ILCS 2005/2005-1 et seq.

B. Whenever any provision of an Executive Order or any Act or section thereof transferred by this Executive Order provides for membership of the Director of the Department of Nuclear Safety on any council, commission, board or other entity, the Assistant Director of Illinois Emergency Management Agency or his/her designee(s) shall serve in that place. If more than one such commissioner/director is required by law to serve on any council, commission, board or other entity, an equivalent number of representatives of the Illinois Emergency Management Agency shall so serve.

XII. EFFECT OF TRANSFER

L. The Department of Nuclear Safety, and all offices, bureaus and divisions thereof are hereby abolished.

M. The rights of the employees, the State and its agencies under the Personnel Code and applicable collective bargaining agreements or under any pension, retirement or annuity plan shall not be affected by this Executive Order. Personnel in the Department of Nuclear Safety shall continue their service within the Illinois Emergency Management Agency. All personnel shall initially constitute probationary employees under the Personnel Code. The Department of Central Management Services shall establish a procedure for qualification and retention of personnel in

accordance with the Personnel Code. The Director of Nuclear Safety shall be transferred to the Illinois Emergency Management Agency and be made the Assistant Director of the Illinois Emergency Management Agency.

N. All books, records, papers, documents, property (real and personal), contracts, unexpended appropriations and pending business pertaining to the powers, duties, rights and responsibilities transferred by this Executive Order from the Department of Nuclear Safety to the Illinois Emergency Management Agency, including but not limited to material in electronic or magnetic format and necessary computer hardware and software, shall be delivered to the Illinois Emergency Management Agency pursuant to the direction of the Director of the Illinois Emergency Management Agency.

IV. SAVINGS CLAUSE

A. The rights, powers and duties transferred to the Illinois Emergency Management Agency by this Executive Order shall be vested in and shall be exercised by the Illinois Emergency Management Agency. Each act done in exercise of such rights, powers and duties shall have the same legal effect as if done by the Department of Nuclear Safety, its divisions, officers or employees.

B. Every person or corporation shall be subject to the same obligations and duties and any penalties, civil or criminal, arising therefrom, and shall have the same rights arising from the exercise of such powers, duties, rights and responsibilities as had been exercised by the Department of Nuclear Safety, its divisions, officers or employees.

C. Every officer of the Illinois Emergency Management Agency shall, for any offense, be subject to the same penalty or penalties, civil or criminal, as are prescribed by existing law for the same offense by any officer whose powers or duties were transferred under this Executive Order.

D. Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon the agencies and offices transferred by this Executive Order, the same shall be made, given, furnished or served in the same manner to or upon the Illinois Emergency Management Agency.

E. This Executive Order shall not affect any act done, ratified or canceled or any right occurring or established or any action or proceeding had or commenced in an administrative, civil or criminal cause regarding the Department of Nuclear Safety before this Executive Order takes effect, but such actions or proceedings may be prosecuted and continued by the Illinois Emergency Management Agency.

F. Any rules of the Department of Nuclear Safety that are in full force on the effective date of this Executive Order and that have been duly adopted by the agencies reorganized shall become the rules of the Illinois Emergency Management Agency. This Executive Order shall not affect the legality of any such rules in the Illinois Administrative Code. Any proposed rulings filed with the Secretary of State by the Department of Nuclear Safety that are pending in the rulemaking process on the effective date of this Executive Order, shall be deemed to have been filed by the Illinois Emergency Management Agency. As soon as practicable hereafter, the Illinois Emergency Management Agency shall revise and clarify the rules transferred to it under this Executive Order to reflect the reorganization of rights, power and duties effected by this Order, using the procedures for recodification of rules available under the Illinois Administrative Procedures Act, except that existing title, part, and section numbering for the affected rules may be retained. The Illinois Emergency Management Agency may propose and adopt under the Illinois Administrative Act such

other rules of the reorganized agencies that will now be administered by the Illinois Emergency Management Agency.

V. SEVERABILITY

If any provision of this Executive Order or its application to any person or circumstance is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

VI. EFFECTIVE DATE

This Executive Order shall become effective on the 61st day after its delivery to the General Assembly.

s/ROD R. BLAGOJEVICH
Governor

Issued by the Governor: March 30, 2003
Filed with the Secretary of State: March 31, 2003

The foregoing Executive Orders numbered 9, 10, 11 and 12 were referred to the Committee on Rules.

COMMUNICATION

LOUIS I. LANG
State Representative
16th District

April 1, 2003

Linda Hawker
Secretary of the Senate
405 State Capitol
Springfield, IL 62706

Dear Secretary Hawker:

Please remove Senator Pamela Althoff as Chief Sponsor of **House Bill 53** and replace her with Senator Maggie Crotty.

Thank you,
s/Representative Lou Lang
16th District

Pursuant to Senate Rule 501(c) the foregoing Communication was referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, to which was referred **Senate Bill No. 730** on March 27, 2003, pursuant to Rule 3-9(b), reported that the Committee recommends that the bill be approved for consideration and returned to the calendar in its former position.

The report of the Committee was concurred in.

And **Senate Bill No. 730** was returned to the order of third reading.

Senator Demuzio, Chairperson of the Committee on Rules, reported that the following Legislative Measures have been approved for consideration:

Senate Floor Amendment No. 4 to Senate Bill 268
Senate Floor Amendment No. 2 to Senate Bill 461
Senate Floor Amendment No. 2 to Senate Bill 1003

The foregoing floor amendments were placed on the Secretary's Desk.

Senator Demuzio, Chairperson of the Committee on Rules, during its April 2, 2003 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture and Conservation: **Senate Floor Amendment No. 1 to Senate Bill 142; Senate Floor Amendment No. 1 to Senate Bill 573**.

Education: **Senate Floor Amendment No. 1 to Senate Bill 84; Senate Floor Amendment No. 1 to Senate Bill 233; Senate Floor Amendment No. 2 to Senate Bill 317; Senate Floor Amendment No. 2 to Senate Bill 368; Senate Floor Amendment No. 1 to Senate Bill 533; Senate Floor Amendment No. 3 to Senate Bill 684; Senate Floor Amendment No. 2 to Senate Bill 814; Senate Floor Amendment No. 1 to Senate Bill 878; Senate Floor Amendments Numbered 3 and 4 to Senate Bill 890; Senate Floor Amendments Numbered 2 and 3 to Senate Bill 891; Senate Floor Amendments Numbered 2 and 3 to Senate Bill 1074**.

Environment and Energy: **Senate Floor Amendment No. 2 to Senate Bill 25; Senate Floor Amendment No. 1 to Senate Bill 1098; Senate Floor Amendment No. 3 to Senate Bill 1379; Senate Floor Amendment No. 2 to Senate Bill 1380; Senate Floor Amendment No. 1 to Senate Bill 1535**.

Executive: **Senate Floor Amendment No. 3 to Senate Bill 10; Senate Floor Amendment No. 2 to Senate Bill 89; Senate Floor Amendment No. 3 to Senate Bill 411; Senate Floor Amendment No. 1 to Senate Bill 699; Senate Floor Amendment No. 2 to Senate Bill 714; Senate Floor Amendment No. 1 to Senate Bill 715; Senate Floor Amendment No. 1 to Senate Bill 977; Senate Floor Amendment No. 3 to Senate Bill 1510; Senate Floor Amendment No. 1 to Senate Bill 1640; Senate Floor Amendment No. 1 to Senate Bill 1737; Senate Floor Amendment No. 1 to Senate Bill 1803; Senate Floor Amendment No. 1 to Senate Bill 1873; Senate Floor Amendment No. 1 to Senate Bill 1918; Senate Floor Amendment No. 1 to Senate Bill 1963; Senate Floor Amendment No. 1 to Senate Bill 1983**.

Financial Institutions: **Senate Floor Amendment No. 2 to Senate Bill 24; Senate Floor Amendment No. 1 to Senate Bill 683; Senate Floor Amendment No. 1 to Senate Bill 1063**.

Health and Human Services: **Senate Floor Amendment No. 3 to Senate Bill 3; Senate Floor Amendment No. 2 to Senate Bill 263; Senate Floor Amendment No. 2 to Senate Bill 459; Senate Floor Amendment No. 1 to Senate Bill 467; Senate Floor Amendment No. 1 to Senate Bill 1064; Senate Floor Amendment No. 3 to Senate Bill 1067;Senate Floor Amendment No. 3 to Senate Bill 1079; Senate Floor Amendment No. 1 to Senate Bill 1190; Senate Floor Amendment No. 1 to Senate Bill 1332; Senate Floor Amendment No. 2 to Senate Bill 1417; Senate Floor Amendment No. 1 to Senate Bill 1430; Senate Floor Amendment No. 1 to Senate Bill 1492; Senate Floor Amendment No. 2 to Senate Bill 1543; Senate Floor Amendment No. 2 to Senate Bill 1787**.

Insurance and Pensions: **Senate Floor Amendment No. 2 to Senate Bill 318; Senate Floor Amendment No. 2 to Senate Bill 475; Senate Floor Amendment No. 4 to Senate Bill 559; Senate Floor Amendment No. 1 to Senate Bill 741; Senate Floor Amendments numbered 2 and 3 to Senate Bill 1207; Senate Floor Amendment No. 2 to Senate Bill 1774; Senate Floor Amendment No. 1 to Senate Bill 1777**.

Judiciary: **Senate Amendment No. 1 to Senate Bill 8; Senate Floor Amendment No. 2 to Senate Bill 30; Senate Floor Amendment No. 3 to Senate Bill 96; Senate Floor Amendment No. 3 to Senate Bill 173; Senate Floor Amendment No. 1 to Senate Bill 404; Senate Floor Amendment No. 1 to Senate Bill 423; Senate Floor Amendments numbered 5, 6 and 7 to Senate Bill 472; Senate Floor Amendment No. 2 to Senate Bill 690; Senate Floor Amendment No. 1 to Senate Bill 730; Senate Floor Amendment No. 5 to Senate Bill 1035; Senate Floor Amendments numbered 1 and 2 to Senate Bill 1125; Senate Amendment No. 2 to Senate Bill 1195; Senate Amendments numbered 2 and 3 to Senate Bill 1329**.

Labor and Commerce: **Senate Floor Amendments numbered 4 and 5 to Senate Bill 2; Senate Floor Amendments numbered 4 and 5 to Senate Bill 73; Senate Floor Amendment No. 3 to Senate Bill 461; Senate Floor Amendment No. 2 to Senate Bill 1763**.

Licensed Activities: **Senate Floor Amendment No. 2 to Senate Bill 105; Senate Floor Amendment No. 1 to Senate Bill 255; Senate Floor Amendment No. 3 to Senate Bill 354; Senate Floor Amendment No. 1 to Senate Bill 487; Senate Floor Amendment No. 3 to Senate Bill 698; Senate Floor Amendment No. 1 to Senate Bill 1110**.

Local Government: **Senate Floor Amendment No. 2 to Senate Bill 132; Senate Floor Amendment No. 4 to Senate Bill 974**.

Revenue: **Senate Floor Amendment No. 1 to Senate Bill 227; Senate Floor Amendment No. 4 to Senate Bill 334; Senate Floor Amendment No. 1 to Senate Bill 1049; Senate Floor Amendment No. 2 to Senate Bill 1474; Senate Floor Amendment No. 2 to Senate Bill 1883**.

State Government: **Senate Floor Amendment No. 2 to Senate Bill 151; Senate Floor Amendment No. 1 to Senate Bill 812**.

Transportation: **Senate Floor Amendment No. 2 to Senate Bill 150; Senate Floor Amendment No. 1 to Senate Bill 451; Senate Floor Amendment No. 3 to Senate Bill 1108**.

Senator Burzynski asked and obtained unanimous consent to recess for the purpose of a Republican caucus.

At the hour of 1:25 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 2:15 o'clock p.m., the Senate resumed consideration of business.
Honorable Emil Jones Jr., President of the Senate, presiding.

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. 14
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 57
A bill for AN ACT concerning state employee health benefits.
HOUSE BILL NO. 85
A bill for AN ACT concerning elder abuse.
HOUSE BILL NO. 215
A bill for AN ACT in relation to public health.
HOUSE BILL NO. 231
A bill for AN ACT to create the Local Legacy Act.
HOUSE BILL NO. 429
A bill for AN ACT concerning human services.
HOUSE BILL NO. 1480
A bill for AN ACT concerning banking.
HOUSE BILL NO. 1529
A bill for AN ACT in relation to housing.
HOUSE BILL NO. 1577
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2147
A bill for AN ACT concerning health care workers.

Passed the House, March 27, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 14, 57, 85, 215, 231, 429, 1480, 1529, 1577 and 2147** 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. 176
A bill for AN ACT concerning animal cremation services.
HOUSE BILL NO. 1208
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2104
A bill for AN ACT regarding schools.
HOUSE BILL NO. 2498
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 2782
A bill for AN ACT concerning schools.
HOUSE BILL NO. 2996
A bill for AN ACT in relation to health.
HOUSE BILL NO. 3058
A bill for AN ACT relating to schools.
HOUSE BILL NO. 3060
A bill for AN ACT concerning health insurance coverage.
HOUSE BILL NO. 3117
A bill for AN ACT in relation to sex offenders.
HOUSE BILL NO. 3479
A bill for AN ACT concerning education.
HOUSE BILL NO. 3589
A bill for AN ACT concerning stem cell research.
Passed the House, March 27, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 176, 1208, 2104, 2498, 2782, 2996, 3058, 3060, 3117, 3479 and 3589** 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. 206
A bill for AN ACT concerning domestic violence.
HOUSE BILL NO. 244
A bill for AN ACT in relation to public aid.
HOUSE BILL NO. 2391
A bill for AN ACT in relation to expungement of criminal records.

Passed the House, March 27, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 206, 244 and 2391** 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. 468

A bill for AN ACT concerning professional regulation.

HOUSE BILL NO. 1119

A bill for AN ACT relating to higher education student assistance.

HOUSE BILL NO. 1166

A bill for AN ACT concerning voter registration.

HOUSE BILL NO. 1648

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

HOUSE BILL NO. 2298

A bill for AN ACT concerning schools.

HOUSE BILL NO. 2352

A bill for AN ACT to implement the federal No Child Left Behind Act of 2001.

HOUSE BILL NO. 2461

A bill for AN ACT concerning property transactions.

HOUSE BILL NO. 2553

A bill for AN ACT concerning nursing.

HOUSE BILL NO. 3553

A bill for AN ACT concerning air pollution.

Passed the House, March 27, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 468, 1119, 1166, 1648, 2298, 2352, 2461, 2553 and 3553** 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. 2185

A bill for AN ACT concerning vehicles.

HOUSE BILL NO. 2251

A bill for AN ACT concerning parentage.

HOUSE BILL NO. 2456

A bill for AN ACT in relation to fire fighters.

HOUSE BILL NO. 2489

A bill for AN ACT concerning telecommunications carriers.

HOUSE BILL NO. 2490

A bill for AN ACT concerning schools.

HOUSE BILL NO. 2536

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 2545

A bill for AN ACT in relation to juvenile offenders, which may be referred to as the Redeploy Illinois Program amendments.

HOUSE BILL NO. 2816

A bill for AN ACT concerning recreational trails.

HOUSE BILL NO. 2956

A bill for AN ACT concerning finance.

HOUSE BILL NO. 3022

A bill for AN ACT in relation to public aid.

Passed the House, March 27, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 2185, 2251, 2456, 2489, 2490, 2536, 2545, 2816, 2956 and 3022** 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. 3023
A bill for AN ACT in relation to public aid.
HOUSE BILL NO. 3095
A bill for AN ACT in relation to public safety.
HOUSE BILL NO. 3183
A bill for AN ACT in relation to public employee benefits.
HOUSE BILL NO. 3215
A bill for AN ACT in relation to vehicular offenses.
HOUSE BILL NO. 3298
A bill for AN ACT concerning the Comprehensive Health Insurance Plan.
HOUSE BILL NO. 3313
A bill for AN ACT concerning the State budget.
HOUSE BILL NO. 3325
A bill for AN ACT concerning public bodies.
HOUSE BILL NO. 3406
A bill for AN ACT concerning athlete agents.
HOUSE BILL NO. 3547
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 3675
A bill for AN ACT concerning health care workers.

Passed the House, March 27, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3023, 3095, 3183, 3215, 3298, 3313, 3325, 3406, 3547 and 3675** 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. 74
A bill for AN ACT in relation to health.
HOUSE BILL NO. 191
A bill for AN ACT concerning corrections.
HOUSE BILL NO. 310
A bill for AN ACT in relation to labor.
HOUSE BILL NO. 339
A bill for AN ACT in relation to gambling.
HOUSE BILL NO. 528
A bill for AN ACT in relation to school impact fees.
HOUSE BILL NO. 1543
A bill for AN ACT concerning higher education appropriations.
HOUSE BILL NO. 2412
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2658
A bill for AN ACT concerning bonds.
HOUSE BILL NO. 2779
A bill for AN ACT concerning the distribution of electricity.
HOUSE BILL NO. 2809

A bill for AN ACT in relation to nursing.

HOUSE BILL NO. 3656

A bill for AN ACT relating to insurance.

Passed the House, March 28, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 74, 191, 310, 339, 528, 1543, 2412, 2658, 2779, 2809 and 3656** 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. 343

A bill for AN ACT concerning patient rights.

HOUSE BILL NO. 386

A bill for AN ACT concerning public utilities.

HOUSE BILL NO. 2339

A bill for AN ACT concerning human resources.

Passed the House, March 28, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 343, 386 and 2339** 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. 76

A bill for AN ACT concerning disabilities.

HOUSE BILL NO. 184

A bill for AN ACT in relation to animals.

HOUSE BILL NO. 373

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

HOUSE BILL NO. 464

A bill for AN ACT concerning professional regulation.

HOUSE BILL NO. 1104

A bill for AN ACT concerning the Department of Human Services.

HOUSE BILL NO. 1482

A bill for AN ACT in relation to fireworks.

HOUSE BILL NO. 2486

A bill for AN ACT in relation to health.

HOUSE BILL NO. 2772

A bill for AN ACT in relation to insurance.

HOUSE BILL NO. 2880

A bill for AN ACT in relation to Human Services.

HOUSE BILL NO. 3396

A bill for AN ACT concerning labor relations.

HOUSE BILL NO. 3493

A bill for AN ACT in relation to methamphetamine.

Passed the House, March 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 76, 184, 373, 464, 1104, 1482, 2486, 2772, 2880, 3396 and 3493** 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. 1272
A bill for AN ACT in relation to public aid.
HOUSE BILL NO. 3512
A bill for AN ACT concerning finance.
HOUSE BILL NO. 3582
A bill for AN ACT concerning structured settlements.

Passed the House, March 31, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 1272, 3512 and 3582** 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. 40
A bill for AN ACT in relation to State loans.
HOUSE BILL NO. 44
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 221
A bill for AN ACT in relation to property.
HOUSE BILL NO. 1484
A bill for AN ACT concerning senior citizens.
HOUSE BILL NO. 2088
A bill for AN ACT in relation to civil procedure.
HOUSE BILL NO. 2386
A bill for AN ACT concerning HIV/AIDS education.
HOUSE BILL NO. 3021
A bill for AN ACT in relation to public aid.
HOUSE BILL NO. 3036
A bill for AN ACT concerning food animals.
HOUSE BILL NO. 3073
A bill for AN ACT concerning education.
HOUSE BILL NO. 3107
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 3543
A bill for AN ACT concerning special districts.
HOUSE BILL NO. 3671
A bill for AN ACT concerning emergency care.

Passed the House, April 1, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 40, 44, 221, 1484, 2088, 2386, 3021, 3036, 3073, 3107, 3543 and 3671** 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. 75
A bill for AN ACT concerning disability services.
HOUSE BILL NO. 230
A bill for AN ACT to amend the Agricultural Areas Conservation and Protection Act.
HOUSE BILL NO. 237
A bill for AN ACT in relation to taxation.
HOUSE BILL NO. 1604
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 2203
A bill for AN ACT in relation to minors.
HOUSE BILL NO. 2229
A bill for AN ACT in relation to vehicles.
HOUSE BILL NO. 2268
A bill for AN ACT to create the Health Care Justice Act.
HOUSE BILL NO. 2319
A bill for AN ACT in relation to courts.
HOUSE BILL NO. 2784
A bill for AN ACT in relation to civil procedure.
HOUSE BILL NO. 3530
A bill for AN ACT in relation to local government.

Passed the House, April 1, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 75, 230, 237, 1604, 2203, 2229, 2268, 2319, 2784 and 3530** 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. 1414
A bill for AN ACT concerning liens.
HOUSE BILL NO. 1547
A bill for AN ACT in relation to criminal law.
HOUSE BILL NO. 1548
A bill for AN ACT concerning minors.
HOUSE BILL NO. 1843
A bill for AN ACT in relation to health.
HOUSE BILL NO. 2234
A bill for AN ACT in relation to taxes.
HOUSE BILL NO. 2573
A bill for AN ACT in relation to alcoholic liquor.
HOUSE BILL NO. 2577
A bill for AN ACT concerning public labor relations.
HOUSE BILL NO. 3518
A bill for AN ACT concerning tobacco.

Passed the House, April 1, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 1414, 1547, 1548, 1843, 2234, 2573, 2577 and 3518** were taken up, ordered printed and placed on first reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 87, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 99, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 102, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 116, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 121, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 128, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 176, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 184, sponsored by Senators Harmon - E. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 210, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 221, sponsored by Senator Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 244, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 259, sponsored by Senator Silverstein was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 277, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 386, sponsored by Senator D. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 407, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 429, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 479, sponsored by Senator Lightford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 528, sponsored by Senator Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1107, sponsored by Senator Wojcik was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1119, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1196, sponsored by Senator J. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1251, sponsored by Senators Haine - Shadid was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1267, sponsored by Senator Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1353, sponsored by Senator Trotter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1372, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1373, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1374, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1400, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1452, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1484, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1490, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1543, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1574, sponsored by Senator Rutherford was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1584, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1843, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2104, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2216, sponsored by Senators Shadid - Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2301, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2302, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2319, sponsored by Senator Radogno was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2339, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2352, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2375, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2390, sponsored by Senator D. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2391, sponsored by Senator Trotter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2411, sponsored by Senator Winkel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2425, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2434, sponsored by Senator Sandoval was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2461, sponsored by Senators Schoenberg - Collins was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2504, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2545, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2579, sponsored by Senator Collins was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2587, sponsored by Senator Winkel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2784, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2797, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2809, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2848, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2860, sponsored by Senator Collins was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2863, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2880, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2887, sponsored by Senator Woolard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2895, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2905, sponsored by Senator Althoff was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2910, sponsored by Senator Petka was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2931, sponsored by Senator Althoff was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2983, sponsored by Senator Woolard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3036, sponsored by Senator Walsh was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3058, sponsored by Senator Cronin was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3075, sponsored by Senator Dillard was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3079, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3080, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3090, sponsored by Senator Winkel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3101, sponsored by Senator Link was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3141, sponsored by Senator Viverito was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3209, sponsored by Senator J. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3285, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3298, sponsored by Senator E. Jones was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3313, sponsored by Senator Schoenberg was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3440, sponsored by Senator Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3455, sponsored by Senator Obama was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3479, sponsored by Senator Crotty was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3488, sponsored by Senators Demuzio - Winkel was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3489, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3582, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3589, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Silverstein, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212 Capitol Building, immediately upon recess.

Senator Link, Chairperson of the Committee on Revenue announced that the Revenue Committee will meet today in Room 400 Capitol Building, immediately upon recess.

Senator Woolard, Chairperson of the Committee on State Government announced that the State Government Committee will meet today in Room A-1 Stratton Building, immediately upon recess.

Senator Obama, Member of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400 Capitol Building, at 3:30 o'clock p.m.

Senator Shadid, Chairperson of the Committee on Transportation announced that the Transportation Committee will meet today in Room A-1 Stratton Building, at 3:30 o'clock p.m.

Senator Woolard, Vice-Chairperson of the Committee on Education announced that the Education Committee will meet today in Room 212 Capitol Building, at 4:30 o'clock p.m.

Senator Jacobs, Chairperson of the Committee on Insurance and Pensions announced that the Insurance and Pensions Committee will meet today in Room 400 Capitol Building, at 4:30 o'clock p.m.

Senator Haine, Chairperson of the Committee on Local Government announced that the Local Government Committee will meet today in Room A-1 Stratton Building, at 4:30 o'clock p.m.

Senator Clayborne, Chairperson of the Committee on Environment and Energy announced that the Environment and Energy Committee will meet today in Room 212 Capitol Building, at 6:00 o'clock p.m.

Senator Obama, Chairperson of the Committee on Health and Human Services announced that the Health and Human Services Committee will meet today in Room 400 Capitol Building, at 6:00 o'clock p.m.

Senator Walsh, Chairperson of the Committee on Agriculture and Conservation announced that the Agriculture and Conservation Committee will meet today in Room A-1 Stratton Building, at 6:00 o'clock p.m.

Senator Maloney, Vice-Chairperson of the Committee on Labor and Commerce announced that the Labor and Commerce Committee will meet today in Room 400 Capitol Building, at 7:00 o'clock p.m.

Senator Munoz, Chairperson of the Committee on Licensed Activities announced that the Licensed Activities Committee will meet today in Room A-1 Stratton Building, at 7:00 o'clock p.m.

Senator Lightford, Chairperson of the Committee on Financial Institutions announced that the Financial Institutions Committee will meet today in Room 400 Capitol Building, at 7:30 o'clock p.m.

At the hour of 2:35 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 8:55 o'clock p.m., the Senate resumed consideration of business.
Honorable Emil Jones Jr., President of the Senate, presiding.

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. 89
A bill for AN ACT concerning State collection of debts.
HOUSE BILL NO. 218
A bill for AN ACT concerning vehicles.
HOUSE BILL NO. 361
A bill for AN ACT concerning law enforcement, amending named Acts.
HOUSE BILL NO. 962
A bill for AN ACT concerning audits.
HOUSE BILL NO. 1116
A bill for AN ACT in relation to alcoholic liquor.
HOUSE BILL NO. 1191
A bill for AN ACT concerning civil procedure.
HOUSE BILL NO. 1318
A bill for AN ACT concerning patient health information.
HOUSE BILL NO. 1729
A bill for AN ACT in relation to environmental protection.
HOUSE BILL NO. 2598
A bill for AN ACT concerning guaranteed job opportunity projects.
HOUSE BILL NO. 3635
A bill for AN ACT in relation to land.

Passed the House, April 2, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 89, 218, 361, 962, 1116, 1191, 1318, 1729, 2598 and 3635** 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. 274

A bill for AN ACT in relation to health.

HOUSE BILL NO. 344

A bill for AN ACT concerning higher education.

HOUSE BILL NO. 462

A bill for AN ACT concerning the Metropolitan Water Reclamation District.

HOUSE BILL NO. 524

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 1751

A bill for AN ACT concerning libraries.

HOUSE BILL NO. 2531

A bill for AN ACT concerning State employee benefits.

HOUSE BILL NO. 2995

A bill for AN ACT concerning executive branch appointments.

HOUSE BILL NO. 3044

A bill for AN ACT in relation to public aid.

HOUSE BILL NO. 3198

A bill for AN ACT concerning health facilities.

HOUSE BILL NO. 3316

A bill for AN ACT in relation to employment.

HOUSE BILL NO. 3407

A bill for AN ACT concerning business transactions.

HOUSE BILL NO. 3695

A bill for AN ACT in relation to mental health.

Passed the House, April 2, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 274, 344, 462, 524, 1751, 2531, 2995, 3044, 3198, 3316, 3407 and 3695** 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. 506

A bill for AN ACT in relation to criminal law.

HOUSE BILL NO. 1755

A bill for AN ACT concerning special districts.

HOUSE BILL NO. 2572

A bill for AN ACT in relation to property.

HOUSE BILL NO. 3082

A bill for AN ACT in relation to procurement.

HOUSE BILL NO. 3142

A bill for AN ACT concerning public funds.

HOUSE BILL NO. 3387

A bill for AN ACT in relation to criminal law.

Passed the House, April 2, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 506, 1755, 2572, 3082, 3142 and 3387** were taken up, ordered printed and placed on first reading.

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 109

Offered by Senators Demuzio, E. Jones and all Senators:
Mourns the death of Judith Ann Fracaro Jennings of Girard of Des Plaines.

By unanimous consent, the foregoing resolutions were referred to the Resolutions Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Walsh, Chairperson of the Committee on Agriculture and 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 142
Senate Amendment No. 3 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. 1 to Senate Bill 84
Senate Amendment No. 1 to Senate Bill 233
Senate Amendment No. 2 to Senate Bill 317
Senate Amendment No. 2 to Senate Bill 368
Senate Amendment No. 1 to Senate Bill 533
Senate Amendment No. 1 to Senate Bill 566
Senate Amendment No. 3 to Senate Bill 684
Senate Amendment No. 1 to Senate Bill 814
Senate Amendment No. 2 to Senate Bill 814
Senate Amendment No. 4 to Senate Bill 890
Senate Amendment No. 2 to Senate Bill 891
Senate Amendment No. 3 to Senate Bill 891
Senate Amendment No. 2 to Senate Bill 1074
Senate Amendment No. 3 to Senate Bill 1074

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. 3 to Senate Bill 268
Senate Amendment No. 2 to Senate Bill 884
Senate Amendment No. 2 to Senate Bill 1001
Senate Amendment No. 1 to Senate Bill 1098
Senate Amendment No. 2 to Senate Bill 1380
Senate Amendment No. 1 to Senate Bill 1535

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. 3 to Senate Bill 10
Senate Amendment No. 2 to Senate Bill 89
Senate Amendment No. 3 to Senate Bill 411
Senate Amendment No. 1 to Senate Bill 699

Senate Amendment No. 2 to Senate Bill 714
Senate Amendment No. 1 to Senate Bill 715
Senate Amendment No. 1 to Senate Bill 977
Senate Amendment No. 3 to Senate Bill 1510
Senate Amendment No. 1 to Senate Bill 1640
Senate Amendment No. 1 to Senate Bill 1737
Senate Amendment No. 1 to Senate Bill 1803
Senate Amendment No. 1 to Senate Bill 1873
Senate Amendment No. 1 to Senate Bill 1918
Senate Amendment No. 1 to Senate Bill 1963
Senate Amendment No. 1 to Senate Bill 1983

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 amendments reported that the Committee recommends that they be adopted:

Senate Amendment No. 2 to Senate Bill 24
Senate Amendment No. 1 to Senate Bill 683

Under the rules, the foregoing floor amendments are 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 adopted:

Senate Amendment No. 3 to Senate Bill 3
Senate Amendment No. 1 to Senate Bill 467
Senate Amendment No. 1 to Senate Bill 1064
Senate Amendment No. 3 to Senate Bill 1067
Senate Amendment No. 3 to Senate Bill 1079
Senate Amendment No. 1 to Senate Bill 1190
Senate Amendment No. 1 to Senate Bill 1332
Senate Amendment No. 2 to Senate Bill 1417
Senate Amendment No. 1 to Senate Bill 1430
Senate Amendment No. 1 to Senate Bill 1492
Senate Amendment No. 2 to Senate Bill 1543
Senate Amendment No. 3 to Senate Bill 1649
Senate Amendment No. 2 to Senate Bill 1787

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. 2 to Senate Bill 318
Senate Amendment No. 2 to Senate Bill 475
Senate Amendment No. 4 to Senate Bill 559
Senate Amendment No. 1 to Senate Bill 908
Senate Amendment No. 3 to Senate Bill 1150
Senate Amendment No. 3 to Senate Bill 1207
Senate Amendment No. 2 to Senate Bill 1774
Senate Amendment No. 1 to Senate Bill 1777

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

Senators Cullerton and Dillard, Co-Chairpersons 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. 1 to Senate Bill 8
Senate Amendment No. 2 to Senate Bill 30
Senate Amendment No. 3 to Senate Bill 96
Senate Amendment No. 3 to Senate Bill 173
Senate Amendment No. 1 to Senate Bill 404
Senate Amendment No. 1 to Senate Bill 423
Senate Amendment No. 5 to Senate Bill 472
Senate Amendment No. 2 to Senate Bill 690
Senate Amendment No. 1 to Senate Bill 730
Senate Amendment No. 5 to Senate Bill 1035
Senate Amendment No. 3 to Senate Bill 1329

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 adopted:

Senate Amendment No. 4 to Senate Bill 2
Senate Amendment No. 5 to Senate Bill 2
Senate Amendment No. 5 to Senate Bill 73
Senate Amendment No. 3 to Senate Bill 461
Senate Amendment No. 4 to Senate Bill 600
Senate Amendment No. 2 to Senate Bill 1070
Senate Amendment No. 1 to Senate Bill 1212

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. 2 to Senate Bill 105
Senate Amendment No. 1 to Senate Bill 254
Senate Amendment No. 1 to Senate Bill 255
Senate Amendment No. 3 to Senate Bill 354
Senate Amendment No. 1 to Senate Bill 487
Senate Amendment No. 3 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 132
Senate Amendment No. 3 to Senate Bill 196
Senate Amendment No. 1 to Senate Bill 267
Senate Amendment No. 2 to Senate Bill 605
Senate Amendment No. 4 to Senate Bill 974
Senate Amendment No. 1 to Senate Bill 1105
Senate Amendment No. 1 to Senate Bill 1762

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 227
Senate Amendment No. 4 to Senate Bill 334
Senate Amendment No. 1 to Senate Bill 1049

Senate Amendment No. 2 to Senate Bill 1474
Senate Amendment No. 2 to Senate Bill 1883

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 151
Senate Amendment No. 1 to Senate Bill 812

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. 2 to Senate Bill 150
Senate Amendment No. 1 to Senate Bill 451

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

MOTION IN WRITING TABLED

Senator Cullerton moved that his Motion in Writing on **Senate Bill No. 1063** filed on March 25, 2003, be ordered to lie on the table.

The motion to table prevailed.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Ronen, **Senate Bill No. 2** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was tabled in the Committee on Labor and Commerce.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 2 on page 2, by replacing line 1 with the following:
"than: (i) sex or (ii) a factor that would constitute unlawful discrimination under the Illinois Human Rights Act."; and
on page 4, line 25, by changing "$5,000" to "$2,500"; and
on page 5, line 17, by inserting "or consulted counsel for such purposes" after "Act"; and
on page 5, line 20, by changing "commits a class B misdemeanor" to "shall be liable to the employee for such legal and equitable relief as may be appropriate to effectuate the purposes of this Section, the value of any lost benefits, backpay, and front pay as appropriate so long as the employee has made reasonable efforts to mitigate his or her damages and an additional equal amount as liquidated damages".

Senator Ronen offered the following amendment and moved its adopted:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 2 on page 2, by inserting after line 4 the following:
"Nothing in this Act may be construed to require an employer to pay, to any employee at a workplace in a particular municipality, wages that are equal to the wages paid by that employer at a workplace in another municipality to employees in jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Ronen offered the following amendment and moved its adopted:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 2, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 1, lines 6 and 7, by changing "municipality" each time it appears to "county".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Ronen offered the following amendment and moved its adopted:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend Senate Bill 2 on page 4, line 7 by inserting "entire" after "action the"; and

on page 4, line 7 by inserting "interest and" after "with"; and

on page 4, line 9 by inserting "and as necessary to make the employee whole" after "court"; and

on page 4, line 15 by inserting "the employee learned" after "date".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2, 3, 4 and 5 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 read a second time on March 25, 2003, and Amendments numbered 1 and 2 thereto having been printed, transcribed and typed, and the bill held on the order of second reading, was again taken up.

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

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 15, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 2, on page 4, line 17, by inserting "at a police station or other place of detention" after "interrogation"; and

on page 12, line 14, by inserting "at a police station or other place of detention" after "interrogation".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 24** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 24 by replacing the title with the following:

"AN ACT concerning transmitters of money."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Transmitters of Money Act is amended by changing Section 10 as follows:

(205 ILCS 657/10)

Sec. 10. License required. A ~~No~~ person may not engage in this State in the business of selling or issuing payment instruments, transmitting money, or exchanging, for compensation, payment instruments or money of the United States government or a foreign government to or from money of another government without first obtaining a license under this Act. Separate licenses shall not be required, however, for persons acting as authorized sellers of licensees under this Act. (Source: P.A. 88-643, eff. 1-1-95.)".

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 24, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Transmitters of Money Act is amended by changing Sections 5, 65, and 90 and adding Sections 37 and 93 as follows:

(205 ILCS 657/5)

Sec. 5. Definitions. As used in this Act, unless the context otherwise requires, the words and phrases defined in this Section have the meanings set forth in this Section.

"Authorized seller" means a person not an employee of a licensee who engages in the business regulated by this Act on behalf of a licensee under a contract between that person and the licensee.

"Bill payment service" means the business of transmitting money on behalf of an Illinois resident for the purpose of paying the resident's bills.

"Controlling person" means a person owning or holding the power to vote 25% or more of the outstanding voting securities of a licensee or the power to vote the securities of another controlling person of the licensee. For purposes of determining the percentage of a licensee controlled by a controlling person, the person's interest shall be combined with the interest of any other person controlled, directly or indirectly, by that person or by a spouse, parent, or child of that person.

"Department" means the Department of Financial Institutions.

"Director" means the Director of Financial Institutions.

"Licensee" means a person licensed under this Act.

"Location" means a place of business at which activity regulated by this Act occurs.

"Material litigation" means any litigation that, according to generally accepted accounting principles, is deemed significant to a licensee's financial health and would be required to be referenced in a licensee's annual audited financial statements, reports to shareholders, or similar documents.

"Money" means a medium of exchange that is authorized or adopted by a domestic or foreign government as a part of its currency and that is customarily used and accepted as a medium of exchange in the country of issuance.

"Money transmitter" means a person who is located in or doing business in this State and who directly or through authorized sellers does any of the following in this State:

(1) Sells or issues payment instruments.

(2) Engages in the business of receiving money for transmission or transmitting money.

(3) Engages in the business of exchanging, for compensation, money of the United States Government or a foreign government to or from money of another government.

"Outstanding payment instrument" means, unless otherwise treated by or accounted for under generally accepted accounting principles on the books of the licensee, a payment instrument issued by the licensee that has been sold in the United States directly by the licensee or has been sold in the United States by an authorized seller of the licensee and reported to the licensee as having been sold, but has not been paid by or for the licensee.

"Payment instrument" means a check, draft, money order, traveler's check, stored value card, or other instrument or memorandum, written order or written receipt for the transmission or payment of money sold or issued to one or more persons whether or not that instrument or order is negotiable. Payment instrument does not include an instrument that is redeemable by the issuer in merchandise or service, a credit card voucher, or a letter of credit. A written order for the transmission or payment of money that results in the issuance of a check, draft, money order, traveler's check, or other instrument or memorandum is not a payment instrument.

"Person" means an individual, partnership, association, joint stock association, corporation, or any other form of business organization.

"Stored value card" means any magnetic stripe card or other electronic payment instrument given in exchange for money received, merchandise returned, or other consideration, where the card or other electronic payment instrument represents a dollar value that the consumer can either use or give to another individual.

"Transmitting money" means the transmission of money by any means, including transmissions to or from locations within the United States or to and from locations outside of the United States by payment instrument, facsimile or electronic transfer, or otherwise, and includes bill payment services. (Source: P.A. 92-400, eff. 1-1-02.)

(205 ILCS 657/37 new)

Sec. 37. Display of disclosure notice.

(a) Each authorized seller shall conspicuously display a disclosure notice supplied by the licensee.

(b) The disclosure notice shall contain all of the following information:

(1) The name of the authorized seller's licensee issuing the disclosure notice.

(2) The office or agent authorized to accept service of process for the licensee and the office's or agent's address and telephone number.

(3) A toll-free telephone number for the Department of Financial Institutions which will provide customer support for suspected violations of this Act.

(4) A statement that the authorization may be revoked at any time by the licensee.

(c) A licensee shall notify the Department when an authorized seller is no longer an authorized seller for the licensee. An authorized seller who has been terminated shall remove the disclosure notice from the premises within 10 business days after such termination. A terminated authorized seller who wilfully and knowingly refuses to remove the disclosure notice within 10 business days of termination commits a Class B misdemeanor.

(d) If a customer of a former authorized seller detrimentally relies on a disclosure notice that was not removed, the former authorized seller shall be civilly liable if the customer proves: (1) that the entity possessed the disclosure notice beyond 10 business days from the termination of authorization by the licensee, (2) that the entity held itself out as an authorized seller, without informing the customer that the seller was no longer authorized by the licensee, (3) that the customer justifiably relied upon the conspicuously displayed disclosure notice formerly provided by the licensee, and (4) that the entity engaged in the business of transmitting money after its termination as an authorized seller.

(e) As used in this Section "civil liability" means liability for actual loss, reasonable attorney's fees, and costs.

(205 ILCS 657/65)

Sec. 65. Notice of source of instrument; transaction records. (a) Every payment instrument sold through an authorized seller shall bear the name of the licensee and a unique consecutive number clearly stamped or imprinted on it. When an order for the transmission of money results in the issuance of a payment instrument, both the order and the payment instrument may bear the same unique number.

(b) A licensee or authorized seller shall create a record, which may be reduced to computer or other electronic medium, upon receiving any money from a customer.

(c) For each payment instrument sold, the licensee shall require the authorized seller to record the face amount of the payment instrument and the serial number of the payment instrument.

(d) For each transmission of money, the licensee or authorized seller shall record the date the money was received, the face amount of the payment instrument, the name of the customer, the manner of transmission, including the identity and location of any bank or other financial institution receiving or otherwise involved in accomplishing the transmission, the location to which the money is transmitted if different from the bank or other financial institution required to be recorded, the name of the intended recipient, and the date the transmission was accomplished or the money was refunded to the customer due to an inability to transmit or failure of the intended recipient to receive or obtain the money transmitted. The transmission shall be made by the licensee or authorized seller within 3 business days after the receipt of the money to be transmitted. The licensee or authorized seller, in addition to the records required to be kept, shall issue a receipt to each person delivering or depositing money with the licensee or authorized seller indicating the date of the transaction, the face amount of the payment instrument, to whom the money is to be transmitted, the service charge, and the name and address of the licensee or authorized seller. The licensee or authorized seller shall keep a copy of every receipt in a permanent record book or maintain the data embodied in the receipt using photographic, electronic, or other means.

(e) For each exchange of money of the United States government or a foreign government to or from money of another government, the licensee or authorized seller shall record the date of the transaction, the amount of the transaction, the amount of funds stated in currency received by the recipient, and the rate of exchange at the time of the transaction. The licensee or authorized seller, in addition to the records required to be kept, shall issue a receipt to each person delivering or depositing money with the licensee or authorized seller indicating the date of the transaction, the amount of the transaction, the service charge, and the name and address of the licensee or authorized seller making the transaction. The licensee or authorized seller shall keep a copy of every receipt in a permanent record book or maintain data embodied in the receipt using photographic, electronic, or other means.

An authorized seller shall also include the following, either on each receipt or a separate disclosure: "This facility is an authorized seller of (insert name of licensee) who is licensed under the Transmitters of Money Act. The Department of Financial Institutions regulates licensed transmitters of money. Consumers have certain protections under that Act. For assistance regarding your transmission of money, contact (insert telephone number), a toll-free telephone number for the licensee which will

provide customer support for suspected violations of this Act, or call (insert telephone number), a toll-free telephone number for the Department of Financial Institutions which will provide customer support for suspected violations of this Act.". An inadvertent or non-wilful failure to give a consumer the disclosure provided for in this Section shall not constitute a violation of this Act.

(f) Records required to be kept by the licensee or authorized seller under this Act shall be preserved for at least 5 years or as required to comply with any other Act the administration of which is vested in the Director. The records shall be made available for examination in accordance with Sections 55 and 60 of this Act. (Source: P.A. 88-643, eff. 1-1-95.)

(205 ILCS 657/90)

Sec. 90. Enforcement. (a) If it appears to the Director that a person has committed or is about to commit a violation of this Act, a rule promulgated under this Act, or an order of the Director, the Director may apply to the circuit court for an order enjoining the person from violating or continuing to violate this Act, the rule, or order and for injunctive or other relief that the nature of the case may require and may, in addition, request the court to assess a civil penalty up to $1,000 along with costs and attorney fees.

(b) If the Director finds, after an investigation that he considers appropriate, that a licensee or other person is engaged in practices contrary to this Act or to the rules promulgated under this Act, the Director may issue an order directing the licensee or person to cease and desist the violation. The Director may, in addition to or without the issuance of a cease and desist order, assess an administrative penalty up to $1,000 against a licensee for each violation of this Act or the rules promulgated under this Act. The issuance of an order under this Section shall not be a prerequisite to the taking of any action by the Director under this or any other Section of this Act. The Director shall serve notice of his action, including a statement of the reasons for his actions, either personally or by certified mail, return receipt requested. Service by mail shall be deemed completed if the notice is deposited in the post office, postage paid, addressed to the last known address for a license.

(c) In the case of the issuance of a cease and desist order or assessment order, a hearing may be requested in writing within 30 days after the date of service. The hearing shall be held at the time and place designated by the Director in either the City of Springfield or the City of Chicago. The Director and any administrative law judge designated by him shall have the power to administer oaths and affirmations, subpoena witnesses and compel their attendance, take evidence, authorize the taking of depositions, and require the production of books, papers, correspondence, and other records or information that he considers relevant or material to the inquiry.

(d) After the Director's final determination under a hearing under this Section, a party to the proceedings whose interests are affected by the Director's final determination shall be entitled to judicial review of that final determination under the Administrative Review Law.

(e) The costs for administrative hearings shall be set by rule.

(f) Except as otherwise provided in this Act, a violation of this Act shall subject to the party violating it to a fine of $1,000 for each offense.

(g) Each transaction in violation of this Act or the rules promulgated under this Act and each day that a violation continues shall be a separate offense.

(h) A person who engages in conduct requiring a license under this Act and fails to obtain a license from the Director or knowingly makes a false statement, misrepresentation, or false certification in an application, financial statement, account record, report, or other document filed or required to be maintained or filed under this Act or who knowingly makes a false entry or omits a material entry in a document is guilty of a Class 3 felony.

(i) The Director is authorized to compromise, settle, and collect civil penalties and administrative penalties, as set by rule, with any person for violations of this Act or of any rule or order issued or promulgated under this Act. Any person who, without the required license, engages in conduct requiring a license under this Act shall be liable to the Department in an amount equal to the greater of (i) $5,000 or (ii) an amount of money accepted for transmission plus an amount equal to 3 times the amount accepted for transmission. The Department shall cause any funds so recovered to be deposited in the TOMA Consumer Protection Fund.

(j) The Director may enter into consent orders at any time with a person to resolve a matter arising under this Act. A consent order must be signed by the person to whom it is issued and must indicate agreement to the terms contained in it. A consent order need not constitute an admission by a person that this Act or a rule or order issued or promulgated under this Act has been violated, nor need it constitute a finding by the Director that the person has violated this Act or a rule or order promulgated under this Act.

(k) Notwithstanding the issuance of a consent order, the Director may seek civil or criminal penalties

or compromise civil penalties concerning matter encompassed by the consent order unless the consent order by its terms expressly precludes the Director from doing so.

(l) Appeals from all final orders and judgments entered by the circuit court under this Section in review of a decision of the Director may be taken as in other civil actions by any party to the proceeding.
(Source: P.A. 88-643, eff. 1-1-95; 89-601, eff. 8-2-96.)

(205 ILCS 657/93 new)

Sec. 93. Consumer Protection Fund.

(a) A special income-earning fund is hereby created in the State treasury, known as the TOMA Consumer Protection Fund.

(b) All moneys paid into the fund together with all accumulated undistributed income thereon shall be held as a special fund in the State treasury. The fund shall be used solely for the purpose of providing restitution to consumers who have suffered monetary loss arising out of a transaction regulated by this Act.

(c) The fund shall be applied only to restitution when restitution has been ordered by the Director. Restitution shall not exceed the amount actually lost by the consumer. The fund shall not be used for the payment of any attorney or other fees.

(d) The fund shall be subrogated to the amount of the restitution, and the Director shall request the Attorney General to engage in all reasonable collection steps to collect restitution from the party responsible for the loss and reimburse the fund.

(e) Notwithstanding any other provisions of this Section, the payment of restitution from the fund shall be a matter of grace and not of right, and no consumer shall have any vested rights in the fund as a beneficiary or otherwise. Before seeking restitution from the fund, the consumer or beneficiary seeking payment of restitution shall apply for restitution on a form provided by the Director. The form shall include any information the Director may reasonably require in order to determine that restitution is appropriate.

Section 95. The State Finance Act is amended by adding Section 5.595 as follows:

(30 ILCS 105/5.595 new)

Sec. 5.595. The TOMA Consumer Protection Fund. ".

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 Dillard, **Senate Bill No. 114** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Walsh, **Senate Bill No. 132** having been printed, was taken up and read by title a second time.

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

Senator Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 132 by replacing the title with the following:

"AN ACT in relation to county government."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1049 as follows:

(55 ILCS 5/5-1049) (from Ch. 34, par. 5-1049)

Sec. 5-1049. Public grounds. A county board may accept or receive through gift, grant, legacy, dedication in plats of subdivision or otherwise, parks, playgrounds, areas enclosing flood plains, floodwater runoff channels and detention ponds or basins, and other public grounds and easements located in the unincorporated part of the county and not accepted by a municipality, park district or other public agency; may hold and maintain those ~~such~~ grounds and lands; may supervise or regulate their use for any proper public purpose; and may enact ordinances or resolutions to provide for monetary relief for damages caused by filling or dumping into areas enclosing floodplains, floodwater runoff channels or detention ponds or basins. Monetary relief for the ~~such~~ damages shall be based on the cost of removing soil, debris, rubbish or any other material from the floodplain, floodwater runoff channel or detention

pond or basin. (Source: P.A. 86-962; 86-1028.)".

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.

On motion of Senator Viverito, **Senate Bill No. 151** having been printed, was taken up, read by title a second time.
The following amendment was offered in the Committee on State Government, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 151 on page 1, by replacing lines 18 through 20 with the following:
"(1) Should the General Assembly and the Governor temporarily increase the Illinois income tax to help solve the current State budget crisis and avoid drastic cuts in State support for public education and essential health care services?".

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 151 on page 1, line 17, by replacing "2003 consolidated election" with "2004 general primary election"; and
on page 2, line 9, by replacing "2003" with "2004".

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 J. Sullivan, **Senate Bill No. 172** having been printed, was taken up and read by title a second time.
Committee Amendment No. 1 was held in the Committee on Rules.
Floor Amendment No. 2 was held in the Committee on Rules.
There being no further amendments the bill was ordered to a third reading.

On motion of Senator Viverito, **Senate Bill No. 315** 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. 334** 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 334, on page 2, line 8, by replacing "All such" with "Dwelling units located in locally organized mobile home parks shall be considered to be situated on a temporary foundation. All other"; and
on page 2, line 22, after the period, by inserting the following:
"No property lawfully assessed and taxed as personal property prior to January 1, 1979, or property of like kind acquired or placed in use after January 1, 1979, shall be classified as real property subject to assessment and taxation.".

Senator Clayborne offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 334, on page 1, by replacing lines 21 through 23 as follows:

"As used in this Section "permanent foundation" means any structure or device that transfers the weight of any dwelling, which dwelling is intended to be a permanent habitation and is situated so as to permit the occupancy of the dwelling as a dwelling place for one or more persons, to the earth.".

Senator Clayborne moved that the foregoing amendment be ordered to lie on the table.
The motion to table prevailed.
Floor Amendment No. 3 was held in the Committee on Rules.
Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 334, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Manufactured Home Installation Act.

Section 5. Definitions. As used in this Act:

"Manufactured home" is synonymous with "mobile home" and means a structure that is a factory-assembled, completely integrated structure designed for permanent habitation, with a permanent chassis and so constructed as to permit its transport, on wheels temporarily or permanently attached to its frame, from the place of its construction to the location, or subsequent locations, at which it is placed on a support system for use as a permanent habitation, and designed and situated so as to permit its occupancy as a dwelling place for one or more persons. The term "manufactured home" includes manufactured homes constructed after June 30, 1976 in accordance with the federal National Manufactured Housing Construction and Safety Standards Act of 1974 and does not include an immobilized mobile home as defined in Section 2.10 of the Mobile Home Park Act.

"Mobile home park" means a tract of land or 2 or more contiguous tracts of land that contain sites with the necessary utilities for 5 or more manufactured homes either free of charge or for revenue purposes.

"Permanent foundation", for a manufactured home, means a continuous perimeter foundation of material such as mortared concrete block, mortared brick, or concrete that extends into the ground below the established frost depth and to which the home is secured with foundation bolts at least one-half inch in diameter, spaced at intervals of no more than 6 feet and within one foot of the corners, and embedded at least 7 inches into concrete foundations or 15 inches into block foundations.

Section 10. Installation requirements. A manufactured home installed on private property that is not in a mobile home park on or after the effective date of this Act must be installed so that it rests wholly on a permanent foundation. The permanent foundation must meet or exceed the requirements for a permanent foundation as defined in this Act.

Section 999. 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 1 and 4 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Viverito, **Senate Bill No. 383** having been printed, was taken up, read by title a second time.
Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 383, on page 1, line 15, before the period, by inserting the following:
", with the advice and consent of the Senate".

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 Silverstein, **Senate Bill No. 475** 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 Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 475 by replacing the title with the following:
"AN ACT in relation to insurance."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Illinois Insurance Code is amended by changing Section 1 as follows:
(215 ILCS 5/1) (from Ch. 73, par. 613)
Sec. 1. Short title. This Act ~~shall be known and~~ may be cited as the "Illinois Insurance Code."
(Source: Laws 1937, p. 696.)".

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.

On motion of Senator Lightford, **Senate Bill No. 600** having been printed, was taken up, read by title a second time.
Committee Amendment No. 1 was re-referred to the Committee on Rules.
The following amendments were offered in the Committee on Labor and Commerce, adopted and ordered printed:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 600 by replacing everything after the enacting clause with the following:
"Section 5. The Minimum Wage Law is amended by changing Section 4 as follows:
(820 ILCS 105/4) (from Ch. 48, par. 1004)
Sec. 4. (a) Every employer shall pay to each of his employees in every occupation wages of not less than $2.30 per hour or in the case of employees under 18 years of age wages of not less than $1.95 per hour, except as provided in Sections 5 and 6 of this Act, and on and after January 1, 1984, every employer shall pay to each of his employees in every occupation wages of not less than $2.65 per hour or in the case of employees under 18 years of age wages of not less than $2.25 per hour, and on and after October 1, 1984 every employer shall pay to each of his employees in every occupation wages of not less than $3.00 per hour or in the case of employees under 18 years of age wages of not less than $2.55 per hour, and on and after July 1, 1985 every employer shall pay to each of his employees in every occupation wages of not less than $3.35 per hour or in the case of employees under 18 years of age wages of not less than $2.85 per hour, and on and after January 1, 2004 every employer shall pay to each of his or her employees in every occupation wages of not less than $6.50 per hour or in the case of employees under 18 years of age wages of not less than $6 per hour.
At no time shall the wages paid by every employer to each of his employees in every occupation be less than the federal minimum hourly wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, and at no time shall the wages paid to any employee under 18 years of age be more than 50and #x4A; less than the wage required to be paid to employees who are at least 18 years of age.
(b) No employer shall discriminate between employees on the basis of sex or mental or physical handicap, except as otherwise provided in this Act by paying wages to employees at a rate less than the rate at which he pays wages to employees for the same or substantially similar work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to (1) a seniority system; (2) a merit system; (3) a system which measures earnings by quantity or quality of production; or (4) a differential based on any other factor other than sex or mental or physical handicap, except as otherwise provided in this Act.
(c) Every employer of an employee engaged in an occupation in which gratuities have customarily and usually constituted and have been recognized as part of the remuneration for hire purposes is entitled to an allowance for gratuities as part of the hourly wage rate provided in Section 4, subsection (a) in an amount not to exceed 40% of the applicable minimum wage rate. The Director shall require each employer desiring an allowance for gratuities to provide substantial evidence that the amount claimed, which may not exceed 40% of the applicable minimum wage rate, was received by the employee in the period for which the claim of exemption is made, and no part thereof was returned to the employer.
(d) No camp counselor who resides on the premises of a seasonal camp of an organized not-for-profit

corporation shall be subject to the adult minimum wage if the camp counselor (1) works 40 or more hours per week, and (2) receives a total weekly salary of not less than the adult minimum wage for a 40-hour week. If the counselor works less than 40 hours per week, the counselor shall be paid the minimum hourly wage for each hour worked. Every employer of a camp counselor under this subsection is entitled to an allowance for meals and lodging as part of the hourly wage rate provided in Section 4, subsection (a), in an amount not to exceed 25% of the minimum wage rate.

(e) A camp counselor employed at a day camp of an organized not-for-profit corporation is not subject to the adult minimum wage if the camp counselor is paid a stipend on a onetime or periodic basis and, if the camp counselor is a minor, the minor's parent, guardian or other custodian has consented in writing to the terms of payment before the commencement of such employment. (Source: P.A. 86-502.)".

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 600, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 2, by replacing lines 3 through 5 with the following:
"occupation wages of not less than $6.50 per hour.

The Director of Labor shall by rule establish the minimum wage for employees under the age of 18 years.".

Senator Ronen offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 600, AS AMENDED, by replacing the last paragraph of subsection (a) of Sec. 4 of Section 5 with the following:

"~~At no time shall the wages paid by every employer to each of his employees in every occupation be less than the federal minimum hourly wage prescribed by Section 206(a)(1) of Title 29 of the United States Code, and at no time shall the wages paid to any employee under 18 years of age be more than 50and #x4A; less than the wage required to be paid to employees who are at least 18 years of age.~~".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments numbered 2, 3 and 4 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Jacobs, **Senate Bill No. 609** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was tabled in the Committee on Environment and Energy.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 609 on page 2, line 5, by replacing "2002" with "2001"; and
on page 2, line 6, by replacing "adopted" with "published"; and
on page 3, by replacing lines 8 and 9 with the following:

"(a) The Board, or the Illinois Building Commission as directed by the Board, shall make available implementation materials"; and
on page 3, by replacing lines 28 through 30 with the following:

"Section 40. Input from interested parties. When developing Code adaptations, rules, and procedures for compliance with the Code, the Capital Development Board, or the Illinois Building Commission as directed by the Board, shall seek input from representatives from the building trades, design professionals, construction professionals, code administrators, and other interested entities affected."; and
on page 4, by deleting lines 1 through 7; and
on page 4, line 12, by replacing "upon" with "one year after".

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.

On motion of Senator Walsh, **Senate Bill No. 629** having been printed, was taken up, read by title a second time.

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

Senator Walsh offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 629 as follows:
on page 2, by replacing lines 8 through 21 with the following:

"(c) Profits on sales from commissary stores shall be expended by the Department for the special benefit of committed persons which shall include but not limited to the advancement of inmate payrolls, for the special benefit of employees, and for the advancement or reimbursement of employee travel~~,~~ ~~provided that amounts expended for employees shall not exceed the amount of profits derived from sales made to employees by such commissaries~~, as determined by the Department.

Any funds expended pursuant to this Section for the benefit of employees shall be allocated based on the recommendations of an Employee Benefit Committee to be comprised of equal numbers of representatives from management and the employees' collective bargaining representative at each facility."; and
by replacing line 33 on page 2 and lines 1 through 7 on page 3 with the following:
"non-tobacco products ~~from 3% through 10%~~. A compliance audit of all"; and
on page 3, line 21, by inserting after the period the following:
"Nothing in this Section precludes the Department from continuing to contract with a private vendor at a facility at which commissary services have been operated by a private vendor prior to April 1, 2003.".

Senator Walsh 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 Ronen, **Senate Bill No. 681** having been printed, was taken up and read by title a second time.

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

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

On motion of Senator Crotty, **Senate Bill No. 684** having been printed, was taken up, read by title a second time.

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

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 684 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 1-2 as follows:

(105 ILCS 5/1-2) (from Ch. 122, par. 1-2)

Sec. 1-2. Construction. The provisions of this Act, so far as they are the same as those of any prior statute, shall be construed as a continuation of those ~~such~~ prior provisions, and not as a new enactment.

If in any other statute reference is made to an Act of the General Assembly, or a section of such an Act, which is continued in this School Code, such reference shall be held to refer to the Act or section thereof so continued in this Code. (Source: Laws 1961, p. 31.)

Section 10. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Section 2 as follows:

(225 ILCS 110/2) (from Ch. 111, par. 7902) (Section scheduled to be repealed on January 1, 2008)

Sec. 2. Legislative Declaration of Public Policy. The practice of Speech-Language Pathology and Audiology in the State of Illinois is hereby declared to affect the public health, safety and welfare and to be subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the speech-language pathology and audiology professions merit and receive the confidence of the public and that only qualified persons be permitted to practice this profession in the State of Illinois. This Act must ~~shall~~ be liberally construed to carry out these objectives and purposes.

It is further declared to be the public policy of this State, pursuant to subsections (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. 85-1391.)".

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 684, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 14-1.09b as follows:

(105 ILCS 5/14-1.09b)

Sec. 14-1.09b. Speech-language pathologist. (a) For purposes of supervision of a speech-language pathology assistant, "speech-language pathologist" means a person who has received a license pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act to engage in the practice of speech-language pathology.

(b) The School Service Personnel Certificate with a speech-language endorsement shall be issued under Section 21-25 of this Code to a speech-language pathologist who meets all of the following requirements:

(1) Holds (A) a license as a speech-language pathologist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act, (B) a current Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association, or (C) a regular license or certificate in speech-language pathology from another state or territory or the District of Columbia.

(2) Holds a master's or doctoral degree with a major emphasis in speech-language pathology from an institution whose course of study was approved or program was accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or its predecessor.

(3) Either (i) has completed a program of study before July 1, 2002 that includes course work and supervised clinical experience sufficient in breadth and depth to demonstrate knowledge and skills related to the specific problems, methods and procedures applicable to students with disabilities in a school setting serving ages 3 through 21 or (ii) meets the content area standards for speech-language pathologists adopted by the State Board of Education, in consultation with the State Teachers Certification Board.

(4) Has successfully completed the required Illinois certification tests.

(5) Has paid the application fee required for certification.

The provisions of this subsection (b) do not preclude the issuance of a teaching certificate to a speech-language pathologist who qualifies for such a certificate. (Source: P.A. 92-510, eff. 6-1-02.)

Section 10. The Illinois Speech-Language Pathology and Audiology Practice Act is amended by changing Section 7 and adding Section 8.1 as follows:

(225 ILCS 110/7) (from Ch. 111, par. 7907) (Section scheduled to be repealed on January 1, 2008)

Sec. 7. Licensure requirement. (a) Except as provided in subsection (b), on or after June 1, 1989, no person shall practice speech-language pathology or audiology without first applying for and obtaining a license for such purpose from the Department. Except as provided in this Section, on or after January 1, 2002, no person shall perform the functions and duties of a speech-language pathology assistant without first applying for and obtaining a license for that purpose from the Department.

(b) A person holding a regular license to practice speech-language pathology or audiology under the laws of another state, a territory of the United States, or the District of Columbia who has made application to the Department for a license to practice speech-language pathology or audiology may practice speech-language pathology or audiology without a license for 90 days from the date of application or until disposition of the license application by the Department, whichever is sooner, if the person (i) holds a Certificate of Clinical Competence from the American Speech-Language-Hearing Association in speech-language pathology or audiology or, in the case of an audiologist, a certificate from the American Board of Audiology and (ii) has not been disciplined and has no disciplinary matters pending in a state, a territory, or the District of Columbia. (Source: P.A. 92-510, eff. 6-1-02.)

(225 ILCS 110/8.1 new) (Section scheduled to be repealed on January 1, 2008)

Sec. 8.1. Temporary license. On and after January 1, 2004, a person who has met the requirements

of items (a) through (e) of Section 8 and intends to undertake supervised professional experience as a speech-language pathologist, as required by subsection (f) of Section 8 and the rules adopted by the Department, must first obtain a temporary license from the Department. A temporary license may be issued by the Department only to an applicant pursuing licensure as a speech-language pathologist in this State. A temporary license shall be issued to an applicant upon receipt of the required fee as set forth by rule and documentation on forms prescribed by the Department demonstrating that a licensed speech-language pathologist has agreed to supervise the professional experience of the applicant. A temporary license shall be issued for a period of 12 months and may be renewed only once for good cause shown.

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 Crotty, **Senate Bill No. 1064** 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 1064 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Community Benefits Act.

Section 5. Applicability. This Act does not apply to a hospital operated by a unit of government, a hospital located outside of a metropolitan statistical area, or a hospital with 100 or fewer beds. Hospitals that are owned or operated by or affiliated with a health system shall be deemed to be in compliance with this Act if the health system has met the requirements of this Act.

Section 10. Definitions. As used in this Act:

"Charity care" means care provided by a health care provider for which the provider does not expect to receive payment from the patient or a third party payer.

"Community benefits" means the unreimbursed cost to a hospital or health system of providing charity care, language assistant services, government-sponsored indigent health care, donations, volunteer services, education, government-sponsored program services, research, and subsidized health services and collecting bad debts. "Community benefits" does not include the cost of paying any taxes or other governmental assessments.

"Government sponsored indigent health care" means the unreimbursed cost to a hospital or health system of Medicare, providing health care services to recipients of Medicaid, and other federal, State, or local indigent health care programs, eligibility for which is based on financial need.

"Health system" means an entity that owns or operates at least one hospital.

"Nonprofit hospital" means a hospital that is organized as a nonprofit corporation, including religious organizations, or a charitable trust under Illinois law or the laws of any other state or country.

"Subsidized health services" means those services provided by a hospital in response to community needs for which the reimbursement is less that the hospital's cost of providing the services that must be subsidized by other hospital or nonprofit supporting entity revenue sources. "Subsidized health services" includes, but is not limited to, emergency and trauma care, neonatal intensive care, community health clinics, and collaborative efforts with local government or private agencies to prevent illness and improve wellness, such as immunization programs.

Section 15. Organizational mission statement; community benefits plan. A nonprofit hospital shall develop:

(1) an organizational mission statement that identifies the hospital's commitment to serving the health care needs of the community; and

(2) a community benefits plan defined as an operational plan for serving the community's health care needs that:

(A) sets out goals and objectives for providing community benefits that include charity care and government sponsored indigent health care; and

(B) identifies the populations and communities served by the hospital.

Section 20. Annual report for community benefits plan.

(a) Each nonprofit hospital shall prepare an annual report of the community benefits plan. The report must include, in addition to the community benefits plan itself, all of the following background

information:

(1) The hospital's mission statement.

(2) A disclosure of the health care needs of the community that were considered in developing the hospital's community benefits plan.

(3) A disclosure of the amount and types of community benefits actually provided, including charity care. Charity care must be reported separate from other community benefits. In reporting charity care, the hospital must report the actual cost of services provided, based on the total cost to charge ratio derived from the hospital's Medicare cost report (CMS 2552-96 Worksheet C, Part 1, PPS Inpatient Ratios), not the charges for the services.

(4) Audited annual financial reports for its most recently completed fiscal year.

(b) Each nonprofit hospital shall annually file a report of the community benefits plan with the Attorney General. The report must be filed not later than the last day of the sixth month after the close of the hospital's fiscal year, beginning with the hospital fiscal year that ends in 2004.

(c) Each nonprofit hospital shall prepare a statement that notifies the public that the annual report of the community benefits plan is:

(1) public information;

(2) filed with the Attorney General; and

(3) available to the public on request from the Attorney General.

This statement shall be made available to the public.

(d) The obligations of a hospital under this Act, except for the filing of its audited financial report, shall take effect beginning with the hospital's fiscal year that begins after the effective date of this Act. Within 60 days of the effective date of this Act, a hospital shall file the audited annual financial report that has been completed for its most recently completed fiscal year. Thereafter, a hospital shall include its audited annual financial report for its most recently completed fiscal year in its annual report of its community benefits plan.

Section 25. Failure to file annual report. The Attorney General may assess a late filing fee against a nonprofit hospital that fails to make a report of the community benefits plan as required under this Act in an amount not to exceed $100. The Attorney General may grant extensions for good cause. No penalty may be assessed against a hospital under this Section until 30 business days have elapsed after written notification to the hospital of its failure to file a report.

Section 30. Other rights and remedies retained. The rights and remedies provided for in this Act are in addition to other statutory or common law rights or remedies available to the State.

Section 40. Home rule. A home rule unit may not regulate hospitals in a manner inconsistent with the provisions of this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

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.

At the hour of 9:50 o'clock p.m., Senator Demuzio presiding.

READING BILL OF THE SENATE A THIRD TIME

On motion of Senator Trotter, **House Bill No. 2660**, having been printed as received from the House of Representatives, together with all Senate amendments adopted thereto, was taken up and read by title a third time.

Pending roll call on motion of Senator Trotter, further consideration of **House Bill No. 2660** was postponed.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Ronen, **Senate Bill No. 1070** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1070 on page 2, line 3, after "education", by inserting ", unless the person is being compensated for research on his or her dissertation or thesis topic as approved by his or her graduate department".

Senator Ronen offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1070, AS AMENDED, in Section 5, Sec. 2, subsec. (b), by replacing the sentence beginning "In this subsection (b)," with "In this subsection (b), the term "student" includes graduate students who are research assistants primarily performing duties that involve research or graduate assistants primarily performing duties that are pre-professional, but excludes graduate students who are teaching assistants primarily performing duties that involve the delivery and support of instruction and all other graduate assistants.".

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 DeLeo, **Senate Bill No. 1073** 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 1073 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Dental Practice Act is amended by changing Section 8.05 as follows:

(225 ILCS 25/8.05) (Section scheduled to be repealed on January 1, 2006)

Sec. 8.05. Social Security Number on license application. In addition to any other information required to be contained in the application, every application for an original, renewal, or restored license under this Act must ~~shall~~ include the applicant's Social Security Number. (Source: P.A. 90-144, eff. 7-23-97.)".

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 Sieben, **Senate Bill No. 1125** having been printed, was taken up and read by title a second time.

Floor Amendments numbered 1 and 2 were held in the Committee on Judiciary.

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

On motion of Senator Harmon, **Senate Bill No. 1207** 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 1207 on page 1, line 5, by deleting ", 143d, 154.5,"; and
on page 10 by deleting lines 3 through 32; and
on page 11 by deleting lines 1 through 13; and
on page 11, line 25, by changing "100%" to "60%"; and
on page 11, line 28, by changing "$100,000" to "$60,000".

Floor Amendment No. 2 was held in the Committee on Insurance and Pensions.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1207, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Sections 143a and 155 as follows:

(215 ILCS 5/143a) (from Ch. 73, par. 755a)

Sec. 143a. Uninsured and hit and run motor vehicle coverage. (1) No policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle that is designed for use on public highways and that is either required to be registered in this State or is principally garaged in this State shall be renewed, delivered, or issued for delivery in this State unless coverage is provided therein or supplemental thereto, in limits for bodily injury or death set forth in Section 7-203 of the Illinois Vehicle Code for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of bodily injury, sickness or disease, including death, resulting therefrom. Uninsured motor vehicle coverage does not apply to bodily injury, sickness, disease, or death resulting therefrom, of an insured while occupying a motor vehicle owned by, or furnished or available for the regular use of the insured, a resident spouse or resident relative, if that motor vehicle is not described in the policy under which a claim is made or is not a newly acquired or replacement motor vehicle covered under the terms of the policy. The limits for any coverage for any vehicle under the policy may not be aggregated with the limits for any similar coverage, whether provided by the same insurer or another insurer, applying to other motor vehicles, for purposes of determining the total limit of insurance coverage available for bodily injury or death suffered by a person in any one accident. No policy shall be renewed, delivered, or issued for delivery in this State unless it is provided therein that any dispute with respect to the coverage and the amount of damages shall be submitted for arbitration to the American Arbitration Association and be subject to its rules for the conduct of arbitration hearings as to all matters except medical opinions. As to medical opinions, if the amount of damages being sought is equal to or less than the amount provided for in Section 7-203 of the Illinois Vehicle Code, then the current American Arbitration Association Rules shall apply. If the amount being sought in an American Arbitration Association case exceeds that amount as set forth in Section 7-203 of the Illinois Vehicle Code, then the Rules of Evidence that apply in the circuit court for placing medical opinions into evidence shall govern. Alternatively, disputes with respect to damages and the coverage shall be determined in the following manner: Upon the insured requesting arbitration, each party to the dispute shall select an arbitrator and the 2 arbitrators so named shall select a third arbitrator. If such arbitrators are not selected within 45 days from such request, either party may request that the arbitration be submitted to the American Arbitration Association. Any decision made by the arbitrators shall be binding for the amount of damages not exceeding $50,000 ~~the limits~~ for bodily injury to or death of any one person, $100,000 for bodily injury to or death of 2 or more persons in any one motor vehicle accident, or the corresponding policy limits for bodily injury or death, whichever is less ~~set forth in Section 7-203 of the Illinois Vehicle Code~~. All 3-person arbitration cases proceeding in accordance with any uninsured motorist coverage conducted in this State in which the claimant is only seeking monetary damages up to the limits set forth in Section 7-203 of the Illinois Vehicle Code shall be subject to the following rules:

(A) If at least 60 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) bills, records, and reports of hospitals, doctors, dentists, registered nurses, licensed practical nurses, physical therapists, and other healthcare providers;

(2) bills for drugs, medical appliances, and prostheses;

(3) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(4) a report of the rate of earnings and time lost from work or lost compensation prepared by an employer;

(5) the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

(6) any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or

custodian of the document that is the subject of the notice, requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101 of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(2) No policy insuring against loss resulting from liability imposed by law for property damage arising out of the ownership, maintenance, or use of a motor vehicle shall be renewed, delivered, or issued for delivery in this State with respect to any private passenger or recreational motor vehicle that is designed for use on public highways and that is either required to be registered in this State or is principally garaged in this State and is not covered by collision insurance under the provisions of such policy, unless coverage is made available in the amount of the actual cash value of the motor vehicle described in the policy or $15,000 whichever is less, subject to a $250 deductible, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles and hit-and-run motor vehicles because of property damage to the motor vehicle described in the policy.

There shall be no liability imposed under the uninsured motorist property damage coverage required by this subsection if the owner or operator of the at-fault uninsured motor vehicle or hit-and-run motor vehicle cannot be identified. This subsection shall not apply to any policy which does not provide primary motor vehicle liability insurance for liabilities arising from the maintenance, operation, or use of a specifically insured motor vehicle.

Each insurance company providing motor vehicle property damage liability insurance shall advise applicants of the availability of uninsured motor vehicle property damage coverage, the premium therefor, and provide a brief description of the coverage. Each insurer, with respect to the initial renewal, reinstatement, or reissuance of a policy of motor vehicle property damage liability insurance shall provide present policyholders with the same information in writing. That information need be given only once and shall not be required in any subsequent renewal, reinstatement or reissuance, substitute, amended, replacement or supplementary policy. No written rejection shall be required, and the absence of a premium payment for uninsured motor vehicle property damage shall constitute conclusive proof that the applicant or policyholder has elected not to accept uninsured motorist property damage coverage.

An insurance company issuing uninsured motor vehicle property damage coverage may provide that:

(i) Property damage losses recoverable thereunder shall be limited to damages caused by the actual physical contact of an uninsured motor vehicle with the insured motor vehicle.

(ii) There shall be no coverage for loss of use of the insured motor vehicle and no coverage for loss or damage to personal property located in the insured motor vehicle.

(iii) Any claim submitted shall include the name and address of the owner of the at-fault uninsured motor vehicle, or a registration number and description of the vehicle, or any other available information to establish that there is no applicable motor vehicle property damage liability insurance.

Any dispute with respect to the coverage and the amount of damages shall be submitted for arbitration to the American Arbitration Association and be subject to its rules for the conduct of arbitration hearings or for determination in the following manner: Upon the insured requesting arbitration, each party to the dispute shall select an arbitrator and the 2 arbitrators so named shall select a third arbitrator. If such arbitrators are not selected within 45 days from such request, either party may request that the arbitration be submitted to the American Arbitration Association. Any arbitration proceeding under this subsection seeking recovery for property damages shall be subject to the following

rules:

(A) If at least 60 days' written notice of the intention to offer the following documents in evidence is given to every other party, accompanied by a copy of the document, a party may offer in evidence, without foundation or other proof:

(1) property repair bills or estimates, when identified and itemized setting forth the charges for labor and material used or proposed for use in the repair of the property;

(2) the written opinion of an opinion witness, the deposition of a witness, and the statement of a witness that the witness would be allowed to express if testifying in person, if the opinion or statement is made by affidavit or by certification as provided in Section 1-109 of the Code of Civil Procedure;

(3) any other document not specifically covered by any of the foregoing provisions that is otherwise admissible under the rules of evidence.

Any party receiving a notice under this paragraph (A) may apply to the arbitrator or panel of arbitrators, as the case may be, for the issuance of a subpoena directed to the author or maker or custodian of the document that is the subject of the notice, requiring the person subpoenaed to produce copies of any additional documents as may be related to the subject matter of the document that is the subject of the notice. Any such subpoena shall be issued in substantially similar form and served by notice as provided by Illinois Supreme Court Rule 204(a)(4). Any such subpoena shall be returnable not less than 5 days before the arbitration hearing.

(B) Notwithstanding the provisions of Supreme Court Rule 213(g), a party who proposes to use a written opinion of an expert or opinion witness or the testimony of an expert or opinion witness at the hearing may do so provided a written notice of that intention is given to every other party not less than 60 days prior to the date of hearing, accompanied by a statement containing the identity of the witness, his or her qualifications, the subject matter, the basis of the witness's conclusions, and his or her opinion.

(C) Any other party may subpoena the author or maker of a document admissible under this subsection, at that party's expense, and examine the author or maker as if under cross-examination. The provisions of Section 2-1101 of the Code of Civil Procedure shall be applicable to arbitration hearings, and it shall be the duty of a party requesting the subpoena to modify the form to show that the appearance is set before an arbitration panel and to give the time and place set for the hearing.

(D) The provisions of Section 2-1102 of the Code of Civil Procedure shall be applicable to arbitration hearings under this subsection.

(3) For the purpose of the coverage the term "uninsured motor vehicle" includes, subject to the terms and conditions of the coverage, a motor vehicle where on, before or after the accident date the liability insurer thereof is unable to make payment with respect to the legal liability of its insured within the limits specified in the policy because of the entry by a court of competent jurisdiction of an order of rehabilitation or liquidation by reason of insolvency on or after the accident date. An insurer's extension of coverage, as provided in this subsection, shall be applicable to all accidents occurring after July 1, 1967 during a policy period in which its insured's uninsured motor vehicle coverage is in effect. Nothing in this Section may be construed to prevent any insurer from extending coverage under terms and conditions more favorable to its insureds than is required by this Section.

(4) In the event of payment to any person under the coverage required by this Section and subject to the terms and conditions of the coverage, the insurer making the payment shall, to the extent thereof, be entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of the person against any person or organization legally responsible for the property damage, bodily injury or death for which the payment is made, including the proceeds recoverable from the assets of the insolvent insurer. With respect to payments made by reason of the coverage described in subsection (3), the insurer making such payment shall not be entitled to any right of recovery against the tort-feasor in excess of the proceeds recovered from the assets of the insolvent insurer of the tort-feasor.

(5) This amendatory Act of 1967 shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before July 1, 1967. This amendatory Act of 1990 shall not be construed to terminate or reduce any insurance coverage or any right of any party under this Code in effect before its effective date.

(6) Failure of the motorist from whom the claimant is legally entitled to recover damages to file the appropriate forms with the Safety Responsibility Section of the Department of Transportation within 120 days of the accident date shall create a rebuttable presumption that the motorist was uninsured at the time of the injurious occurrence.

(7) An insurance carrier may upon good cause require the insured to commence a legal action against the owner or operator of an uninsured motor vehicle before good faith negotiation with the carrier. If the

action is commenced at the request of the insurance carrier, the carrier shall pay to the insured, before the action is commenced, all court costs, jury fees and sheriff's fees arising from the action.

The changes made by this amendatory Act of 1997 apply to all policies of insurance amended, delivered, issued, or renewed on and after the effective date of this amendatory Act of 1997. (Source: P.A. 89-206, eff. 7-21-95; 90-451, eff. 1-1-98.)

(215 ILCS 5/155) (from Ch. 73, par. 767)

Sec. 155. Attorney fees. ~~)~~

(1) In any action by or against a company wherein there is in issue the liability of a company on a policy or policies of insurance or the amount of the loss payable thereunder, or for an unreasonable delay in settling a claim, and it appears to the court that such action or delay is vexatious and unreasonable, the court may allow as part of the taxable costs in the action reasonable attorney fees, other costs, plus an amount not to exceed any one of the following amounts:

(a) 60% ~~25%~~ of the amount which the court or jury finds such party is entitled to recover against the company, exclusive of all costs;

(b) $60,000 ~~$25,000~~;

(c) the excess of the amount which the court or jury finds such party is entitled to recover, exclusive of costs, over the amount, if any, which the company offered to pay in settlement of the claim prior to the action.

(2) Where there are several policies insuring the same insured against the same loss whether issued by the same or by different companies, the court may fix the amount of the allowance so that the total attorney fees on account of one loss shall not be increased by reason of the fact that the insured brings separate suits on such policies. (Source: P.A. 84-678.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 3 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1212** having been printed, was taken up, read by title a second time.

Senator Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1212 on page 1, line 5 by changing "9" to "4"; and on page 1, by replacing lines 25 through 27 with the following:

"funds made available pursuant to the Build Illinois Act. "Public works" also includes all projects financed in whole or in part with funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, and funds for transportation purposes under Section 4 of the General Obligation Bond Act."; and

by replacing lines 21 through 33 of page 3 and all of pages 4 through 6 with the following:

"(820 ILCS 130/4) (from Ch. 48, par. 39s-4)

Sec. 4. The public body awarding any contract for public work or otherwise undertaking any public works, shall ascertain the general prevailing rate of hourly wages in the locality in which the work is to be performed, for each craft or type of worker or mechanic needed to execute the contract, and where the public body performs the work without letting a contract therefor, shall ascertain the prevailing rate of wages on a per hour basis in the locality, and such public body shall specify in the resolution or ordinance and in the call for bids for the contract, that the general prevailing rate of wages in the locality for each craft or type of worker or mechanic needed to execute the contract or perform such work, also the general prevailing rate for legal holiday and overtime work, as ascertained by the public body or by the Department of Labor shall be paid for each craft or type of worker needed to execute the contract or to perform such work, and it shall be mandatory upon the contractor to whom the contract is awarded and upon any subcontractor under him, and where the public body performs the work, upon the public body, to pay not less than the specified rates to all laborers, workers and mechanics employed by them in the execution of the contract or such work; provided, however, that if the public body desires that the Department of Labor ascertain the prevailing rate of wages, it shall notify the Department of Labor to ascertain the general prevailing rate of hourly wages for work under contract, or for work performed by a public body without letting a contract as required in the locality in which the work is to be performed,

for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. Upon such notification the Department of Labor shall ascertain such general prevailing rate of wages, and certify the prevailing wage to such public body. The public body awarding the contract shall cause to be inserted in the contract a stipulation to the effect that not less than the prevailing rate of wages as found by the public body or Department of Labor or determined by the court on review shall be paid to all laborers, workers and mechanics performing work under the contract. It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract. If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract, and the public body shall be responsible to notify the contractor and each subcontractor, of the revised rate. Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

It shall be mandatory upon the contractor or construction manager to whom a contract for public works is awarded to post, at a location on the project site of the public works that is easily accessible to the workers engaged on the project, the prevailing wage rates for each craft or type of worker or mechanic needed to execute the contract or project or work to be performed. A failure to post a prevailing wage rate as required by this Section is a violation of this Act. (Source: P.A. 92-783, eff. 8-6-02.)".

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 Dillard, **Senate Bill No. 1329** 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 1329 as follows:

on page 2, by replacing lines 19 through 32 with the following:

"(d) The court may pay replacement or supplemental wages of up to $300 per day per juror beginning on the 11th day of jury service. In addition, for any jurors who qualify for payment by virtue of having served on a jury for more than 10 days, the court may, upon finding that such service posed a significant financial hardship to a juror, even in light of payments made with respect to jury service after the 10th day, award replacement or supplemental wages of up to $100 per day from the 4th to the 10th day of jury service."; and

on page 3, line 1, by changing "10th" to "11th"; and

on page 3, line 16, by changing "(f)" to "(e)"; and

on page 3, line 32, by inserting "4.1," after "Sections"; and

on page 3, by inserting below line 33 the following:

"(705 ILCS 305/4.1) (from Ch. 78, par. 4.1)

Sec. 4.1. Jury duty; notice to employer; right to time off. (a) Any person who is not legally disqualified to serve on juries, and has been duly summoned for jury duty for either petit or grand jury service, shall not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or time spent actually serving on a jury ~~be given time off from employment to serve upon the jury~~ for which such employee is summoned, regardless of the employment shift such employee is assigned to at the time of service of such summons. An employee shall give his employer reasonable notice of required jury service. An employer may not deny an employee time off for jury duty because such employee is then assigned to work a night shift of employment, that is, an employer cannot require a night shift worker to work while such employee is doing jury duty in the daytime. Nothing in this subsection (a)

shall be construed to require an employer to provide annual, vacation, or sick leave to employees under the provisions of this Section who otherwise are not entitled to such benefits under company policies.

(b) No employer shall discharge, threaten to discharge, intimidate or coerce any employee by reason of the employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of this State.

(c) If an employee gives reasonable notice of required jury service, any employer who violates the provisions of this Section:

(1) may be charged with contempt of court. In such an event, the State's Attorney shall file a petition for civil contempt, criminal contempt, or both, against the employer to be prosecuted by the State's Attorney; and

(2) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of the violation; and

(3) may be enjoined from further violations of this Section and ordered to reinstate any employee discharged by reason of jury service.

As used in this Section, "reasonable notice of required jury service" means that the employee summoned for jury duty must deliver to the employer a copy of the summons within 10 days of the date of issuance of the summons to the employee.

(d) Any individual who is reinstated to a position of employment in accordance with this Section shall be considered as having been on furlough or leave of absence during his period of jury service, shall be reinstated to his position of employment without loss of seniority, and shall be entitled to participate in insurance or other benefits offered by the employer under established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the individual entered upon jury service.

(e) In any action or proceeding under this Section, the court may award a prevailing employee who brings the action by retained counsel a reasonable attorney's fee.

(f) Any right or remedy provided in this Section is in addition to any right or remedy otherwise provided by law to an employee.

(g) No employer shall be obligated to compensate an employee for time taken off for jury duty.

(g-5) A court shall automatically postpone and reschedule the service of a summoned juror employed by an employer with 5 or fewer full-time employees, or their equivalent, if another employee of that employer is summoned to appear during the same period. The postponement will not constitute the excused individual's right to one automatic postponement pursuant to Section 10.3 of this Act.

(h) The official responsible for issuing the summons may advise the juror of his rights under this Act by printed insert with the summons or on the summons itself. (Source: P.A. 86-1395; 87-616.)

"; and

on page 9, line 21, by replacing "Class A misdemeanor" with "Class C misdemeanor and subject to imprisonment or fine of up to $500 in accordance with the laws of this State.".

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1329, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Jury Act is amended by changing Sections 4.1, 5, 8, 10.2, and 15 and adding Section 10.3 as follows:

(705 ILCS 305/4.1) (from Ch. 78, par. 4.1)

Sec. 4.1. Jury duty; notice to employer; right to time off. (a) Any person who is not legally disqualified to serve on juries, and has been duly summoned for jury duty for either petit or grand jury service, shall not be required or requested to use annual, vacation, or sick leave for time spent responding to a summons for jury duty, time spent participating in the jury selection process, or time spent actually serving on a jury ~~be given time off from employment to serve upon the jury~~ for which such employee is summoned, regardless of the employment shift such employee is assigned to at the time of service of such summons. An employee shall give his employer reasonable notice of required jury service. An employer may not deny an employee time off for jury duty because such employee is then assigned to work a night shift of employment, that is, an employer cannot require a night shift worker to work while such employee is doing jury duty in the daytime. Nothing in this subsection (a) shall be construed to require an employer to provide annual, vacation, or sick leave to employees under the provisions of this Section who otherwise are not entitled to such benefits under company policies.

(b) No employer shall discharge, threaten to discharge, intimidate or coerce any employee by reason of the employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of this State.

(c) If an employee gives reasonable notice of required jury service, any employer who violates the provisions of this Section:

(1) may be charged with contempt of court. In such an event, the State's Attorney shall file a petition for civil contempt, criminal contempt, or both, against the employer to be prosecuted by the State's Attorney; and

(2) shall be liable for damages for any loss of wages or other benefits suffered by an employee by reason of the violation; and

(3) may be enjoined from further violations of this Section and ordered to reinstate any employee discharged by reason of jury service.

As used in this Section, "reasonable notice of required jury service" means that the employee summoned for jury duty must deliver to the employer a copy of the summons within 10 days of the date of issuance of the summons to the employee.

(d) Any individual who is reinstated to a position of employment in accordance with this Section shall be considered as having been on furlough or leave of absence during his period of jury service, shall be reinstated to his position of employment without loss of seniority, and shall be entitled to participate in insurance or other benefits offered by the employer under established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time the individual entered upon jury service.

(e) In any action or proceeding under this Section, the court may award a prevailing employee who brings the action by retained counsel a reasonable attorney's fee.

(f) Any right or remedy provided in this Section is in addition to any right or remedy otherwise provided by law to an employee.

(g) No employer shall be obligated to compensate an employee for time taken off for jury duty.

(g-5) A court shall automatically postpone and reschedule the service of a summoned juror employed by an employer with 5 or fewer full-time employees, or the equivalent, if another employee of that employer is summoned to appear during the same period. The postponement will not constitute the excused individual's right to one automatic postponement pursuant to Section 10.3 of this Act.

(h) The official responsible for issuing the summons may advise the juror of his rights under this Act by printed insert with the summons or on the summons itself. (Source: P.A. 86-1395; 87-616.)

(705 ILCS 305/5) (from Ch. 78, par. 5)

Sec. 5. Subsequent selection of jurors; length of service.

(a) At the time of making such selection, the name of the person selected shall be checked off from such list, and shall not be again selected as a juror till every person named upon such list qualified to serve as a juror has been selected; and all subsequent selections of jurors by such board shall be made from such list until all persons thereon qualified to serve have been selected, or until a new list is made: Provided, if any person who has been selected as a juror shall not have been drawn, or have served upon a jury during the year for which he was selected, he shall, if qualified, be selected for the next year.

(b) In counties with populations greater than 100,000, service of prospective petit jurors shall be for no more than one court day in actual attendance, unless a prospective petit juror is selected to serve on a jury or is under consideration to serve on a jury and such consideration covers a period of 2 or more days. Once selected, a petit juror shall serve on the jury for the duration of the trial unless excused by the presiding judge. (Source: P.A. 86-1053.)

(705 ILCS 305/8) (from Ch. 78, par. 8)

Sec. 8. Selection from box. (a) Upon a day designated by the judge of the court, which shall be at least 20 days before the first day for which any of the panel then to be drawn is summoned, the clerk of such court shall repair to the office of the county clerk, and in the presence of a judge and of such county clerk, after the box containing the names has been well shaken by the county clerk, and being blindfolded shall, without partiality, draw from such box the names of a sufficient number of such persons, then residents of the county, not less than 30 for each 2 weeks that such court will probably be in session for the trial of common law cases, to constitute the petit jurors for the time being and where there is an additional judge in such court, a like number for each additional judge requiring a jury, unless the court shall otherwise order: Provided, that the clerk shall at any time, when directed by an order of the court draw in the manner above provided, such number of persons then residents of the county, as shall be required by the order to act as petit jurors in such court for such time as may be fixed in such order: And provided, that should the clerk draw from the box the name of a person who is known to be dead, to have been selected as a grand juror, a non-resident, absent from the State, ~~unable to attend in~~

~~consequence of illness,~~ or that he is legally disqualified to serve as a juror, the clerk shall report the name of such person to the county clerk, and the clerk of such court shall draw other names until the required number have been selected: Provided, also that whenever there is pending for trial in any of the courts, any criminal cause wherein the defendant is charged with a felony, and the judge holding such court is convinced from the circumstances of the case that a jury cannot be obtained from the regular panel to try the cause, the judge may in his discretion, prior to the day fixed for the trial of the cause, direct the clerk to draw (in the same manner as the regular panel is drawn,) not exceeding 100 names as a special panel from which a jury may be selected to try the cause.

(b) Notwithstanding the provisions of subsection (a), names of jurors may be randomly drawn by computer. (Source: P.A. 86-1053.)

(705 ILCS 305/10.2) (from Ch. 78, par. 10.2)

Sec. 10.2. Excusing prospective jurors; hardship. (a) An individual may apply to be excused from jury service for a period of up to 24 months, instead of seeking a postponement, when either: ~~The county boards of the respective counties, the jury commissioners for those counties which have been appointed under the Jury Commission Act, or a jury administrator shall submit questionnaires to prospective jurors to inquire as to their qualifications for jury service and as to the hardship that jury service would pose to the prospective jurors. Upon prior approval by the chief judge of the judicial circuits in which a county board, jury administrator, or jury commissioners are situated, the county board, jury administrator, or jury commissioners shall excuse a prospective juror from jury service if the prospective juror shows that such service would impose an undue hardship on account of the nature of the prospective juror's occupation, business affairs, physical health, family situation, active duty in the Illinois National Guard or Illinois Naval Militia, or other personal affairs, and cause his or her name to be returned to the jury list or general jury list.~~

(1) The prospective juror has a mental or physical condition that causes him or her to be incapable of performing jury service. The juror, or the juror's personal representative, must provide the court with documentation from a physician licensed to practice medicine in all its branches verifying that a mental or physical condition renders the person unfit for jury service for a period of not less than the 24 month period for which the excuse is sought; or

(2) Jury service would otherwise cause undue or extreme physical or financial hardship to the prospective juror or a person under his or her care or supervision. A judge of the court for which the individual was called to jury service shall make determinations regarding undue or extreme physical or financial hardship. The authority to make these determinations is delegable only to court officials or personnel who are authorized by the laws of this State to function as members of the judiciary.

(b) A person asking to be excused from jury service under this Section must take all actions necessary to have obtained a ruling on that request by no later than the date on which the individual is scheduled to appear for jury duty.

(c) For purposes of this Section, "undue or extreme physical or financial hardship" is limited to circumstances in which an individual would:

(1) Be required to abandon a person under his or her personal care or supervision due to the impossibility of obtaining an appropriate substitute caregiver during the period of participation in the jury pool or on the jury; or

(2) Incur costs that would have a substantial adverse impact on the payment of the individual's necessary daily living expenses or on those for whom he or she provides the principal means of support; or

(3) Suffer physical hardship that would result in illness or disease.

"Undue or extreme physical or financial hardship" does not exist solely based on the fact that a prospective juror will be required to be absent from his or her place of employment.

A person asking a judge to grant an excuse based on "undue or extreme physical or financial hardship" shall be required to provide the judge with documentation, such as, but not limited to, federal and State income tax returns, medical statements from licensed physicians, proof of dependency or guardianship, and similar documents, which the judge finds to clearly support the request to be excused. Failure to provide satisfactory documentation shall result in a denial of the request to be excused.

(d) After 24 months, a person excused from jury service shall become eligible once again for qualification as a juror unless the person was excused from service permanently. A person is excused from jury service permanently only when the judge determines that the underlying grounds for being excused are of a permanent nature.

(e) ~~(b)~~ When an undue hardship caused by a family situation is due to the prospective juror being the primary care giver of a person with a mental or physical disability, a person with a medically diagnosed behavior problem, or a child under age 12, then the county board, jury commissioners or jury

administrator shall excuse such a prospective juror, if it finds that no reasonable alternative care is feasible which would not impose an undue hardship on the prospective juror or the person for whom the prospective juror is providing care, or both. (Source: P.A. 90-482, eff. 1-1-98; 91-264, eff. 7-23-99.)

(705 ILCS 305/10.3 new)

Sec. 10.3. Postponement of jury service.

(a) Notwithstanding Section 10.2 or any other provision of this Act, individuals scheduled to appear for jury service have the right to postpone the date of their initial appearance for jury service one time only. When requested, postponements shall be granted, provided that:

(1) The juror has not previously been granted a postponement;

(2) The prospective juror appears in person or contacts the clerk of the court by telephone, electronic mail, or in writing to request a postponement; and

(3) Prior to the grant of a postponement with the concurrence of the clerk of the court, the prospective juror fixes a date certain on which he or she will appear for jury service that is not more than 6 months after the date on which the prospective juror originally was called to serve and on which date the court will be in session.

(b) A subsequent request to postpone jury service may be approved by a judicial officer only in the event of an extreme emergency, such as a death in the family, sudden illness, a natural disaster or a national emergency in which the prospective juror is personally involved, that could not have been anticipated at the time the initial postponement was granted. Prior to the grant of a second postponement, the prospective juror must fix a date certain on which the individual will appear for jury service within 6 months of the postponement on a date when the court will be in session.

(705 ILCS 305/15) (from Ch. 78, par. 15)

Sec. 15. Failure to attend; misdemeanor. Every person who shall fail to attend when lawfully summoned to appear as a grand or petit juror, without having properly obtained postponement or excuse pursuant to Sections 10.2 and 10.3 ~~a reasonable excuse~~, ~~shall be considered as~~ is guilty of a Class C misdemeanor and subject to imprisonment or fine of up to $500 in accordance with the laws of this State ~~contempt, and shall be fined by the courts, respectively, in any sum not less than $5 nor more than $100, for the use of the proper county, unless good cause be shown for such default; and it shall be the duty of the court to enter an order of attachment, returnable forthwith, against all such delinquents, and upon the return thereof the court shall proceed to assess the fine unless the person or persons so attached shall show good cause for such delinquency: Provided, that the oath or affirmation of any such delinquent shall, at all times, be received as competent evidence~~. (Source: P.A. 83-346.)

Section 95. Severability. The provisions of this Act are severable. If any portion of this Act is declared unconstitutional or the application of any part of this Act to any person or circumstance is held invalid, the remaining portions of the Act and their applicability to any person or circumstance shall remain valid and enforceable.

Section 99. This Act takes effect July 1, 2003.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1 and 3 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 1335** having been printed, was taken up, read by title a second time.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1335 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Procurement Code is amended by changing Section 25-60 as follows:

(30 ILCS 500/25-60)

Sec. 25-60. Prevailing wage requirements; retaliatory discharge of "whistleblowers" prohibited.

(a) All services furnished under service contracts of $2,000 or more or $200 or more per month and under printing contracts shall be subject to the following prevailing wage requirements:

(1) Not less than the general prevailing wage rate of hourly wages for work of a similar character in the locality in which the work is produced shall be paid by the successful vendor to its employees who perform the work on the State contracts. The bidder or offeror, in order to be considered to be a responsible bidder or offeror for the purposes of this Code, shall certify to the purchasing agency that

wages to be paid to its employees are no less, and fringe benefits and working conditions of employees are not less favorable, than those prevailing in the locality where the contract is to be performed. Prevailing wages and working conditions shall be determined by the Director of the Illinois Department of Labor.

(2) Whenever a collective bargaining agreement is in effect between an employer, other than a governmental body, and service or printing employees as defined in this Section who are represented by a responsible organization that is in no way influenced or controlled by the management, that agreement and its provisions shall be considered as conditions prevalent in that locality and shall be the minimum requirements taken into consideration by the Director of Labor.

(3) Collective bargaining agreements between State employees and the State of Illinois shall not be taken into account by the Department of Labor in determining the prevailing wage rate.

(b) As used in this Section, "services" means janitorial cleaning services, window cleaning services, food services, and security services. "Printing" means and includes all processes and operations involved in printing, including but not limited to letterpress, offset, and gravure processes, the multilith method, photographic or other duplicating process, the operations of composition, platemaking, presswork, and binding, and the end products of those processes, methods, and operations. As used in this Code "printing" does not include photocopiers used in the course of normal business activities, photographic equipment used for geographic mapping, or printed matter that is commonly available to the general public from contractor inventory.

(c) The terms "general prevailing rate of hourly wages", "general prevailing rate of wages", or "prevailing rate of wages" when used in this Section shall have the meanings ascribed to those terms in Section 2 of the Prevailing Wage Act (820 ILCS 130/2). ~~mean the hourly cash wages plus fringe benefits for health and welfare, insurance, vacations, and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character.~~

(d) "Locality" shall have the meaning established by rule.

(e) This Section does not apply to services furnished under contracts for professional or artistic services.

(f) This Section does not apply to vocational programs of training for physically or mentally handicapped persons or to sheltered workshops for the severely disabled.

(g) No person shall discharge, discipline, in any other way discriminate against, or cause to be discharged, disciplined, or discriminated against any employee or any authorized representative of employees by reason of the fact that the employee or representative (i) has filed, instituted, or caused to be filed or instituted any proceeding alleging a violation of this Section, (ii) has testified or is about to testify in any proceeding resulting from the administration or enforcement of this Section, or (iii) offers any evidence of any violation of this Section.

(h) Any employee or a representative of employees who believes that he or she has been discharged, disciplined, or otherwise discriminated against by any person in violation of subsection (g) may, within 30 days after the alleged violation occurs, apply to the Director of Labor for a review of the discharge, discipline, or alleged discrimination. A copy of the application shall be sent to the person who allegedly committed the violation, who shall be the respondent. Upon receipt of an application, the Director shall cause an investigation to be made as he or she deems appropriate. The investigation shall provide an opportunity for a public hearing at the request of any party to the review to enable the parties to present information relating to the alleged violation. The parties shall be given written notice of the time and place of the hearing at least 5 days before the hearing. Upon receiving the report of the investigation, the Director or his or her designee shall make findings of fact. If the Director or his or her designee finds that a violation did occur, he or she shall issue a decision incorporating his or her findings and requiring the party committing the violation to take such affirmative action to abate the violation as the Director deems appropriate, including, but not limited to, the rehiring or reinstatement of the employee or representative of employees to his or her former position and compensating him or her for the time he or she was unemployed. If the Director finds that there was no violation, he or she shall issue an order denying the application. An order issued by the Director or his or her designee under this Section shall be subject to judicial review under the Administrative Review Law.

(i) The Director of Labor shall adopt rules implementing subsection (h) in accordance with the Illinois Administrative Procedure Act. (Source: P.A. 90-572, eff. date - See Sec. 99-5.)".

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.

At the hour of 10:20 o'clock p.m., Senator Welch presiding.

On motion of Senator Woolard, **Senate Bill No. 1402** 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. 1416** 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 1416 on page 2, in line 33 by replacing "subsection (c)" with "subsection (d)".

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. 1430** having been printed, was taken up, read by title a second time.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1430 on page 2 by replacing lines 28 through 33 with the following:

"the Secretary of Human Services or his designee, all of whom shall be ex-officio non-voting members. Voting members of the Commission shall include one member appointed by the President of the Senate, one member appointed by the Minority Leader of the Senate, one member appointed by the Speaker of the House of Representatives, and one member appointed by the Minority Leader of the House of Representatives. The remaining 21 members shall be appointed by the Governor and shall include health care consumers including individuals with disabilities, and persons over the age of 65, advocates for health care consumers, health care providers, physicians including family physicians, health care administrators, representatives from the business community, economists, representatives of organized labor, nurses, social workers, representatives of statewide advocacy organizations for persons with disabilities, and representatives of statewide advocacy organizations for senior citizens. Appointment of members of the Commission shall ensure proportional representation with respect to geography, ethnicity, race, gender, and age. The Commission shall have a chairperson and a vice-chairperson who shall be elected by the voting members at the first meeting of the Commission. The members of the Commission shall be appointed within 90 days of the effective date of this Act. The State agencies represented on the Commission shall work cooperatively to provide administrative support for the Commission."; and

on page 3 by deleting lines 1 through 23; and

on page 4 by replacing line 2 with the following:

"Department of Public Health, subject to appropriation or the availability of other funds for such purposes and using a public request for"; and

on page 4 by replacing line 33 with the following:

"make recommendations that shall be considered by the General Assembly as the basis for a health".

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. 1474** 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 1474 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 15-95 as follows:

(35 ILCS 200/15-95)

Sec. 15-95. Housing authorities; low-rent housing. All property of housing authorities created under the Housing Authorities Act is exempt, if the property and improvements are used for low rent housing and related uses. In addition, residential rental units, whether or not the property of a housing authority, subject to a leasing agreement, regulatory and operating agreement, or similar instrument with a housing authority created under the Housing Authorities Act are exempt if the residential rental units are used solely for low-rent housing and related uses. However, property or portions thereof intended or used for stores or other commercial purposes are not exempt. Nothing herein shall exempt property of housing authorities or any part thereof from special assessments or special taxation for local improvements. Nothing contained in this Section shall be construed as limiting the power of any political subdivision of this State to sell or furnish a housing authority with water, electricity, gas, or other services and facilities under the same basis that those services and facilities are rendered to others under similar circumstances.
(Source: Laws 1959, p. 1549, 1554, 2219, and 2224; P.A. 88-455.)

Section 10. The Illinois Municipal Code is amended by changing Sections 11-74.4-8 and 11-74.4-9 as follows:

(65 ILCS 5/11-74.4-8) (from Ch. 24, par. 11-74.4-8)

Sec. 11-74.4-8. A municipality may not adopt tax increment financing in a redevelopment project area after the effective date of this amendatory Act of 1997 that will encompass an area that is currently included in an enterprise zone created under the Illinois Enterprise Zone Act unless that municipality, pursuant to Section 5.4 of the Illinois Enterprise Zone Act, amends the enterprise zone designating ordinance to limit the eligibility for tax abatements as provided in Section 5.4.1 of the Illinois Enterprise Zone Act. A municipality, at the time a redevelopment project area is designated, may adopt tax increment allocation financing by passing an ordinance providing that the ad valorem taxes, if any, arising from the levies upon taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 each year after the effective date of the ordinance until redevelopment project costs and all municipal obligations financing redevelopment project costs incurred under this Division have been paid shall be divided as follows:

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

(b) Except from a tax levied by a township to retire bonds issued to satisfy court-ordered damages, that portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract or parcel of real property in the redevelopment project area over and above the initial equalized assessed value of each property in the project area shall be allocated to and when collected shall be paid to the municipal treasurer who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof. In any county with a population of 3,000,000 or more that has adopted a procedure for collecting taxes that provides for one or more of the installments of the taxes to be billed and collected on an estimated basis, the municipal treasurer shall be paid for deposit in the special tax allocation fund of the municipality, from the taxes collected from estimated bills issued for property in the redevelopment project area, the difference between the amount actually collected from each taxable lot, block, tract, or parcel of real property within the redevelopment project area and an amount determined by multiplying the rate at which taxes were last extended against the taxable lot, block, track, or parcel of real property in the manner provided in subsection (c) of Section 11-74.4-9 by the initial equalized assessed value of the property divided by the number of installments in which real estate taxes are billed and collected within the county; provided that the payments on or before December 31, 1999 to a municipal treasurer shall be made only if each of the following conditions are met:

(1) The total equalized assessed value of the redevelopment project area as last determined was not less than 175% of the total initial equalized assessed value.

(2) Not more than 50% of the total equalized assessed value of the redevelopment project area as last determined is attributable to a piece of property assigned a single real estate index number.

(3) The municipal clerk has certified to the county clerk that the municipality has issued its

obligations to which there has been pledged the incremental property taxes of the redevelopment project area or taxes levied and collected on any or all property in the municipality or the full faith and credit of the municipality to pay or secure payment for all or a portion of the redevelopment project costs. The certification shall be filed annually no later than September 1 for the estimated taxes to be distributed in the following year; however, for the year 1992 the certification shall be made at any time on or before March 31, 1992.

(4) The municipality has not requested that the total initial equalized assessed value of real property be adjusted as provided in subsection (b) of Section 11-74.4-9.

The conditions of paragraphs (1) through (4) do not apply after December 31, 1999 to payments to a municipal treasurer made by a county with 3,000,000 or more inhabitants that has adopted an estimated billing procedure for collecting taxes. If a county that has adopted the estimated billing procedure makes an erroneous overpayment of tax revenue to the municipal treasurer, then the county may seek a refund of that overpayment. The county shall send the municipal treasurer a notice of liability for the overpayment on or before the mailing date of the next real estate tax bill within the county. The refund shall be limited to the amount of the overpayment.

It is the intent of this Division that after the effective date of this amendatory Act of 1988 a municipality's own ad valorem tax arising from levies on taxable real property be included in the determination of incremental revenue in the manner provided in paragraph (c) of Section 11-74.4-9. If the municipality does not extend such a tax, it shall annually deposit in the municipality's Special Tax Increment Fund an amount equal to 10% of the total contributions to the fund from all other taxing districts in that year. The annual 10% deposit required by this paragraph shall be limited to the actual amount of municipally produced incremental tax revenues available to the municipality from taxpayers located in the redevelopment project area in that year if: (a) the plan for the area restricts the use of the property primarily to industrial purposes, (b) the municipality establishing the redevelopment project area is a home-rule community with a 1990 population of between 25,000 and 50,000, (c) the municipality is wholly located within a county with a 1990 population of over 750,000 and (d) the redevelopment project area was established by the municipality prior to June 1, 1990. This payment shall be in lieu of a contribution of ad valorem taxes on real property. If no such payment is made, any redevelopment project area of the municipality shall be dissolved.

If a municipality has adopted tax increment allocation financing by ordinance and the County Clerk thereafter certifies the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area in the manner provided in paragraph (b) of Section 11-74.4-9, each year after the date of the certification of the total initial equalized assessed value as adjusted until redevelopment project costs and all municipal obligations financing redevelopment project costs have been paid the ad valorem taxes, if any, arising from the levies upon the taxable real property in such redevelopment project area by taxing districts and tax rates determined in the manner provided in paragraph (c) of Section 11-74.4-9 shall be divided as follows:

(1) That portion of the taxes levied upon each taxable lot, block, tract or parcel of real property which is attributable to the lower of the current equalized assessed value or "current equalized assessed value as adjusted" or the initial equalized assessed value of each such taxable lot, block, tract, or parcel of real property existing at the time tax increment financing was adopted, minus:

(i) the housing authority exemptions provided by Section 15-95 of the Property Tax Code in the redevelopment project area, and

(ii) the total current homestead exemptions provided by Sections 15-170 and 15-175 of the Property Tax Code in the redevelopment project area,

shall be allocated to and when collected shall be paid by the county collector to the respective affected taxing districts in the manner required by law in the absence of the adoption of tax increment allocation financing.

(2) That portion, if any, of such taxes which is attributable to the increase in the current equalized assessed valuation of each taxable lot, block, tract, or parcel of real property in the redevelopment project area, over and above the initial equalized assessed value of each property existing at the time tax increment financing was adopted, minus:

(i) the housing authority exemptions provided by Section 15-95 of the Property Tax Code in the redevelopment project area, and

(ii) the total current homestead exemptions pertaining to each piece of property provided by Sections 15-170 and 15-175 of the Property Tax Code in the redevelopment project area,

shall be allocated to and when collected shall be paid to the municipal Treasurer, who shall deposit said taxes into a special fund called the special tax allocation fund of the municipality for the purpose of paying redevelopment project costs and obligations incurred in the payment thereof.

The municipality may pledge in the ordinance the funds in and to be deposited in the special tax allocation fund for the payment of such costs and obligations. No part of the current equalized assessed valuation of each property in the redevelopment project area attributable to any increase above the total initial equalized assessed value, or the total initial equalized assessed value as adjusted, of such properties shall be used in calculating the general State school aid formula, provided for in Section 18-8 of the School Code, until such time as all redevelopment project costs have been paid as provided for in this Section.

Whenever a municipality issues bonds for the purpose of financing redevelopment project costs, such municipality may provide by ordinance for the appointment of a trustee, which may be any trust company within the State, and for the establishment of such funds or accounts to be maintained by such trustee as the municipality shall deem necessary to provide for the security and payment of the bonds. If such municipality provides for the appointment of a trustee, such trustee shall be considered the assignee of any payments assigned by the municipality pursuant to such ordinance and this Section. Any amounts paid to such trustee as assignee shall be deposited in the funds or accounts established pursuant to such trust agreement, and shall be held by such trustee in trust for the benefit of the holders of the bonds, and such holders shall have a lien on and a security interest in such funds or accounts so long as the bonds remain outstanding and unpaid. Upon retirement of the bonds, the trustee shall pay over any excess amounts held to the municipality for deposit in the special tax allocation fund.

When such redevelopment projects costs, including without limitation all municipal obligations financing redevelopment project costs incurred under this Division, have been paid, all surplus funds then remaining in the special tax allocation fund shall be distributed by being paid by the municipal treasurer to the Department of Revenue, the municipality and the county collector; first to the Department of Revenue and the municipality in direct proportion to the tax incremental revenue received from the State and the municipality, but not to exceed the total incremental revenue received from the State or the municipality less any annual surplus distribution of incremental revenue previously made; with any remaining funds to be paid to the County Collector who shall immediately thereafter pay said funds to the taxing districts in the redevelopment project area in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Upon the payment of all redevelopment project costs, retirement of obligations and the distribution of any excess monies pursuant to this Section, the municipality shall adopt an ordinance dissolving the special tax allocation fund for the redevelopment project area and terminating the designation of the redevelopment project area as a redevelopment project area. Municipalities shall notify affected taxing districts prior to November 1 if the redevelopment project area is to be terminated by December 31 of that same year. If a municipality extends estimated dates of completion of a redevelopment project and retirement of obligations to finance a redevelopment project, as allowed by this amendatory Act of 1993, that extension shall not extend the property tax increment allocation financing authorized by this Section. Thereafter the rates of the taxing districts shall be extended and taxes levied, collected and distributed in the manner applicable in the absence of the adoption of tax increment allocation financing.

Nothing in this Section shall be construed as relieving property in such redevelopment project areas from being assessed as provided in the Property Tax Code or as relieving owners of such property from paying a uniform rate of taxes, as required by Section 4 of Article 9 of the Illinois Constitution. (Source: P.A. 91-190, eff. 7-20-99; 91-478, eff. 11-1-99; 92-16, eff. 6-28-01.)

(65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

Sec. 11-74.4-9. (a) If a municipality by ordinance provides for tax increment allocation financing pursuant to Section 11-74.4-8, the county clerk immediately thereafter shall determine (1) the most recently ascertained equalized assessed value of each lot, block, tract or parcel of real property within such redevelopment project area from which shall be deducted:

(i) the housing authority exemptions provided by Section 15-95 of the Property Tax Code, and

(ii) the homestead exemptions provided by Sections 15-170 and 15-175 of the Property Tax Code, which value shall be the "initial equalized assessed value" of each such piece of property, and (2) the total equalized assessed value of all taxable real property within such redevelopment project area by adding together the most recently ascertained equalized assessed value of each taxable lot, block, tract, or parcel of real property within such project area, from which shall be deducted:

(i) the housing authority exemptions provided by Section 15-95 of the Property Tax Code, and

(ii) the homestead exemptions provided by Sections 15-170 and 15-175 of the Property Tax Code, and shall certify such amount as the "total initial equalized assessed value" of the taxable real property within such project area.

(b) In reference to any municipality which has adopted tax increment financing after January 1,

1978, and in respect to which the county clerk has certified the "total initial equalized assessed value" of the property in the redevelopment area, the municipality may thereafter request the clerk in writing to adjust the initial equalized value of all taxable real property within the redevelopment project area by deducting therefrom:

(i) the housing authority exemptions provided by Section 15-95 of the Property Tax Code, and

(ii) the homestead exemptions provided ~~for~~ by Sections 15-170 and 15-175 of the Property Tax Code

applicable to each lot, block, tract or parcel of real property within such redevelopment project area. The county clerk shall immediately after the written request to adjust the total initial equalized value is received determine:

(i) the total housing authority exemptions in the redevelopment project area provided by Section 15-95 of the Property Tax Code, and

(ii) the total homestead exemptions in the redevelopment project area provided by Sections 15-170 and 15-175 of the Property Tax Code

by adding together the homestead exemptions provided by said Sections on each lot, block, tract or parcel of real property within such redevelopment project area and then shall deduct the total of said exemptions from the total initial equalized assessed value. The county clerk shall then promptly certify such amount as the "total initial equalized assessed value as adjusted" of the taxable real property within such redevelopment project area.

(c) After the county clerk has certified the "total initial equalized assessed value" of the taxable real property in such area, then in respect to every taxing district containing a redevelopment project area, the county clerk or any other official required by law to ascertain the amount of the equalized assessed value of all taxable property within such district for the purpose of computing the rate per cent of tax to be extended upon taxable property within such district, shall in every year that tax increment allocation financing is in effect ascertain the amount of value of taxable property in a redevelopment project area by including in such amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value" of all taxable real property in such area, except that after he has certified the "total initial equalized assessed value as adjusted" he shall in the year of said certification if tax rates have not been extended and in every year thereafter that tax increment allocation financing is in effect ascertain the amount of value of taxable property in a redevelopment project area by including in such amount the lower of the current equalized assessed value or the certified "total initial equalized assessed value as adjusted" of all taxable real property in such area. The rate per cent of tax determined shall be extended to the current equalized assessed value of all property in the redevelopment project area in the same manner as the rate per cent of tax is extended to all other taxable property in the taxing district. The method of extending taxes established under this Section shall terminate when the municipality adopts an ordinance dissolving the special tax allocation fund for the redevelopment project area. This Division shall not be construed as relieving property owners within a redevelopment project area from paying a uniform rate of taxes upon the current equalized assessed value of their taxable property as provided in the Property Tax Code. (Source: P.A. 88-670, eff. 12-2-94.)

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

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1474, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 15-95 as follows:

(35 ILCS 200/15-95)

Sec. 15-95. Housing authorities; low-rent and public housing. All property of housing authorities created under the Housing Authorities Act is exempt, if the property and improvements are used for low rent housing and related uses. In addition, residential rental units situated in a municipality with 1,000,000 or more inhabitants that constitute public housing as defined in Section 3(b) of the United States Housing Act of 1937, as amended from time to time, and any successor legislation thereto, whether or not the property of a housing authority, subject to a leasing agreement, regulatory and operating agreement, or similar instrument with a housing authority created under the Housing Authorities Act are exempt if those residential rental units are used solely for public housing and related uses. However, property or portions thereof intended or used for stores or other commercial purposes are not exempt. Nothing herein shall exempt property of housing authorities or any part thereof from special assessments or special taxation for local improvements. Nothing contained in this Section shall be

construed as limiting the power of any political subdivision of this State to sell or furnish a housing authority with water, electricity, gas, or other services and facilities under the same basis that those services and facilities are rendered to others under similar circumstances. (Source: Laws 1959, p. 1549, 1554, 2219, and 2224; P.A. 88-455.)

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 1 and 2 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator J. Jones, **Senate Bill No. 1527** having been printed, was taken up, read by title a second time.

Senator J. Jones offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1527 on page 2, by replacing line 22 with the following:
"may not result in any net"; and
on page 2, line 26, by changing "report" to "written report"; and
on page 2, by deleting line 33; and
on page 3, by deleting lines 1 through 5; and
on page 3, line 6, by changing "(f)" to "(e)"; and
on page 3, line 9, by changing "(g)" to "(f)".

Senator J. Jones moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Senator J. Jones offered the following amendment:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1527 on page on page 2, line 7, after "individual" by inserting "or that is held in title by or subject to the jurisdiction of the Illinois Department of Transportation".

Senator J. Jones moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

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

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1527 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Hunting Heritage Protection Act.

Section 5. Findings. The General Assembly finds the following:

(1) Recreational hunting is an important and traditional recreational activity in which 14,000,000 Americans 16 years of age and older participate.

(2) Hunters have been and continue to be among the foremost supporters of sound wildlife management and conservation practices in the United States.

(3) Persons who hunt and organizations related to hunting provide direct assistance to wildlife managers and enforcement officers of federal, state, and local governments.

(4) Purchases of hunting licenses, permits, and stamps and payment of excise taxes on goods used by hunters have generated billions of dollars for wildlife conservation, research, and management.

(5) Recreational hunting is an essential component of effective wildlife management, in that it is an important tool for reducing conflicts between people and wildlife and provides incentives for the conservation of wildlife, habitats, and ecosystems on which wildlife depend.

(6) Recreational hunting is an environmentally acceptable activity that occurs and can be provided for on State public lands without adverse effects on other uses of that land.

Section 10. Definitions. For the purposes of this Act:

"Department" means the Department of Natural Resources.

"Department-managed lands" means those lands that the Department owns or those lands of which the Department holds management authority.

"Hunting" means the lawful pursuit, trapping, shooting, capture, collection, or killing of wildlife or the attempt to pursue, trap, shoot, capture, collect, or kill wildlife.

Section 15. Recreational hunting.

(a) Subject to valid existing rights, Department-managed lands shall be open to access and use for recreational hunting except as limited by the Department for reasons of public safety or homeland security or as otherwise limited by law.

(b) The Department shall exercise its authority, consistent with subsection (a), in a manner to support, promote, and enhance recreational hunting opportunities, to the extent authorized by law. The Department is not required to give preference to hunting over other uses of Department-managed lands or over land or water management priorities established by State law.

(c) Department land management decisions and actions may not, to the greatest practical extent, result in any net loss of land acerage available for hunting opportunities on Department-managed lands that exists on the effective date of this amendatory Act of the 93rd General Assembly.

(d) By October 1 of each year, the Governor shall submit to the General Assembly a written report describing:

(1) the acerage administered by the Department that has been closed during the previous year to recreational hunting and the reasons for the closures; and

(2) the acerage administered by the Department that was opened to recreational hunting to compensate for those acerage closed under paragraph (1).

(e) Nothing in this Act shall be construed to compel the opening to recreational hunting of national parks or national monuments administered by the National Park Service.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 1586** 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 1586 on page 2, by deleting lines 5 through 18; and
on page 2, in line 19 by replacing "(f)" with "(e)"; and
on page 2, in line 27 by inserting after "occurred." the following:
"If the court determines that the complaint is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege."; and
on page 2 in line 31 by replacing "(g)" with "(f)"; and
on page 3, in line 18 by replacing "180 ~~60~~" with "60"; and
on page 3, in line 20 by replacing "180-day ~~60-day~~" with "60-day"; and
on page 3, in line 21 by replacing "180 ~~60~~ days" with "one year ~~60 days~~".

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1586, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 2.06 as follows:

(5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

Sec. 2.06. (a) All public bodies shall keep written minutes of all their open meetings and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes ~~, whether open or closed. Such minutes~~ shall include, but need not be limited to:

(1) the date, time and place of the meeting;

(2) the members of the public body recorded as either present or absent; and

(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body.

(c) The verbatim record may be destroyed without notification to or the approval of a records commission or the State Archivist under the Local Records Act or the State Records Act no less than 18 months after the completion of the meeting recorded but only after: ~~Minutes of meetings closed to the public shall be available only after~~

(1) the public body approves the destruction of a particular recording; and

(2) the public body approves minutes of the closed meeting that meet the written minutes requirements of subsection (a) of this Section. ~~determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. (c)~~

(d) Each public body shall periodically, but no less than semi-annually, meet to review minutes and recordings of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court may conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an in camera examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. If the court or administrative hearing officer determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to the public any information deemed to qualify under the attorney-client privilege. The provisions of this subsection do not supersede the privacy or confidentiality provisions of State or federal law.

(f) Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential. (Source: P.A. 88-621, eff. 1-1-95.)".

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 Wojcik, **Senate Bill No. 1649** 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 1649 on page 1, by deleting lines 8 through 31; and on page 2, by deleting lines 1 through 19.

Floor Amendment No. 2 was held in the Committee of Health and Human Services.

Senator Wojcik offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1649, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Vital Records Act is amended by adding Section 20.5 as follows:

(410 ILCS 535/20.5 new)

Sec. 20.5. Certificate of stillbirth.

(a) The State Registrar shall prescribe and distribute a form for a certificate of stillbirth. The certificate shall be in the same format as a certificate of live birth prepared under Section 12 and shall be filed in the same manner as a certificate of live birth.

(b) After each fetal death that occurs in this State after a gestation period of at least 26 completed weeks, the person who files a fetal death certificate in connection with that death as required under

Section 20 shall, only upon request by the woman who delivered the stillborn fetus, also prepare a certificate of stillbirth. The person shall prepare the certificate on the form prescribed and furnished by the State Registrar and in accordance with the rules adopted by the State Registrar.

(c) If the stillborn's parent or parents do not wish to provide a name for the stillborn, the person who prepares the certificate of stillbirth shall leave blank any references to the stillborn's name.

(d) When a stillbirth occurs in this State and the stillbirth has not been registered within one year after the delivery, a certificate marked "delayed" may be filed and registered in accordance with regulations adopted by the State Registrar. The certificate must show on its face the date of registration.

(e) In the case of a fetal death that occurred in this State after a gestation period of at least 26 completed weeks and before the effective date of this amendatory Act of the 93rd General Assembly, a parent of the stillborn child may request that the person who filed a fetal death certificate in connection with that death as required under Section 20 shall also prepare a certificate of stillbirth with respect to the fetus. If a parent of a stillborn makes such a request under this subsection (e), the person who filed a fetal death certificate shall prepare the certificate of stillbirth and file it with the designated registrar within 30 days after the request by the parent.

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 1 and 3 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 1677** 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. 1754** 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 1754 on page 5, line 30, on page 6, line 12, on page 8, line 31, and on page 17, line 12, by deleting "Knox, Stark," each time it appears; and
on page 5, line 32, on page 6, line 15, on page 8, line 33, and on page 17, line 14, by deleting "Mercer," each time it appears; and
on page 6, line 2, by replacing "27" with "23"; and
on page 6, line 9, by replacing "Nine" with "Eight"; and
on page 6, line 14, by deleting "Morgan, Mercer,"; and
on page 6, line 24, by replacing "Fourteen" with "Twelve"; and
on page 6, line 26, by replacing "6" with "13"; and
on page 8, line 29, by replacing "12" with "11".

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. 1763** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1763 by deleting line 32 on page 23, all of pages 24 through 50; and lines 1 through 14 on page 51; and
on page 51, lines 15 and 16, by deleting ", any amendment made by this Act,"; and
on page 51, line 17 by deleting "or amendment"; and
on page 51, lines 19 and 20 by deleting ", the amendments made by this Act,"; and
on page 51, lines 20 and 21 by deleting "or amendments".

Floor Amendment No. 2 was tabled in the Committee on Labor and Commerce.

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. 1864** 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 1864, on page 4, line 6, by replacing "$100" with "$75"; and
on page 4, line 31, by replacing "$125" with "$75".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1864, on page 4, line 31, by replacing "insurance" with "search"; and
on page 4, line 33, before the period, by inserting the following:
", but only if a copy of the results of the title search is provided upon request".

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 Link, **Senate Bill No. 1880** 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 1880 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Electricians Licensing Act.

Section 5. Purpose and policy. It has been established by documented evidence that improper electrical wiring can adversely affect the well being of the public. Improper electrical wiring can cause fires due to short circuits and overloading of protection devices. Faulty wiring is potentially lethal and can cause widespread fires with disastrous consequences to persons and property. To protect the health of the public, it is essential that electrical wiring be installed by persons who have proven their skill in installing electrical wiring.

Consistent with its duty to safeguard the health of the people of this State, the General Assembly declares that individuals who plan, inspect, install, alter, extend, repair, and maintain electrical wiring systems shall be individuals of proven skill. Further, the General Assembly declares that a guide for minimum control of electrical materials and equipment, the design of electrical systems, and the construction and installation methods of electrical systems is essential for the protection of public health. In order to insure proper electrical wiring practice, this Act provides for the licensing of electricians and electrical contractors and for the adoption of the National Electrical Code as standards by the Department. This Act is therefore declared to be essential to the public interest.

Section 10. Definitions. As used in this Act:

"Approved apprenticeship program" means an apprenticeship program approved by the United States Department of Labor Bureau of Apprenticeship and Training.

"Board" means the Illinois State Board of Electrical Examiners.

"Department" means the Illinois Department of Labor.

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

"Electrical contractor" means a person, firm, or corporation operating a business that undertakes or offers to undertake to plan for, lay out, supervise, or install or to make additions, alterations, maintenance, or repairs in the installation of wiring, apparatus or equipment for electric light, heat, or

power with or without compensation and who is licensed as an electrical contractor by the Department of Labor. An electrical contractor's license does not of itself qualify its holder to perform the electrical work authorized by holding any class of electrician's license.

"Electrical work" means the wiring, installation, maintenance, and repair of electrical wiring, apparatus, and equipment and the planning, laying out, and supervision of the installation, maintenance, and repair of such wiring, apparatus, and equipment for electric heat, light, and power.

"Governmental unit" means a city, village, incorporated town, or county.

"Journeyman electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to wire for, install, maintain, and repair electrical wiring, apparatus, and equipment who is licensed as a journeyman electrician by the Department of Labor.

"Master electrician" means a person having the necessary qualifications, training, experience, and technical knowledge to install, maintain, and repair and to properly plan, lay out, and supervise the installation of wiring, apparatus, and equipment for electric light, heat, power, and other purposes who is licensed as a master electrician by the Department of Labor.

"Owner" means a natural person who physically performs electrical work on premises the person owns and actually occupies as a single family residence or owns and will occupy as a single family residence upon completion of construction.

"Registered apprentice" means a person registered with the Department of Labor, who is learning the trade under the supervision of a licensed electrician.

"Residential electrician" means a person having the necessary qualifications, training, experience, and technical knowledge involving the construction, wiring, alteration, maintenance, or repair of single family houses or apartment buildings and who is licensed as a residential electrician by the Department of Labor.

"Supervision" means that any new electrical work done by a registered apprentice electrician must be inspected at least once after initial rough-in and once upon completion by an Illinois licensed electrician. In addition, all renovation, alteration, repair, extension, modification, and maintenance work done by a registered apprentice electrician on an existing electrical system must be approved by an Illinois licensed electrician.

Section 15. Board of Electrical Examiners. There is created the Illinois State Board of Electrical Examiners which shall exercise its duties provided in this Act under the supervision of the Department of Labor. The Board shall consist of 11 members appointed by the Director of Labor. The Board shall be composed of 3 licensed master electricians, 3 licensed electrical contractors who are members of the National Electrical Contractors Association, one licensed electrical engineer, one electrical inspector who holds a master or journeyman electrician's license, one representative of a public utility, the State Fire Marshal, and a licensed real estate professional. In making the appointments to the Board, the Director shall consider the recommendations of individuals, firms, or organizations involved in electrical wiring installation in this State. The Director shall also take into consideration the minority representation in the population when making appointments to the Board. Members of the Board shall serve 4 year terms and until their successors are appointed and qualified. The initial appointments, however, shall be as follows: 3 members for terms of 2 years, 3 members for 3 years, and 4 members for 4 years. The State Fire Marshal's service on the Board shall be continuous. Board members shall receive no compensation but shall be reimbursed for expenses incurred in connection with their duties as Board members.

Section 20. Powers and duties of the Director. The Director shall take all actions necessary under this Act to carry out the duties and responsibilities of the Department under this Act. The Director, with the assistance of the Board, shall:

(a) prepare and issue licenses and provide for registration as provided in this Act;

(b) prescribe rules and regulations for examination of applicants for master, journeyman, and residential licenses;

(c) prepare and give uniform examinations to applicants for master, journeyman, and residential licenses that shall test their knowledge and qualifications in the planning and design of electrical systems, their knowledge, qualifications, and manual skills in electrical installations, and their knowledge of the National Electrical Code relating to materials, design, and installation of methods of electrical systems;

(d) issue electrical contractor and master, journeyman, and residential licenses and license renewals to applicants who have met the requirements for licensure and complied with all the prerequisites to licensure;

(e) prescribe rules for hearings to deny, suspend, revoke, or reinstate licenses as provided in this Act;

(f) maintain a current record showing (i) the names and addresses of licensed electrical contractors, master, journeyman, and residential electricians, and registered apprentices; (ii) the dates of issuance of licenses; (iii) the date and substance for the charges set forth in any hearing for denial, suspension, or revocation of any license; (iv) the date and substance of the final order issued upon a hearing; and (v) the date and substance of all petitions for reinstatement of license and final orders on petitions;

(g) establish and collect fees for the examination, issuance, and renewal of licenses;

(h) provide for the inspection of new electrical installations in construction, remodeling, replacement, maintenance, and repair work, where required by this Act;

(i) establish and collect fees for the handling and inspection of new electrical installations; and

(j) formulate and publish rules necessary or appropriate to carrying out the provisions of this Act.

Section 25. License and registration.

(a) Master electrician. Except as otherwise provided by law, no person shall plan, install, repair, maintain, lay out, or supervise the installation of wiring, apparatus, or equipment for electrical light, heat, power, or other purposes unless the person is:

(1) licensed by the Department as a master electrician; and

(2) the work is for a licensed electrical contractor and the person is the licensed electrical contractor or an employee, partner, or officer of the licensed electrical contractor, or the work is performed for the person's employer on electrical equipment, apparatus, or facilities owned or leased by the employer that is located within the limits of property owned or leased, operated, and maintained by the employer.

An applicant for a master electrician's license shall (i) have a Bachelor of Science degree from an accredited electrical engineering program and have had at least one year's experience, acceptable to the Board, as a licensed journeyman; (ii) have had at least 5 years experience, acceptable to the Board, in planning for, laying out, supervising, and installing wiring, apparatus, or equipment for electrical light, heat, and power; or (iii) have had at least 6 years experience, acceptable to the Board, with an electrical contracting company in planning, estimating, laying out, and supervising, under the supervision of a licensed master electrician, the installation of electrical work for electric light, heat, and power.

(b) Journeyman electrician. Except as otherwise provided by law, no person shall wire for, install, maintain, or repair electrical wiring, apparatus, or equipment, unless the person is licensed by the Department as a journeyman electrician employed by a licensed electrical contractor. Nothing in this subsection (b), however, shall prohibit a master electrician from performing the work of a journeyman electrician.

An applicant for a journeyman electrician's license shall have had at least 5 years of experience, acceptable to the Board, in wiring for, installing, and repairing electrical wiring, apparatus, or equipment. The Department may by rule provide for the allowance of one year of experience credit for successful completion of a 2 year post high school electrical course approved by the Board.

(c) Registered apprentice. A person who is enrolled in an approved apprenticeship program may perform electrical work only under the supervision of a licensed electrician. All apprentices shall be registered with the Department.

(d) Residential electrician. Except as otherwise provided by law, no person shall construct, wire, alter, maintain, or repair single family houses or apartment buildings unless the person is licensed by the Department as a residential electrician employed by a licensed electrical contractor. Nothing in this subsection (d), however, shall prohibit a master electrician or journeyman electrician from performing the work of a residential electrician.

An applicant for a residential electrician's license shall have had at least 4 years of experience, acceptable to the Board, in having the necessary qualifications, training, and technical knowledge involving the construction, wiring, alteration, or repair of single family houses or apartment buildings. The Department may by rule provide for the allowance of one year of experience credit for successful completion of a 2 year post high school electrical course approved by the Board.

(e) Contractors. Except as otherwise provided by law, no person other than an employee of a licensed electrical contractor as defined in this Act shall undertake or offer to undertake to plan for, lay out, supervise, or install or to make additions, alterations, or repairs in the installation of, or to maintain, wiring apparatus and equipment for electrical light, heat, or power with or without compensation unless the person obtains an electrical contractor's license. An electrical contractor's license shall be issued by the Department upon the contractor's giving bond to the State in an amount to be determined by the Department. The bond shall be filed with the Department and shall be in lieu of all other license bonds to any political subdivision. The bond shall be written by a corporate surety licensed to do business in the State of Illinois.

Each licensed electrical contractor shall have and maintain in effect insurance. Specific insurance requirements and minimum limits per occurrence shall be determined by the Department in consultation with the Board. The insurance shall be written by an insurer licensed to do business in the State of Illinois and each licensed electrical contractor shall maintain on file with the Department a certificate evidencing insurance that provides that the insurance shall not be cancelled without the insurer first giving 15 days written notice to the Department of the cancellation.

No contractor shall engage in business unless he or she is or has in his or her employ a licensed master electrician, who shall be responsible for the performance of all electrical work in accordance with the requirements of this Act. When an electrical contractor's license is held by an individual, partnership, or corporation and the individual, one of the partners, or an officer of the corporation, respectively, is not the responsible master electrician of record, all requests for inspection shall be signed by the responsible master electrician of record. The application for an electrical contractor's license must include a verified statement that the designated responsible master electrician is a full time employee of the individual, partnership, or corporation applying for an electrical contractor's license. For purposes of this Section, a full time employee of a licensed electrical contractor is an individual who is not employed in any capacity as a licensed electrician by any other electrical contractor.

(f) The Department shall prepare guidelines as to what work experience qualifies in determining whether an applicant meets the requirements for licensure under the Act. The Board has discretion in determining whether any particular applicant's experience shall count toward the experience necessary for licensure under this Act.

Section 30. Examination. In addition to other requirements imposed by this Act and except as otherwise provided in this Act, as a precondition to issuance of an electrician's license, each applicant must pass a written examination given by the Department for the type of license sought to insure the competence of each applicant for license. No person failing an examination may retake it for 6 months, but may, within 6 months, take an examination for a lesser grade of license. Any licensee failing to renew his or her license for 2 years or more after its expiration shall be required to retake the examination before he or she is issued a new license.

Section 35. Military exemption. The Department shall reinstate a license that expires while a licensee is in active Military Service of the United States upon application to the Department by the licensee within 2 years after termination of the military service, payment of the annual license fee, and submission of evidence of the military service. The license shall be reinstated without examination and without payment of the lapsed renewal fee.

Section 40. Expiration of license; fees. All licenses issued under this Act shall expire annually in a manner as provided by the Department. Application, renewal, and all other fees provided for in this Act shall be established by the Department by rule.

Section 45. Grounds for discipline. The Department may by order deny, suspend, revoke, or refuse to renew a license, or may censure a licensee if it finds that it is in the public interest to do so and that the applicant or licensee:

(a) has filed an application for a license that contains any statement that, in light of the circumstances under which it is made, is false or misleading with respect to any material fact;

(b) has engaged in any fraudulent, deceptive, or dishonest practice;

(c) has been convicted within the past 5 years of a misdemeanor involving a violation of this Act; or

(d) has violated or failed to comply with this Act or its rules or any order issued under this Act. A violation need not be willful.

The Department may adopt rules further specifying the grounds for suspension, revocation, and refusal to renew a license and establishing standards of conduct for licensees.

Section 50. Hearing procedure.

(a) The Board, may upon its own motion, investigate the actions of any person holding or claiming to hold a license if there is reason to believe such person has engaged or is engaging in activity that constitutes grounds for discipline under Section 45 of this Act.

(b) The Board shall, at least 10 days prior to the date set for the hearing and before refusing to issue or renew, suspend, or revoke any license, notify the applicant or holder of the license, in writing, of any charges made, and shall afford him or her an opportunity to be heard in person or by counsel. The notice may be served by personal delivery to the accused person or by registered mail to the last place of business specified by the accused person in the notification to the Agency.

(c) At the time and place fixed in the notice, the Board shall proceed to the hearing of the charges and both the accused person and the complainant shall be accorded ample opportunity to present, in person or by counsel, any statement, testimony, evidence, or argument that may be pertinent to the charges or to any defense against the charges. The Board may continue the hearing from time to time. If

the Board is not sitting at the time and place to which the hearing has been continued, the Department may continue the hearing for a period not to exceed 30 days, and all parties in interest shall be given notice in writing of the date and hour to which the hearing has been continued and the place at which it is to be held.

Section 55. Nonpayment of taxes. The Department may refuse to issue or may suspend the license of any person who fails (i) to file a federal or State tax return, (ii) to pay the tax, penalty, or interest shown in a filed return, or (iii) to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Illinois Department of Revenue, until the time the requirements of the tax Act are satisfied.

Section 60. Continuation of business by estates. Upon the death of a master electrician who is an electrical contractor, the Department may permit the decedent's representative to carry on the business of the decedent for a period not in excess of one year, for the purpose of completing work under contract or otherwise to comply with this Act. The decedent's representative may petition the Board for an extension of the one-year period in the event he or she can demonstrate undue hardship or other special circumstances. The extension may be granted at the recommendation of the Board, subject to Department approval. The representative shall give any bond as the Department may require conditioned upon the faithful and lawful performance of the work. The bond shall be for the benefit of persons injured or suffering financial loss by reason of failure of performance. The bond shall be written by a corporate surety licensed to do business in the State of Illinois. The decedent's representative shall also comply with all public liability and property damage insurance requirements imposed by this Act upon a licensed electrical contractor.

Section 65. Reciprocity. The Department may grant a license, without examination, of the same grade and class to an electrician who has been licensed by any other state that provides for the licensing of electricians in a similar manner. The license may be granted for at least one year, upon payment by the applicant of the required fee and upon the Department being furnished with proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in Illinois.

Section 70. Exemptions.

(a) Employees of, or independent contractors performing work for, any electric utility or electric utility affiliate, or communications or railway utility or any electric system owned and operated by a municipal corporation or unit of local government (notwithstanding any other provision of this Act), electric cooperative as defined in Section 3.4 of the Electric Supplier Act, telephone or telecommunications cooperative as defined in Section 13-212 of the Public Utilities Act, or a telephone company shall not be required to hold a license while performing work on installations, materials, or equipment that are owned or leased, operated, and maintained by the electric utility or electric utility affiliate, communications or railway utility, electric system owned and operated by a municipal corporation or unit of local government, electric, telephone, or telecommunications cooperative, or telephone company in the exercise of its utility or telephone function, and that (i) are used exclusively for the generation, transformation, distribution, transmission, or metering of electric current, or the operation of railway signals, or the transmission of intelligence and do not have as a principal function the consumption or use of electric current by or for the benefit of any person other than the electric utility or electric utility affiliate, communications or railway utility, electric system owned and operated by a municipal corporation or unit of local government, electric, telephone, or telecommunications cooperative, or telephone company and (ii) are generally accessible only to employees of the electric utility or electric utility affiliate, communications or railway utility, electric system owned and operated by a municipal corporation or unit of local government, electric, telephone, or telecommunications cooperative, or telephone company or persons acting under its control or direction. Persons performing work subcontracted out to an electrical or construction contractor, however, must be in compliance with the licensure requirements of this Act.

(b) An owner shall not be required to hold a license under this Act. Nevertheless, electrical work performed by an owner shall comply with the minimum standards contained in the National Electrical Code and shall be subject to inspection by the Department. An owner shall not employ anyone other than an electrician licensed under this Act to assist him or her.

(c) Any city, village, or incorporated town having a population of 500,000 or more may, by an ordinance containing provisions substantially the same as those in this Act and specifying educational or experience requirements equivalent to those prescribed in the Act, provide for a board of electrical examiners to conduct examinations for, and to issue, suspend, or revoke, electricians' licenses within the city, village, or incorporated town. Upon the enactment of such an ordinance, the provisions of this Act shall not apply within that municipality except as otherwise provided in this Act. Any person licensed as an electrician under a local ordinance, or licensed by the Department under this Act, may engage in

electrical wiring installation anywhere in this State.

(d) Nothing in this Act shall be construed to prevent an owner or operator of a farm or his or her employees from installing, making additions to, altering, maintaining, or repairing wiring, apparatus, or equipment for electric light, heat, or power on the farm that he or she owns or operates. For purposes of this subsection, "farm" means land or a building appurtenant to land that is used for an agricultural purpose or for a purpose accessory to an agriculture purpose.

(e) Employees of a manufacturing corporation that engage in activities normally requiring licensure under this Act are exempt when such activities are incidental to the operation or maintenance of its existing business and facilities. A manufacturing corporation that is involved in new construction that results in the expansion of its business and facilities must utilize licensed electricians for any associated electrical work.

(f) The minor repair of existing electrical systems does not require licensure under this Act. For the purposes of this subsection, "minor repair" means repairs to existing electrical systems that do not require a permit to be issued under any local ordinance.

(g) Elevator construction does not require licensure under this Act.

Section 75. Governmental units. No municipal corporation or political subdivision shall engage in electrical work unless the electrical work is performed by one or more licensed electricians or apprentice electricians under the supervision of licensed electricians. A governmental unit may, however, contract for electrical work with any person authorized to engage in electrical work in this State.

Section 80. Display of license. Persons who advertise electrical wiring services shall, at their place of business, display the master electrician's license of at least one member of the firm, partnership or officer of the corporation and shall maintain a register listing the names and license numbers of all licensed electricians and all registered apprentices currently employed by them. When advertising electrical wiring services, the license number shall be included in all forms of written or printed advertising and included with the electrical wiring identification of vehicles. The Department may, by rule or regulation, require additional information concerning licensed electricians and registered apprentices to be maintained in the register.

Section 85. Safety standards. All electrical wiring, apparatus, and equipment for electric light, heat, and power shall comply with all applicable rules of the Department of Labor and shall be installed in conformity with accepted standards of construction for safety to life and property. For the purposes of this Act, the regulations and safety standards stated at the time the work is done in the then most recently published edition of the National Electrical Code as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute, and the National Electrical Safety Code as published by the Institute of Electrical and Electronics Engineers, Inc. and approved by the American National Standards Institute, shall be prima facie evidence of accepted standards of construction for safety to life and property. In the event an Illinois building code is formulated containing approved methods of electrical construction for safety to life and property, compliance with the methods of electrical construction of that code shall also constitute compliance with this Section. Nothing in this Act shall prohibit any political subdivision from making and enforcing more stringent requirements than set forth in this Act and those requirements shall be complied with by all licensed electricians working within the jurisdiction of that political subdivision; except that nothing in this Act shall be construed to give a political subdivision the authority to apply those standards or requirements to electrical work performed on a farm.

Section 90. Inspections.

(a) Except where any political subdivision has by ordinance provided for electrical inspection similar to that provided in this Act, every new electrical installation in any construction, remodeling, replacement, or repair shall be inspected by the Department for compliance with accepted standards of construction for safety to life and property.

(b) No such inspections shall be required for electrical work performed by persons exempt from licensure under Section 70 of this Act; except that inspections shall be required for work performed under subsection (b) of Section 70.

(c) All inspectors for the Department shall hold licenses as master or journeyman electricians under this Act; except that in areas of this State where a sufficient number of master or journeyman electricians are not available to the Department to perform inspections under this Act, the Department may designate other persons whom it determines to be suitably qualified by training or experience.

Section 95. Procedures for inspection.

(a) At or before commencement of any installation required to be inspected by the Department, the electrical contractor or owner making the installation shall submit to the Department a request for inspection, in a form prescribed by the Department, together with the fees required for the installation.

(b) The fees required are a handling fee and an inspection fee. The handling fee shall be set by the Department in an amount sufficient to pay the cost of bringing and handling the form requesting an inspection. The inspection fee shall be set by the Department in an amount sufficient to pay the actual costs of the inspection and the Department's costs in administering the inspection.

(c) If the inspector finds that the installation is not in compliance with accepted standards of construction for safety to life and property as required by this Act, the inspector shall, by written order, condemn the installation or the noncomplying portion of the installation, or order service to the installation disconnected, and shall send a copy of the order to the Department. If the installation or the noncomplying part will seriously and proximately endanger human life and property, the order of the inspector, when approved by the inspector's superior, shall require immediate condemnation or disconnection. In all other cases, the order of the inspector shall permit a reasonable opportunity for the installation to be brought into compliance with accepted standards of construction for safety to life and property prior to the effective time established for condemnation or disconnection.

(d) Copies of each condemnation or disconnection order shall be served personally or by mail upon the property owner, the electrical contractor or electrician making the installation, and other persons as the Department by rule may direct. An aggrieved party may appeal any condemnation or disconnection order by filing with the Department a notice of appeal within 10 days after (i) service upon the aggrieved party of the condemnation or disconnection order, if this service is required or (ii) filing of the order with the Department, whichever is later. The Department shall adopt rules providing procedures for the conduct of appeals, including provisions for the stay of enforcement of the order of the inspector pending an appeal when justified by the circumstances.

(e) The inspectors of the Department shall have the authority to enter any building or premises at any reasonable hour in the discharge of their duties, and they shall have the authority, when necessary, to order the removal of any existing obstructions such as laths, plastering, boarding, or partitions that may prevent a proper inspection of the electrical installation.

(f) No electrical installation subject to inspection by the Department shall be newly connected or reconnected for use until there is filed, with the electrical utility supplying power, a certificate of the property owner or licensed electrician directing the work that inspection has been requested and that the conditions of the installation are safe for energization. In all cases where an order of condemnation or disconnection has been issued against the installation or any part of the installation, prior to connection or reconnection, there shall also first be filed with the electrical utility supplying the power a copy of an order of the inspector or the Department dismissing the prior order of condemnation or disconnection or approving the installation as being in compliance with accepted standards of construction for safety to life and property. With respect to transient projects, this certificate shall also contain a certification that the request for inspection has been or will be filed with the Department so as to be received by it at least 5 days prior to the date and time energization of the installation by the utility is to occur, and that the request for inspection states the date and time. It shall be the responsibility of the Department to have inspection of the transient project occur prior to the date and time at which the request states energization is to occur.

(g) Any political subdivision may make provision for inspection of electrical installations within its jurisdiction, in which case it shall keep on file with the Department copies of its current inspection ordinances and codes. Any political subdivision may require any individual, partnership, corporation, or other business association holding a license from the Department to pay any license, registration fee, or permit fees. Any political subdivision may provide by ordinance a requirement that each individual, partnership, corporation, or other business association doing electrical work within the jurisdiction of the political subdivision have on file with the political subdivision a copy of the current license issued by the Department or other evidence of the license as may be provided by the Department. Each electrical inspector of any political subdivision shall be a licensed master or journeyman electrician under this Act.

Section 100. Violations.

(a) Any person violating any provision of this Act or its rules shall be guilty of a Class B misdemeanor and fined a minimum of $100 for the first offense. A second or subsequent violation of this Act shall be a Class A misdemeanor with a minimum fine of $200. Each day a violation continues constitutes a separate offense. The State's Attorney of the County in which the violation occurred or the Attorney General may prosecute these actions in the name of the People of the State of Illinois. The court may enjoin the use of electricity installed in violation of this Act or its rules until it has been corrected to comply with the National Electrical Code.

(b) If it is established that the defendant, contrary to this Act, has been engaging, is engaging, or is about to engage in electrical work without having been issued a license, or has been engaging or is about to engage in electrical work after his or her license has been suspended or revoked or after his or her

license has not been renewed, the Department may levy a penalty not to exceed $5,000 per offense. This penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in Section 50 of this Act.

Section 105. Electricians practicing before this Act. Electrical contractors who are in business on January 1, 2004 and who file a license application with the Department within 180 days after the effective date of this Act shall be granted a license which shall be valid for one year from the date of issuance. Thereafter, electrical contractors shall comply with all of the requirements of this Act. These licenses shall be subject to annual renewal as provided in this Act.

Persons who have a minimum of 5 years experience in performing electrical work as defined in this Act on January 1, 2004 and who file a license application with the Department within 180 days after January 1, 2004 shall be granted a license without examination, which shall be valid for one year from the date of issuance. The category of initial licensure shall be determined by the Department. These licenses shall be subject to annual renewal as provided in this Act.

Electrical inspectors who are employed by a governmental unit and engaged in the regulation and inspection of electrical wiring activities regulated under this Act on January 1, 2004, and who file an application with the Department within 180 days after January 1, 2004, shall be permitted to conduct electrical inspections for one year from the application date. Thereafter, the inspectors must meet all of the requirements of this Act.

Section 110. Administrative Procedure Act; application. The provisions of the Illinois Administrative Procedure Act are expressly adopted and shall apply to all administrative rules and procedures of the Department of Labor under this Act, except that Section 5 of the Illinois Administrative Procedure Act relating to procedures for rulemaking does not apply to the adoption of any rule required by federal law in connection with which the Department is precluded by law from exercising any discretion.

Section 115. Review under Administrative Review Law. All final administrative decisions of the Director under this Act shall be subject to judicial review under the Administrative Review Law and its rules.

Section 120. Home rule. A home rule unit may not regulate the licensing of electricians and electrical contractors in a manner inconsistent with the regulation by the State of electricians and electrical contractors. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.24 as follows:

(5 ILCS 80/4.24)

Sec. 4.24. Acts repealed on January 1, 2014. The following Acts are repealed on January 1, 2014:

The Electricians Licensing Act.

The Electrologist Licensing Act.

The Illinois Public Accounting Act. (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 999. Effective date. This Act takes effect on January 1, 2004.".

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

On motion of Senator Harmon, **Senate Bill No. 1881** 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 1881, on page 5, line 2, by deleting "and"; and

on page 5, line 5, before the period, by inserting "; and (o) made by the Chicago Park District for recreational programs for the handicapped under subsection (c) of Section 7.06 of the Chicago Park District Act"; and

on page 11, immediately below line 20, by inserting the following:

"Section 10. The Chicago Park District Act is amended by adding Section 7.06 as follows:

(70 ILCS 1505/7.06 new)

Sec. 7.06. Recreational programs for the handicapped; tax.

(a) The Chicago Park District is authorized to establish, maintain, and manage recreational programs for the handicapped, including both mentally and physically handicapped, to provide transportation for the handicapped to and from these programs, to provide for the examination of participants in such

programs as deemed necessary, to charge fees for participating in the programs (the fee charged for non-residents of the district need not be the same as the fees charged the residents of the district), and to charge fees for transportation furnished to participants.

(b) For the purposes of the recreational programs for the handicapped established under this Section, the Chicago Park District is authorized to adopt procedures for approval of budgets, authorization of expenditures, location of recreational areas, acquisition of real estate by gift, legacy, grant, or purchase, and employment of a director and other professional workers for the programs.

(c) For the purposes of providing recreational programs for the handicapped under this Section, the Chicago Park District may levy and collect annually a tax of not to exceed .04% of the value, as equalized or assessed by the Department of Revenue, of all taxable property in the district for the purpose of funding the district's expenses of providing these programs. This tax shall be levied and collected in like manner as the general taxes for the district. The tax shall be in addition to all other taxes authorized by law to be levied and collected in the district and shall not be included within any limitation of rate contained in this Act or any other law, but shall be excluded therefrom, in addition thereto, and in excess thereof.".

Committee 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 E. Jones, **Senate Bill No. 1883** 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 1883, on page 1, line 5, after "31-25" by inserting "and by adding Section 31-46"; and

on page 2, line 3, by deleting "located in the State of Illinois"; and

on page 2, lines 5 and 6, by deleting "located in the State of Illinois"; and

on page 2, line 27, after "transactions", by inserting "or involves one or more persons or entities"; and

on page 5, immediately below line 23, by inserting the following:

"(35 ILCS 200/31-46 new)

Sec. 31-46. Exemption from tax equal to corporate franchise taxes paid. If a transfer of a controlling interest in a real estate entity is taxed under this Article and the real estate entity liable for the tax under this Article is also liable for corporate franchise taxes under the Business Corporation Act of 1983 as a result of the transfer, then the real estate entity is exempt from paying the tax imposed under this Article to the extent of the corporate franchise tax paid by the real estate entity as a result of the transfer. The exemption shall not reduce the real estate entity's tax liability under this Article to less than zero.".

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1883, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 31-5, 31-10, 31-20, and 31-25 and by adding Section 3-46 as follows:

(35 ILCS 200/31-5)

Sec. 31-5. Definitions. "Recordation" includes the issuance of certificates of title by Registrars of Title under the Registered Titles (Torrens) Act pursuant to the filing of deeds or trust documents for that purpose, as well as the recording of deeds or trust documents by recorders.

"Department" means the Department of Revenue.

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

"Value" means the amount of the full actual consideration for the real property, including the amount of any lien on the real property assumed by the buyer.

"Trust document" means a document required to be recorded under the Land Trust Recordation and Transfer Tax Act.

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

(1) the beneficial interest in an Illinois land trust;

(2) the lessee interest in a ground lease (including any interest of the lessee in the related improvements) that provides for a term of 30 or more years when all options to renew or extend are included, whether or not any portion of the term has expired; or

(3) the indirect interest in real property as reflected by a controlling interest in a real estate entity.

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

"Real estate entity" means any person including, but not limited to, any partnership, corporation, limited liability company, trust, other entity, or multi-tiered entity, that exists or acts substantially for the purpose of holding directly or indirectly title to or beneficial interest in real property. There is a rebuttable presumption that an entity is a real estate entity if it owns, directly or indirectly, real property having a fair market value greater than 75% of the total fair market value of all of the entity's assets, determined without deduction for any mortgage, lien, or encumbrance. (Source: P.A. 92-651, eff. 7-11-02.)

(35 ILCS 200/31-10)

Sec. 31-10. Imposition of tax. A tax is imposed on the privilege of transferring title to real estate, ~~as represented by the deed that is filed for recordation, and~~ on the privilege of transferring a beneficial interest in real property ~~that is the subject of a land trust as represented by the trust document that is filed for recordation~~, and on the privilege of transferring a controlling interest in a real estate entity, at the rate of 50¢ for each $500 of value or fraction of $500 stated in the declaration required by Section 31-25. If, however, the ~~deed or trust document states that the~~ real estate, beneficial interest, or controlling interest is transferred subject to a mortgage, the amount of the mortgage remaining outstanding at the time of transfer shall not be included in the basis of computing the tax. The tax is due if the transfer is made by one or more related transactions or involves one or more persons or entities and whether or not a document is recorded. (Source: P.A. 86-624; 86-925; 86-1028; 86-1475; 87-543; 88-455.)

(35 ILCS 200/31-20)

Sec. 31-20. Affixing of stamps. Payment of the tax shall be evidenced by revenue stamps in the amount required to show full payment of the tax imposed by Section 31-10. Except as provided in Section 31-45, a deed, document transferring a controlling interest in real property, or trust document shall not be accepted for filing by any recorder or registrar of titles unless revenue stamps in the required amount have been purchased from the recorder or registrar of titles of the county where the deed, document transferring a controlling interest in real property, or trust document is being filed for recordation. The revenue stamps shall be affixed to the deed, document transferring a controlling interest in real property, or trust document by the recorder or the registrar of titles either before or after recording as requested by the grantee. A person using or affixing a revenue stamp shall cancel it and so deface it as to render it unfit for reuse by marking it with his or her initials and the day, month and year when the affixing occurs. The marking shall be made by writing or stamping in indelible ink or by perforating with a machine or punch. However, the revenue stamp shall not be so defaced as to prevent ready determination of its denomination and genuineness. (Source: P.A. 86-624; 86-925; 86-1028; 86-1475; 87-543; 88-455.)

(35 ILCS 200/31-25)

Sec. 31-25. Transfer declaration. At the time a deed, a document transferring a controlling interest in real property, or trust document is presented for recordation, or within 3 business days after the transfer is effected, whichever is earlier, there shall also be presented to the recorder or registrar of titles a declaration, signed by at least one of the sellers and also signed by at least one of the buyers in the transaction or by the attorneys or agents for the sellers or buyers. The declaration shall state information including, but not limited to: (a) the full consideration for the property or interest in real property so transferred; (b) the parcel identifying number of the property; (c) the legal description of the property; (d) the date of the deed, the date the transfer was effected, or the date of the trust document; (e) the type of deed, transfer, or trust document; (f) the address of the property; (g) the type of improvement, if any, on the property; (h) information as to whether the transfer is between related individuals or corporate affiliates or is a compulsory transaction; (i) the lot size or acreage; (j) the value of personal property sold with the real estate; (k) the year the contract was initiated if an installment sale; and (l) the name, address, and telephone number of the person preparing the declaration. Except as provided in Section 31-45, a deed, a document transferring a controlling interest in real property, or trust document shall not be accepted for recordation unless it is accompanied by a declaration containing all the information requested in the declaration. When the declaration is signed by an attorney or agent on behalf of sellers or buyers who have the power of direction to deal with the title to the real estate under a land trust

agreement, the trustee being the mere repository of record legal title with a duty of conveying the real estate only when and if directed in writing by the beneficiary or beneficiaries having the power of direction, the attorneys or agents executing the declaration on behalf of the sellers or buyers need identify only the land trust that is the repository of record legal title and not the beneficiary or beneficiaries having the power of direction under the land trust agreement. The declaration form shall be prescribed by the Department and shall contain sales information questions. For sales occurring during a period in which the provisions of Section 17-10 require the Department to adjust sale prices for seller paid points and prevailing cost of cash, the declaration form shall contain questions regarding the financing of the sale. The subject of the financing questions shall include any direct seller participation in the financing of the sale or information on financing that is unconventional so as to affect the fair cash value received by the seller. The intent of the sales and financing questions is to aid in the reduction in the number of buyers required to provide financing information necessary for the adjustment outlined in Section 17-10. For sales occurring during a period in which the provisions of Section 17-10 require the Department to adjust sale prices for seller paid points and prevailing cost of cash, the declaration form shall include, at a minimum, the following data: (a) seller paid points, (b) the sales price, (c) type of financing (conventional, VA, FHA, seller-financed, or other), (d) down payment, (e) term, (f) interest rate, (g) type and description of interest rate (fixed, adjustable or renegotiable), and (h) an appropriate place for the inclusion of special facts or circumstances, if any. The Department shall provide an adequate supply of forms to each recorder and registrar of titles in the State. (Source: P.A. 91-555, eff. 1-1-00.)

(35 ILCS 200/31-46 new)

Sec. 31-46. Exemption from tax equal to corporate franchise taxes paid. If a transfer of a controlling interest in a real estate entity is taxed under this Article and the real estate entity liable for the tax under this Article is also liable for corporate franchise taxes under the Business Corporation Act of 1983 as a result of the transfer, then the real estate entity is exempt from paying the tax imposed under this Article to the extent of the corporate franchise tax paid by the real estate entity as a result of the transfer. The exemption shall not reduce the real estate entity's tax liability under this Article to less than zero.

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

(35 ILCS 820/3 new)

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

Section 15. The Counties Code is amended by changing Section 5-1031.1 as follows:

(55 ILCS 5/5-1031.1)

Sec. 5-1031.1. Home rule real estate transfer taxes. (a) After the effective date of this amendatory Act of the 93rd General Assembly ~~1996~~ and subject to this Section, a home rule county may impose or increase a tax or other fee on the privilege of transferring title to real estate, ~~as represented by the deed that is filed for recordation, and~~ on the privilege of transferring a beneficial interest in ~~a land trust holding legal title to~~ real property, and on the privilege of transferring a controlling interest in a real estate entity, as the terms "beneficial interest", "controlling interest", and "real estate entity" are defined in Article 31 of the Property Tax Code ~~as represented by the trust document that is filed for recordation~~. Such a tax or other fee ~~on the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and on the privilege of transferring a beneficial interest in a land trust holding legal title to real property, as represented by the trust document that is filed for recordation,~~ shall hereafter be referred to as a real estate transfer tax.

(b) Before adopting a resolution to submit the question of imposing or increasing a real estate transfer tax to referendum, the corporate authorities shall give public notice of and hold a public hearing on the intent to submit the question to referendum. This hearing may be part of a regularly scheduled meeting of the corporate authorities. The notice shall be published not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the county. The notice shall be published in the following form:

Notice of Proposed (Increased) Real Estate Transfer Tax for (commonly known name of county).

A public hearing on a resolution to submit to referendum the question of a proposed (increased) real estate transfer tax for (legal name of the county) in an amount of (rate) to be paid by the buyer (seller) of the real estate transferred will be held on (date) at (time) at (location). The current rate of real estate transfer tax imposed by (name of county) is (rate).

Any person desiring to appear at the public hearing and present testimony to the taxing district

may do so.

(c) A notice that includes any information not specified and required by this Section is an invalid notice. All hearings shall be open to the public. At the public hearing, the corporate authorities of the county shall explain the reasons for the proposed or increased real estate transfer tax and shall permit persons desiring to be heard an opportunity to present testimony within reasonable time limits determined by the corporate authorities. A copy of the proposed ordinance shall be made available to the general public for inspection before the public hearing.

(d) No home rule county shall impose a new real estate transfer tax after the effective date of this amendatory Act of 1996 without prior approval by referendum. No home rule county shall impose an increase of the rate of a current real estate transfer tax without prior approval by referendum. A home rule county may impose a new real estate transfer tax or may increase an existing real estate transfer tax with prior referendum approval. The referendum shall be conducted as provided in subsection (e). An existing ordinance or resolution imposing a real estate transfer tax may be amended without approval by referendum if the amendment does not increase the rate of the tax.

(e) The home rule county shall, by resolution, provide for submission of the proposition to the voters. The home rule county shall certify the resolution and the proposition to the proper election officials in accordance with the general election law. If the proposition is to impose a new real estate transfer tax, it shall be in substantially the following form: "Shall (name of county) impose a real estate transfer tax at a rate of (rate) to be paid by the buyer (seller) of the real estate transferred, with the revenue of the proposed transfer tax to be used for (purpose)?". If the proposition is to increase an existing real estate transfer tax, it shall be in the following form: "Shall (name of county) impose a real estate transfer tax increase of (percent increase) to establish a new real estate transfer tax rate of (rate) to be paid by the buyer (seller) of the real estate transferred? The current rate of the real estate transfer tax is (rate), and the revenue is used for (purpose). The revenue from the increase is to be used for (purpose).".

If a majority of the electors voting on the proposition vote in favor of it, the county may impose or increase the real estate transfer tax.

(f) Nothing in this amendatory Act of 1996 shall limit the purposes for which real estate transfer tax revenues may be collected or expended.

(g) A home rule county may not impose real estate transfer taxes other than as authorized by this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

(h) Notwithstanding subsection (g) of this Section, any real estate transfer taxes that were imposed by a county at any time prior to the effective date of this amendatory Act of the 93rd General Assembly are hereby specifically authorized, permitted, and validated under this subsection (h). (Source: P.A. 89-701, eff. 1-17-97; 90-14, eff. 7-1-97.)

Section 20. The Illinois Municipal Code is amended by changing Section 8-3-19 as follows:

(65 ILCS 5/8-3-19)

Sec. 8-3-19. Home rule real estate transfer taxes. (a) After the effective date of this amendatory Act of the 93rd General Assembly ~~1996~~ and subject to this Section, a home rule municipality may impose or increase a tax or other fee on the privilege of transferring title to real estate, ~~as represented by the deed that is filed for recordation, and~~ on the privilege of transferring a beneficial interest in ~~a land trust holding legal title to~~ real property, and on the privilege of transferring a controlling interest in a real estate entity, as the terms "beneficial interest", "controlling interest", and "real estate entity" are defined in Article 31 of the Property Tax Code ~~as represented by the trust document that is filed for recordation~~. Such a tax or other fee ~~on the privilege of transferring title to real estate, as represented by the deed that is filed for recordation, and on the privilege of transferring a beneficial interest in a land trust holding legal title to real property, as represented by the trust document that is filed for recordation,~~ shall hereafter be referred to as a real estate transfer tax.

(b) Before adopting a resolution to submit the question of imposing or increasing a real estate transfer tax to referendum, the corporate authorities shall give public notice of and hold a public hearing on the intent to submit the question to referendum. This hearing may be part of a regularly scheduled meeting of the corporate authorities. The notice shall be published not more than 30 nor less than 10 days prior to the hearing in a newspaper of general circulation within the municipality. The notice shall be published in the following form:

Notice of Proposed (Increased) Real Estate Transfer Tax for (commonly known name of municipality).

A public hearing on a resolution to submit to referendum the question of a proposed (increased) real estate transfer tax for (legal name of the municipality) in an amount of (rate) to be paid by the buyer (seller) of the real estate transferred will be held on (date) at (time) at (location). The current

rate of real estate transfer tax imposed by (name of municipality) is (rate).

Any person desiring to appear at the public hearing and present testimony to the taxing district may do so.

(c) A notice that includes any information not specified and required by this Section is an invalid notice. All hearings shall be open to the public. At the public hearing, the corporate authorities of the municipality shall explain the reasons for the proposed or increased real estate transfer tax and shall permit persons desiring to be heard an opportunity to present testimony within reasonable time limits determined by the corporate authorities. A copy of the proposed ordinance shall be made available to the general public for inspection before the public hearing.

(d) No home rule municipality shall impose a new real estate transfer tax after the effective date of this amendatory Act of 1996 without prior approval by referendum. No home rule municipality shall impose an increase of the rate of a current real estate transfer tax without prior approval by referendum. A home rule municipality may impose a new real estate transfer tax or may increase an existing real estate transfer tax with prior referendum approval. The referendum shall be conducted as provided in subsection (e). An existing ordinance or resolution imposing a real estate transfer tax may be amended without approval by referendum if the amendment does not increase the rate of the tax.

(e) The home rule municipality shall, by resolution, provide for submission of the proposition to the voters. The home rule municipality shall certify the resolution and the proposition to the proper election officials in accordance with the general election law. If the proposition is to impose a new real estate transfer tax, it shall be in substantially the following form: "Shall (name of municipality) impose a real estate transfer tax at a rate of (rate) to be paid by the buyer (seller) of the real estate transferred, with the revenue of the proposed transfer tax to be used for (purpose)?". If the proposition is to increase an existing real estate transfer tax, it shall be in the following form: "Shall (name of municipality) impose a real estate transfer tax increase of (percent increase) to establish a new transfer tax rate of (rate) to be paid by the buyer (seller) of the real estate transferred? The current rate of the real estate transfer tax is (rate), and the revenue is used for (purpose). The revenue from the increase is to be used for (purpose).".

If a majority of the electors voting on the proposition vote in favor of it, the municipality may impose or increase the municipal real estate transfer tax or fee.

(f) Nothing in this amendatory Act of 1996 shall limit the purposes for which real estate transfer tax revenues may be collected or expended.

(g) A home rule municipality may not impose real estate transfer taxes other than as authorized by this Section. This Section is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the Illinois Constitution.

(h) Notwithstanding subsection (g) of this Section, any real estate transfer taxes that were imposed by a municipality at any time prior to the effective date of this amendatory Act of the 93rd General Assembly are hereby specifically authorized, permitted, and validated under this subsection (h). (Source: P.A. 89-701, eff. 1-17-97.)

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 1 and 2 were ordered engrossed; and the bill, as amended, was ordered to a third reading.

SENATE BILLS RECALLED

On motion of Senator Halvorson, **Senate Bill No. 3** was recalled from the order of third reading to the order of second reading.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 3, AS AMENDED, 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 Red 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 Red 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.

"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, as provided in Section 35 of this Act, to qualify them for a discount on the

purchase of prescription drugs at an authorized pharmacy, (ii) enter into rebate agreements with drug manufacturers, as provided under Section 30 of this Act, and (iii) subject to the provisions of Section 47 of this Act, compensate pharmacies participating in the program as provided under Section 25 of this Act.

Section 25. Program administration.

(a) The Department is authorized under this Act to be the program administrator. If the Department is not the program administrator, 90 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:

(1) The Director shall solicit and accept proposals from entities to provide for administration of a program or programs in accordance with rules adopted under Section 45. Proposals must be submitted not later than a date established by the Director. The Director shall accept only those proposals that specify the following:

(A) The estimated amount of the discount based on the entity's previous experience and how the discount is to be achieved.

(B) The extent that discounts on prescription drugs are to be achieved through rebates, administrative fees, or other fees or discounts in prices that the entity negotiates with drug manufacturers. The proposals shall assure that rebates or discounts will be used to do the following:

(i) reduce costs to cardholders;

(ii) achieve discounts for cardholders; and

(iii) cover costs for administering the program.

(C) Any other benefits offered to cardholders.

(D) The estimated number and geographic distribution of participating pharmacies in the administrator's pharmacy network.

(E) The plan for pharmacy compensation, pursuant to subsection (e) of this Section.

(F) The method used for determining the prescription drugs to be covered by the program, including the criteria and process for establishing a preferred drug list, if applicable.

(G) How the entity proposes to improve medication management for cardholders, including any program of disease management.

(H) How cardholders and participating pharmacies will be informed of the discounted price negotiated by the entity.

(I) How the entity will handle complaints about the program's operation.

(J) The entity's previous experience in managing similar programs.

(K) Any additional information requested by the Director.

(2) The Director shall contract with one or more entities to administer a program or programs on the basis of the proposals submitted, but may require an administrator to modify its conduct of a program in accordance with rules adopted under Section 45.

The Director shall adopt rules specifying the period for which a contract will be in effect and may terminate a contract if an administrator fails to conduct a program in accordance with its proposal or with any modifications required by rule. When a contract period ends or a contract is terminated, the Director shall enter into a new contract in the manner specified in this Section for an original contract. Prior to making a new contract, the Director may modify the rules for administration of the program or programs.

(b) As used in this Section, "administrator" includes the administrator's parent company and any subsidiary of the parent company.

(1) No administrator shall sell any information concerning a person who holds a prescription drug discount card, other than aggregate information that does not identify the cardholder, without the cardholder's written consent.

(2) Unless an administrator has the cardholder's written consent, no administrator shall use any personally identifiable information that it obtains concerning a cardholder through the program to promote or sell a program or product offered by the administrator that is not related to the administration of the program. This subsection (b) does not prohibit an administrator from contacting cardholders concerning participation in or administration of the program, including, but not limited to, mailing a list of pharmacies participating in the program's network or participating in disease management programs.

(3) To the extent that a discount is achieved through rebates, administrative fees, or any other fees or discounts in prices that an administrator negotiates with drug manufacturers, an administrator shall use the rebates or discounts to do the following:

(A) reduce costs to cardholders;

(B) achieve discounts for cardholders; and

(C) cover any administrative costs of the program.

(4) The administrator shall not use any funds generated from rebates, discounts, administrative fees, or other fees to promote its mail order pharmacy operation or the mail order pharmacy operation of an affiliate.

(c) 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 established as a result of the rebate agreements under Section 30. The eligible seniors and disabled persons shall pay the price determined under Section 30 plus a dispensing fee of $3.50 per prescription for brand name drug products, single-source drug products, and, for a period of 6 months, newly-released generic drug products and $4.25 per prescription for all other generic drug products, except that the total amount paid by the eligible senior or disabled person for each prescription drug under this program shall not exceed the usual and customary charge for such prescription.

(d) The contract between the Department and a pharmacy benefits manager must, at a minimum, meet the criteria of subsection (a). The contract must also require notification by the pharmacy benefits manager of any proposed or ongoing activity that involves, directly or indirectly, any conflict of interest on the part of the pharmacy benefits manager. The Department shall ensure that the pharmacy benefits manager complies with the contract and shall adopt all procedures necessary to enforce the contract.

(e) The Department or program administrator shall, subject to the funds available under Section 30 of this Act, compensate authorized pharmacies for prescription drugs dispensed under the program for the difference between the amount paid by the eligible senior or disabled person for prescription drugs dispensed under the program and (i) the AWP minus 12% for brand name drug products, single-source generic drug products, and, for a period of 6 months, newly-released generic drug products and (ii) the AWP minus 35% for all other generic drug products. The Department shall compensate a pharmacy under this subsection (e) only if the amount paid by the eligible senior or disabled person has been discounted to a price, including the dispensing fees stated in subsection (c) of this Section, that is less than (i) the AWP minus 12% for brand name drug products, single-source generic drug products, and, for a period of 6 months, newly-released generic drug products and (ii) the AWP minus 35% for all other generic drug products.

(f) Beginning on January 1, 2004, the Department or program administrator shall reimburse pharmacies under this Section within 30 days after adjudication of the claim.

Section 30. Manufacturer rebate agreements.

(a) Taking into consideration the extent to which the State pays for prescription drugs under various State programs and the provision of assistance to disabled persons or eligible seniors under patient assistance programs, prescription drug discount programs, or other offers for free or reduced price medicine, clinical research projects, limited supply distribution programs, compassionate use programs, or programs of research conducted by or for a drug manufacturer, 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 Department or program administrator may establish a preferred drug list as a basis for determining the discounts, administrative fees, or other fees or rebates under this Section.

(b) Rebate payment procedures. All rebates negotiated under agreements described in this Section shall be paid in accordance with procedures prescribed by the Department or the program administrator.

(c) Receipts from rebates shall be used to provide discounts for prescription drugs purchased by eligible seniors and disabled persons and to cover the cost of administering the program, including compensation to be paid to participating pharmacies by the Department or program administrator under subsection (e) of Section 25. Any receipts to be allocated to the Department shall be deposited into the Senior Citizens and Disabled Persons Prescription Drug Discount Program Fund, a special fund hereby created in the State treasury.

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 moneys

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 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. The enrollment fee under this Act is not required for such persons. 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 and coordinating the program with other programs that provide payments for prescription drugs covered under the program.

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) 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.

(4) Specify how a resident may apply to participate in the program.

(5) Specify the circumstances under which the Director may require an administrator to modify its conduct of the program.

(6) Specify the duration of a contract.

(7) Require that an administrator permit any Illinois-licensed pharmacy willing to comply with the requirements of this Act and terms and conditions for participation in the program's network to participate in any network used by the administrator for its program.

(8) Permit an administrator to negotiate with one or more drug manufacturers for discounts in drug prices or rebates.

(9) Permit an administrator to receive any rebate payments from drug manufacturers.

(10) Permit an administrator to develop, administer, and promote a program of disease management pursuant to written agreements between the administrator and pharmacies participating under the program established by this Act.

Section 47. Limit on State's obligation for cost of administration. The State of Illinois is obligated for the cost of administering this program only to the extent of the amount of money collected as enrollment fees under Section 35 of this Act, rebates collected under Section 30 of this Act, and funds appropriated by the General Assembly for the purpose of 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. The report shall include but not be limited to the following:

(1) the number of disabled persons and seniors eligible and enrolled in the program, by county;

(2) the activities undertaken by the State to inform disabled persons and seniors about the program;

(3) the number of prescriptions filled under the program for enrollees, and the estimated savings for enrollees;

(4) a listing of the manufacturers and pharmacies participating in the program;

(5) the amount of enrollment fees and rebates collected under the program, and any additional funds or resources made available to cover the cost of the program;

(6) the itemized annual cost of administering the program; and

(7) findings and recommendations regarding problems and solutions related to the program, together with proposals for changes in the rules, regulations, or laws necessary to improve the administration of the program.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Obama, **Senate Bill No. 8** 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 8 by replacing everything after the enacting clause with the following:

"Section 5. 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; and~~.~~

(k) With approval of the State' 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 officer, is a party to the conversation and has consented to it being intercepted or recorded in the course of an investigation of a felony violation of the Illinois Controlled Substances Act or a felony violation of the Cannabis Control Act. In all such cases, an application for an order approving the previous use of an eavesdropping device must be made within 72 hours of the commencement of such use. In the absence of such an order, or upon its denial, any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil, or administrative, except when used as direct impeachment of a witness concerning matters contained in the interception or recording. 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. (Source: P.A. 91-357, eff. 7-29-99; 92-854, eff. 12-5-02.)

Section 10. The Code of Criminal Procedure of 1963 is amended by adding Section 108A-12 as follows:

(725 ILCS 5/108A-12 new)

Sec. 108A-12. Undercover narcotic investigation exception to procedures.

(a) With prior notification to and verbal approval of the State's Attorney of the county in which the conversation is anticipated to occur or his or her designee, recording or listening with the aid of an eavesdropping device to a conversation in which a law enforcement officer, or any person acting at the direction of a law enforcement officer, is a party to an undercover conversation and has consented to the conversation being intercepted or recorded in the course of an investigation of a felony violation of the Illinois Controlled Substances Act or a felony violation of the Cannabis Control Act. The use of an eavesdropping device under this Section shall be deemed necessary for the protection of the law enforcement officer or person acting at the direction of the law enforcement officer.

(b) In all such cases, any recording or evidence derived as the result of this exemption shall be inadmissible in any proceeding, criminal, civil, or administrative, unless an application for an order approving the previous or continuing use of an eavesdropping device is made within 72 hours of the commencement of such use and the order is approved. In the absence of an order approving use of the device, any continuing use shall immediately terminate. In order to approve such undercover use of an eavesdropping device during an investigation of a felony violation of the Illinois Controlled Substances Act or a felony violation of the Cannabis Control Act, the judge must make a determination that: (1) a law enforcement officer, or any person acting at the direction of a law enforcement officer has consented to an undercover conversation concerning a felony violation of the Illinois Controlled Substances Act or a felony violation of the Cannabis Control Act being intercepted or recorded and (2) the judge would have granted an order had the information been before the court prior to the use of the eavesdropping device. The manner and form of the application for such order shall be determined by the Attorney General.

(c) In the event that an application for approval under this Section is denied the contents of the conversation overheard or recorded shall be treated as having been obtained in violation of this Article.".

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 Walsh, **Senate Bill No. 10** 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. 3

AMENDMENT NO. 3. Amend Senate Bill 10, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The University of Illinois Act is amended by adding Section 25 as follows:

(110 ILCS 305/25 new)

Sec. 25. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 10. The Southern Illinois University Management Act is amended by adding Section 15 as follows:

(110 ILCS 520/15 new)

Sec. 15. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 15. The Chicago State University Law is amended by adding Section 5-120 as follows:

(110 ILCS 660/5-120 new)

Sec. 5-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 20. The Eastern Illinois University Law is amended by adding Section 10-120 as follows:

(110 ILCS 665/10-120 new)

Sec. 10-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 25. The Governors State University Law is amended by adding Section 15-120 as follows:

(110 ILCS 670/15-120 new)

Sec. 15-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 30. The Illinois State University Law is amended by adding Section 20-125 as follows:

(110 ILCS 675/20-125 new)

Sec. 20-125. Limitation on tuition increase. This Section applies only to those students who first

enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 35. The Northeastern Illinois University Law is amended by adding Section 25-120 as follows:

(110 ILCS 680/25-120 new)

Sec. 25-120. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 40. The Northern Illinois University Law is amended by adding Section 30-130 as follows:

(110 ILCS 685/30-130 new)

Sec. 30-130. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.

Section 45. The Western Illinois University Law is amended by adding Section 35-125 as follows:

(110 ILCS 690/35-125 new)

Sec. 35-125. Limitation on tuition increase. This Section applies only to those students who first enroll after the 2003-2004 academic year. For 4 continuous academic years following initial enrollment (or for undergraduate programs that require more than 4 years to complete, for the normal time to complete the program, as determined by the University), the tuition charged an undergraduate student who is an Illinois resident shall not exceed the amount that the student was charged at the time he or she first enrolled in the University. However, if the student changes majors during this time period, the tuition charged the student shall equal the amount the student would have been charged had he or she been admitted to the changed major when he or she first enrolled.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Obama, **Senate Bill No. 30** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 30, AS AMENDED, in Section 15, Sec. 11-212, by replacing subsection (c) with the following:

"(c) The Illinois Department of Transportation shall provide a standardized law enforcement data compilation form on its website.

(d) Every law enforcement agency shall, by March 1 in each of the years 2004, 2005, 2006, and 2007, compile the data described in subsections (a) and (b) on the standardized law enforcement data compilation form provided by the Illinois Department of Transportation and transmit the data to the Department."; and

in Section 15, Sec. 11-212, by redesignating subsection (d) as subsection (e); and

in Section 15, Sec. 11-212, in redesignated subsection (e), in the sentence beginning "The Illinois

Department of Transportation shall analyze", by changing "March" to "July"; and
in Section 15, Sec. 11-212, by redesignating subsection (e) as subsection (f); and
in Section 15, Sec. 11-212, by replacing subsection (f) with the following:

"(g) Funding to implement this Section shall come from federal highway safety funds available to Illinois, as directed by the Governor.

(h) The Illinois Department of Transportation, in consultation with law enforcement agencies, officials, and organizations, including Illinois chiefs of police, the Department of State Police, the Illinois Sheriffs Association, and the Chicago Police Department, and community groups and other experts, shall undertake a study to determine the best use of technology to collect, compile, and analyze the traffic stop statistical study data required by this Section. The Department shall report its findings and recommendations to the Governor and the General Assembly by March 1, 2004.".

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.

On motion of Senator Cullerton, **Senate Bill No. 52** 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 52 by replacing everything after the enacting clause with the following:

"Section 5. The Child Passenger Protection Act is amended by changing Sections 2, 4, 4a, 4b, and 5 as follows:

(625 ILCS 25/2) (from Ch. 95 1/2, par. 1102)

Sec. 2. Legislative Finding - Purpose. The General Assembly finds that a substantial number of passengers under the age of 8 6 years riding in motor vehicles, which are most frequently operated by a parent, annually die or sustain serious physical injury as a direct result of not being placed in an appropriate a child passenger restraint system. Motor vehicle crashes are the leading cause of death for children of every age from 4 to 14 years old. The General Assembly further finds that the safety of the motoring public is seriously threatened as indicated by the significant number of traffic accidents annually caused, directly or indirectly, by driver distraction or other impairment of driving ability induced by the movement or actions of unrestrained passengers under the age of 8 6 years.

It is the purpose of this Act to further protect the health, safety and welfare of motor vehicle passengers under the age of 8 6 years and the motoring public through the proper utilization of approved child restraint systems. (Source: P.A. 83-8.)

(625 ILCS 25/4) (from Ch. 95 1/2, par. 1104)

Sec. 4. When any person is transporting a child in this State under the age of 8 4 years in a non-commercial motor vehicle of the first division, a motor vehicle of the second division with a gross vehicle weight rating of 9,000 pounds or less, or a recreational vehicle on the roadways, streets or highways of this State, such person shall be responsible for providing for the protection of such child by properly securing him or her in an appropriate a child restraint system. The parent or legal guardian of a child under the age of 8 4 years shall provide a child restraint system to any person who transports his or her child. Any person who transports the child of another shall not be in violation of this Section unless a child restraint system was provided by the parent or legal guardian but not used to transport the child.

For purposes of this Section and Section 4b 4a, "child restraint system" means any device which meets the standards of the United States Department of Transportation designed to restrain, seat or position children, which also includes a booster seat.

A child weighing more than 40 pounds may be transported in the back seat of a motor vehicle while wearing only a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt. (Source: P.A. 88-17.)

(625 ILCS 25/4a) (from Ch. 95 1/2, par. 1104a)

Sec. 4a. Every person, when transporting a child 8 4 years of age or older but under the age of 16, as provided in Section 4 of this Act, shall be responsible for properly securing that child in either a child restraint system or seat belts. (Source: P.A. 92-171, eff. 1-1-02.)

(625 ILCS 25/4b)

Sec. 4b. Children 8 6 years of age or older but under the age of 18; seat belts. Every person under

the age of 18 years, when transporting a child 8 ~~6~~ years of age or older but under the age of 18 years, as provided in Section 4 of this Act, shall be responsible for securing that child in a properly adjusted and fastened seat safety belt or an appropriate child restraint system. (Source: P.A. 90-369, eff. 1-1-98.)

(625 ILCS 25/5) (from Ch. 95 1/2, par. 1105)

Sec. 5. In no event shall a person's failure to secure a child under 8 ~~6~~ years of age in an approved child restraint system ~~or properly secure such child, if age 4 or 5, in a seat belt~~ constitute contributory negligence or be admissible as evidence in the trial of any civil action. (Source: P.A. 86-1241.)".

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. 73** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 4 was tabled in the Committee on Labor and Commerce.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend Senate Bill 73, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 3, on page 3, by replacing lines 2 through 6 with the following:
"substantially similar to and in lieu of services that are being provided by regular employees of an agency upon or after the effective date of this Act and that result in the reduction in force of at least one permanent, classified employee. Notwithstanding any provision of this Act to the contrary, any agreement entered into prior to the effective date of this Act, including any amendments or renewals of those agreements, shall not be considered a privatization contract. This Act shall not apply to contracts if any of the"; and
on page 4, by replacing lines 9 through 10 with the following:

"(10) The contract is for highway, structure, airport, or transit construction or for building and structure construction;

(11) The contract or grant includes the purchase of care, as defined in the Illinois Procurement Code, and facilities licensed under the Nursing Home Care Act of 1971;

(12) There is a conflict of interest; or

(13) The agreement was entered into prior to the"; and

by replacing lines 10 through 34 on page 5 and lines 1 through 21 on page 6 with the following:
"standard of quality of the subject services. This statement shall be a public record, shall be filed in the agency, and shall be published in the State register.

(c) For each position in which a contractor will employ"; and

on page 7, by replacing lines 1 through 3 with the following:

"(d) No amendment to a privatization contract shall be"; and

on page 7, line 6, by replacing "(g)" with "(e)"; and
on page 7, line 16, by replacing "(h)" with "(f)"; and
on page 9, by replacing line 21 with the following:

"(c) The agency"."

The motion prevailed.

And the amendment was adopted.

Floor Amendment No. 6 was referred to the Committee on Rules earlier today.

There being no further amendments, the foregoing Amendment No. 5 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator del Valle, **Senate Bill No. 84** 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 84 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 24-6 as follows:

(105 ILCS 5/24-6) (from Ch. 122, par. 24-6)

Sec. 24-6. Sick leave. The school boards of all school districts, including special charter districts, but not including school districts in municipalities of 500,000 or more, shall grant their full-time teachers, and also shall grant such of their other employees as are eligible to participate in the Illinois Municipal Retirement Fund under the "600-Hour Standard" established, or under such other eligibility participation standard as may from time to time be established, by rules and regulations now or hereafter promulgated by the Board of that Fund under Section 7-198 of the Illinois Pension Code, as now or hereafter amended, sick leave provisions not less in amount than 10 days at full pay in each school year. If any such teacher or employee does not use the full amount of annual leave thus allowed, the unused amount shall be allowed to accumulate to a minimum available leave of 350 ~~180~~ days at full pay, in addition to ~~including~~ the leave of the current year. Sick leave shall be interpreted to mean personal illness, quarantine at home, or serious illness or death in the immediate family or household. The school board may require a physician's certificate, or if the treatment is by prayer or spiritual means, that of a spiritual adviser or practitioner of such person's faith, as a basis for pay during leave after an absence of 3 days for personal illness, or as it may deem necessary in other cases. If the school board does require a physician's certificate or a certificate from a spiritual healer as a basis for pay during leave of less than 3 days, the school board shall pay, from school funds, the expenses incurred by the teachers or other employees in obtaining the certificate.

If, by reason of any change in the boundaries of school districts, or by reason of the creation of a new school district, the employment of a teacher is transferred to a new or different board, the accumulated sick leave of such teacher is not thereby lost, but is transferred to such new or different district.

For purposes of this Section, "immediate family" shall include parents, spouse, brothers, sisters, children, grandparents, grandchildren, parents-in-law, brothers-in-law, sisters-in-law, and legal guardians. (Source: P.A. 86-838.)

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

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

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. 89** 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 89 by replacing everything after the enacting clause with the following:

"Section 5. The Board of Higher Education Act is amended by changing Section 8 as follows:

(110 ILCS 205/8) (from Ch. 144, par. 188)

Sec. 8. Budget proposals. The Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, and the Illinois Community College Board shall submit to the Board not later than the 15th day of November of each year its budget proposals for the operation and capital needs of the institutions under its governance or supervision for the ensuing fiscal year. Each budget proposal shall conform to the procedures developed by the Board in the design of an information system for State universities and colleges.

In order to maintain a cohesive system of higher education, the Board and its staff shall communicate on a regular basis with all public university presidents. They shall meet at least semiannually to achieve economies of scale where possible and provide the most innovative and efficient programs and services.

The Board, in the analysis of formulating the annual budget request, shall consider rates of tuition and fees at the state universities and colleges. The Board shall also consider the current and projected utilization of the total physical plant of each campus of a university or college in approving the capital

budget for any new building or facility.

The Board of Higher Education shall submit to the Governor, to the General Assembly, and to the appropriate budget agencies of the Governor and General Assembly its analysis and recommendations on such budget proposals.

Each state supported institution within the application of this Act must submit its plan for capital improvements of non-instructional facilities to the Board for approval before final commitments are made. Non-instructional uses shall include but not be limited to dormitories, union buildings, field houses, stadium, other recreational facilities and parking lots. The Board shall determine whether or not any project submitted for approval is consistent with the master plan for higher education and with instructional buildings that are provided for therein. If the project is found by a majority of the Board not to be consistent, such capital improvement shall not be constructed. (Source: P.A. 89-4, eff. 1-1-96.)".

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 Watson, **Senate Bill No. 96** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 96 by replacing everything after the enacting clause with the following:

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

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

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

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

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

(2) under the influence of alcohol;

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

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

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

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

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

(c) Except as provided under paragraphs (c-3), (c-4), and (d) of this Section, every person convicted of violating this Section or a similar provision of a local ordinance, shall be guilty of a Class A misdemeanor and, in addition to any other criminal or administrative action, for any second conviction of violating this Section or a similar provision of a law of another state or local ordinance committed within 5 years of a previous violation of this Section or a similar provision of a local ordinance shall be mandatorily sentenced to a minimum of 5 days of imprisonment or assigned to a minimum of 30 days of community service as may be determined by the court. Every person convicted of violating this Section or a similar provision of a local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional mandatory 5 days of community service in a program benefiting children if the person committed a violation of paragraph (a) or a similar provision of a local ordinance while transporting a person under age 16. Every person convicted a second time for violating this Section or a similar provision of a local ordinance within 5 years of a previous violation of this Section or a similar provision of a law of another state or local ordinance shall be subject to an additional mandatory minimum fine of $500 and an additional 10 days of mandatory community service in a program

benefiting children if the current offense was committed while transporting a person under age 16. The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

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

(2) A person who violates this Section a third time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 3 felony.

(3) A person who violates this Section a fourth or subsequent time during a period in which his or her driving privileges are revoked or suspended where the revocation or suspension was for a violation of this Section, Section 11-501.1, paragraph (b) of Section 11-401, or Section 9-3 of the Criminal Code of 1961 is guilty of a Class 2 felony.

(c-2) (Blank).

(c-3) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under age 16 in the vehicle at the time of the offense shall have his or her punishment under this Act enhanced by 2 days of imprisonment for a first offense, 10 days of imprisonment for a second offense, 30 days of imprisonment for a third offense, and 90 days of imprisonment for a fourth or subsequent offense, in addition to the fine and community service required under subsection (c) and the possible imprisonment required under subsection (d). The imprisonment or assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the sentence or assignment.

(c-4) When a person is convicted of violating Section 11-501 of this Code or a similar provision of a local ordinance, the following penalties apply when his or her blood, breath, or urine was .16 or more based on the definition of blood, breath, or urine units in Section 11-501.2 or when that person is convicted of violating this Section while transporting a child under the age of 16:

(1) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a first time, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 100 hours of community service and a minimum fine of $500.

(2) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a second time within 10 years, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 2 days of imprisonment and a minimum fine of $1,250.

(3) A person who is convicted of violating subsection (a) of Section 11-501 of this Code a third time within 20 years is guilty of a Class 4 felony and, in addition to any other penalty that may be imposed under subsection (c), is subject to a mandatory minimum of 90 days of imprisonment and a minimum fine of $2,500.

(4) A person who is convicted of violating this subsection (c-4) a fourth or subsequent time is guilty of a Class 2 felony and, in addition to any other penalty that may be imposed under subsection (c), is not eligible for a sentence of probation or conditional discharge and is subject to a minimum fine of $2,500.

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

(A) the person committed a violation of this Section, or a similar provision of a law of another state or a local ordinance when the cause of action is the same as or substantially similar to this Section, for the third or subsequent time;

(B) the person committed a violation of paragraph (a) while driving a school bus with children on board;

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

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

(E) the person, in committing a violation of paragraph (a) while driving at any speed in a

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

(F) the person, in committing a violation of paragraph (a), was involved in a motor vehicle accident that resulted in the death of another person, when the violation of paragraph (a) was a proximate cause of the death.

(2) Except as provided in this paragraph (2), aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof is a Class 4 felony. For a violation of subparagraph (C) of paragraph (1) of this subsection (d), the defendant, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years. Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of this subsection (d) is a Class 2 felony, for which the defendant shall be sentenced to: (A) a mandatory term of imprisonment of not less than 3 years and not more than 13 years if the violation resulted in the death of one person; or (B) a mandatory term of imprisonment of not less than 6 years and not more than 26 years if the violation resulted in the deaths of 2 or more persons. For any prosecution under this subsection (d), a certified copy of the driving abstract of the defendant shall be admitted as proof of any prior conviction.

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

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

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

(h) Every person sentenced under paragraph (2) or (3) of subsection (c-1) of this Section or subsection (d) of this Section and who receives a term of probation or conditional discharge shall be required to serve a minimum term of either 60 days community service or 10 days of imprisonment as a condition of the probation or conditional discharge. This mandatory minimum term of imprisonment or assignment of community service shall not be suspended and shall not be subject to reduction by the court.

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

(j) In addition to any other penalties and liabilities, a person who is found guilty of or pleads guilty to violating this Section, including any person placed on court supervision for violating this Section, shall be fined $100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. If the person has been previously convicted of violating this Section or a similar provision of a local ordinance, the fine shall be $200. In the event that more than one agency is responsible for the arrest, the $100 or $200 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (j) shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. This shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers. Any moneys received by the Department of State Police under this subsection (j) shall be deposited into the State Police DUI Fund and shall be used to purchase law enforcement equipment that will assist in the prevention of alcohol related criminal violence throughout the State. (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 96, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 2, on page 6, by replacing line 31 with the following:
"defendant, if sentenced to a term of imprisonment, shall be sentenced to: (A) a term of"; and
on page 6, line 34, deleting "mandatory".

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

"Section 5. The Medical Practice Act of 1987 is amended by adding Section 7.5 as follows:

(225 ILCS 60/7.5 new) (Section scheduled to be repealed on January 1, 2007)

Sec. 7.5. Complaint Committee.

(a) There shall be a Complaint Committee of the Disciplinary Board composed of at least one of the medical coordinators established by subsection (g) of Section 7 of this Act, The Chief of Medical Investigations (person employed by the Department who is in charge of investigating complaints against physicians and physician assistants), and at least 3 voting members of the Disciplinary Board (at least 2 of whom shall be physicians) designated by the Chairman of the Medical Disciplinary Board with the approval of the Disciplinary Board. The Disciplinary Board members so appointed shall serve one-year terms and may be eligible for reappointment for subsequent terms.

(b) The Complaint Committee shall meet at least twice a month to exercise its functions and duties set forth in subsection (c) below. At least 2 members of the Disciplinary Board shall be in attendance in order for any business to be transacted by the Complaint Committee. The Complaint Committee shall make every effort to consider expeditiously and take prompt action on each item on its agenda.

(c) The Complaint Committee shall have the following duties and functions:

(1) To recommend to the Disciplinary Board that a complaint file be closed.

(2) To refer a complaint file to the office of the Chief of Medical Prosecutions (person employed by the Department who is in charge of prosecuting formal complaints against licensees) for review.

(3) To make a decision in conjunction with the Chief of Medical Prosecutions regarding action to be taken on a complaint file, including whether to proceed with an informal conference or a formal hearing.

(d) In determining what action to take or whether to proceed with prosecution of a complaint, the Complaint Committee shall consider, but not be limited to, the following factors: sufficiency of the evidence presented, prosecutorial merit under Section 22 of this Act, and insufficient cooperation from complaining parties.".

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 Woolard, **Senate Bill No. 142** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 142 on page 1, by replacing lines 7 through 11 with the following:

"Sec. 4-2.1. Reflective material required.

(a) Any watercraft requiring numbering by this State must be equipped with reflective material, such as reflective tape, at least one inch wide, on each side of the watercraft, and visible when the watercraft is in the water.

(b) The Department shall adopt rules for implementing this Section.".

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. 150** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 150 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-104 and 6-508 as follows:

(625 ILCS 5/6-104) (from Ch. 95 1/2, par. 6-104)

Sec. 6-104. Classification of Driver - Special Restrictions. (a) A driver's license issued under the authority of this Act shall indicate the classification for which the applicant therefor has qualified by examination or by such other means that the Secretary of State shall prescribe. Driver's license classifications shall be prescribed by rule or regulation promulgated by the Secretary of State and such may specify classifications as to operation of motor vehicles of the first division, or of those of the second division, whether operated singly or in lawful combination, and whether for-hire or not-for-hire, and may specify such other classifications as the Secretary deems necessary.

No person shall operate a motor vehicle unless such person has a valid license with a proper classification to permit the operation of such vehicle, except that any person may operate a motorized pedalcycle if such person has a valid current Illinois driver's license, regardless of classification.

(b) No person who is under the age of 21 years or has had less than 1 year of driving experience shall drive: (1) in connection with the operation of any school, day camp, summer camp, or nursery school, any public or private motor vehicle for transporting children to or from any school, day camp, summer camp, or nursery school, or (2) any motor vehicle of the second division when in use for the transportation of persons for compensation.

(c) No person who is under the age of 18 years shall be issued a license for the purpose of transporting property for hire, or for the purpose of transporting persons for compensation in a motor vehicle of the first division.

(d) No person shall drive: (1) a school bus when transporting school children unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; or (2) any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, where such vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as a student in grade 12 or below, in connection with any activity of the entities unless such person possesses a valid school bus driver permit.

(d-5) No person may drive a bus that does not meet the special requirements for school buses provided in Sections 12-801, 12-802, 12-803, and 12-805 of this Code that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid and properly classified commercial driver's license, as provided in subsection (c-1) of Section 6-508 of this Code, or a valid school bus driver permit in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers.

(e) No person shall drive a religious organization bus unless such person has a valid and properly

classified drivers license or a valid school bus driver permit.

(f) No person shall drive a motor vehicle for the purpose of providing transportation for the elderly in connection with the activities of any public or private organization unless such person has a valid and properly classified driver's license issued by the Secretary of State.

(g) No person shall drive a bus which meets the special requirements for school buses provided in Section 12-801, 12-802, 12-803 and 12-805 of this Code for the purpose of transporting persons 18 years of age or less in connection with any youth camp licensed under the Youth Camp Act or any child care facility licensed under the Child Care Act of 1969 unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; however, a person who has a valid and properly classified driver's license issued by the Secretary of State may operate a school bus for the purpose of transporting persons 18 years of age or less in connection with any such youth camp or child care facility if the "SCHOOL BUS" signs are covered or concealed and the stop signal arm and flashing signal systems are not operable through normal controls. (Source: P.A. 92-849, eff. 1-1-03.)

(625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

Sec. 6-508. Commercial Driver's License (CDL) - qualification standards. (a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State. The Secretary shall cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 C.F.R. Part 383, subparts G and H.

(2) Third party testing. The Secretary of state may authorize a "third party tester", pursuant to 49 C.F.R. Part 383.75, to administer the skills test or tests specified by Federal Highway Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule.

(b) Waiver of Skills Test. The Secretary of State may waive the skills test specified in this Section for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77.

(c) Limitations on issuance of a CDL. A CDL, or a commercial driver instruction permit, shall not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or unless otherwise permitted by this Code, while the person's driver's license is suspended, revoked or cancelled in any state, or any territory or province of Canada; nor may a CDL be issued to a person who has a CDL issued by any other state, or foreign jurisdiction, unless the person first surrenders all such licenses. No CDL shall be issued to or renewed for a person who does not meet the requirement of 49 CFR 391.41(b)(11). The requirement may be met with the aid of a hearing aid.

(c-1) The Secretary may issue a CDL with a school bus driver endorsement to allow a person to drive the type of bus described in subsection (d-5) of Section 6-104 of this Code. The CDL with a school bus driver endorsement may be issued only to a person meeting the following requirements:

(1) the person has submitted his or her fingerprints to the Department of State Police for fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system;

(2) the person has passed a written test, administered by the Secretary of State, on charter bus operation, charter bus safety, and certain special traffic laws relating to school buses determined by the Secretary of State to be relevant to charter buses, and submitted to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;

(3) the person has demonstrated physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use; and

(4) the person has not been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (v) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act and (vi) those offenses defined in Section 6-16 of the Liquor Control Act of 1934.

(c-2) The Secretary may issue a school bus driver certificate to a person who possesses a CDL issued

by another state and has demonstrated that he or she has met substantially equivalent requirements established by the Secretary for a school bus driver endorsement. The Secretary shall establish and maintain a registry of persons who have met the requirements of this subsection (c-2).

The Secretary shall adopt rules for implementing this subsection (c-2).

(d) Commercial driver instruction permit. A commercial driver instruction permit may be issued to any person holding a valid Illinois driver's license if such person successfully passes such tests as the Secretary determines to be necessary. A commercial driver instruction permit shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a commercial driver instruction permit for a person who possesses a commercial instruction permit prior to the effective date of this amendatory Act of 1999. (Source: P.A. 91-350, eff. 7-29-99.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 150 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 10-20.21a as follows:

(105 ILCS 5/10-20-21a new)

Sec. 10-20.21a. Contracts for charter bus services. To award contracts for providing charter bus services for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities.

All contracts for providing charter bus services for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities must contain clause (A) as set forth below, except that a contract with an out-of-state company may contain clause (B), as set forth below, or clause (A). The clause must be set forth in the body of the contract in typeface of at least 12 points and all upper case letters:

(A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO A STATE POLICE AGENCY AND THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL BACKGROUND CHECK, RESULTING IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 OF THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

(B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY SERVICES ARE PROVIDED:

(1) SUBMITTED THEIR FINGERPRINTS TO A STATE POLICE AGENCY AND THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL BACKGROUND CHECK, RESULTING IN A DETERMINATION THAT THEY HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES SET FORTH IN SUBDIVISION (C-1)(4) OF SECTION 6-508 THE ILLINOIS VEHICLE CODE; AND

(2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION, INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY AGENCY."

Section 10. The Illinois Vehicle Code is amended by changing Sections 6-104 and 6-508 as follows:

(625 ILCS 5/6-104) (from Ch. 95 1/2, par. 6-104)

Sec. 6-104. Classification of Driver - Special Restrictions. (a) A driver's license issued under the authority of this Act shall indicate the classification for which the applicant therefor has qualified by examination or by such other means that the Secretary of State shall prescribe. Driver's license classifications shall be prescribed by rule or regulation promulgated by the Secretary of State and such may specify classifications as to operation of motor vehicles of the first division, or of those of the second division, whether operated singly or in lawful combination, and whether for-hire or not-for-hire, and may specify such other classifications as the Secretary deems necessary.

No person shall operate a motor vehicle unless such person has a valid license with a proper

classification to permit the operation of such vehicle, except that any person may operate a motorized pedalcycle if such person has a valid current Illinois driver's license, regardless of classification.

(b) No person who is under the age of 21 years or has had less than 1 year of driving experience shall drive: (1) in connection with the operation of any school, day camp, summer camp, or nursery school, any public or private motor vehicle for transporting children to or from any school, day camp, summer camp, or nursery school, or (2) any motor vehicle of the second division when in use for the transportation of persons for compensation.

(c) No person who is under the age of 18 years shall be issued a license for the purpose of transporting property for hire, or for the purpose of transporting persons for compensation in a motor vehicle of the first division.

(d) No person shall drive: (1) a school bus when transporting school children unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; or (2) any other vehicle owned or operated by or for a public or private school, or a school operated by a religious institution, where such vehicle is being used over a regularly scheduled route for the transportation of persons enrolled as a student in grade 12 or below, in connection with any activity of the entities unless such person possesses a valid school bus driver permit.

(d-5) No person may drive a bus that does not meet the special requirements for school buses provided in Sections 12-801, 12-802, 12-803, and 12-805 of this Code that has been chartered for the sole purpose of transporting students regularly enrolled in grade 12 or below to or from interscholastic athletic or interscholastic or school sponsored activities unless the person has a valid and properly classified commercial driver's license as provided in subsection (c-1) of Section 6-508 of this Code ~~school bus driver permit~~ in addition to any other permit or license that is required to operate that bus. This subsection (d-5) does not apply to any bus driver employed by a public transportation provider authorized to conduct local or interurban transportation of passengers when the bus is not traveling a specific school bus route but is on a regularly scheduled route for the transporting of other fare paying passengers.

A person may operate a chartered bus described in this subsection (d-5) if he or she is not disqualified from driving a chartered bus of that type and if he or she holds a CDL which is:

(1) issued to him or her by any other state or jurisdiction in accordance with 49 CFR 383;

(2) not suspended, revoked, or canceled; and

(3) valid under 49 CFR 383, subpart F, for the type of vehicle being driven.

(e) No person shall drive a religious organization bus unless such person has a valid and properly classified drivers license or a valid school bus driver permit.

(f) No person shall drive a motor vehicle for the purpose of providing transportation for the elderly in connection with the activities of any public or private organization unless such person has a valid and properly classified driver's license issued by the Secretary of State.

(g) No person shall drive a bus which meets the special requirements for school buses provided in Section 12-801, 12-802, 12-803 and 12-805 of this Code for the purpose of transporting persons 18 years of age or less in connection with any youth camp licensed under the Youth Camp Act or any child care facility licensed under the Child Care Act of 1969 unless such person possesses a valid school bus driver permit or is accompanied and supervised, for the specific purpose of training prior to routine operation of a school bus, by a person who has held a valid school bus driver permit for at least one year; however, a person who has a valid and properly classified driver's license issued by the Secretary of State may operate a school bus for the purpose of transporting persons 18 years of age or less in connection with any such youth camp or child care facility if the "SCHOOL BUS" signs are covered or concealed and the stop signal arm and flashing signal systems are not operable through normal controls. (Source: P.A. 92-849, eff. 1-1-03.)

(625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

Sec. 6-508. Commercial Driver's License (CDL) - qualification standards. (a) Testing.

(1) General. No person shall be issued an original or renewal CDL unless that person is domiciled in this State. The Secretary shall cause to be administered such tests as the Secretary deems necessary to meet the requirements of 49 C.F.R. Part 383, subparts G and H.

(2) Third party testing. The Secretary of state may authorize a "third party tester", pursuant to 49 C.F.R. Part 383.75, to administer the skills test or tests specified by Federal Highway Administration pursuant to the Commercial Motor Vehicle Safety Act of 1986 and any appropriate federal rule.

(b) Waiver of Skills Test. The Secretary of State may waive the skills test specified in this Section for a commercial driver license applicant who meets the requirements of 49 C.F.R. Part 383.77.

(c) Limitations on issuance of a CDL. A CDL, or a commercial driver instruction permit, shall not be

issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or unless otherwise permitted by this Code, while the person's driver's license is suspended, revoked or cancelled in any state, or any territory or province of Canada; nor may a CDL be issued to a person who has a CDL issued by any other state, or foreign jurisdiction, unless the person first surrenders all such licenses. No CDL shall be issued to or renewed for a person who does not meet the requirement of 49 CFR 391.41(b)(11). The requirement may be met with the aid of a hearing aid.

(c-1) The Secretary may issue a CDL with a school bus driver endorsement to allow a person to drive the type of bus described in subsection (d-5) of Section 6-104 of this Code. The CDL with a school bus driver endorsement may be issued only to a person meeting the following requirements:

(1) the person has submitted his or her fingerprints to the Department of State Police for fingerprint based criminal background checks on current and future information available in the state system and current information available through the Federal Bureau of Investigation's system;

(2) the person has passed a written test, administered by the Secretary of State, on charter bus operation, charter bus safety, and certain special traffic laws relating to school buses determined by the Secretary of State to be relevant to charter buses, and submitted to a review of the applicant's driving habits by the Secretary of State at the time the written test is given;

(3) the person has demonstrated physical fitness to operate school buses by submitting the results of a medical examination, including tests for drug use; and

(4) the person has not been convicted of committing or attempting to commit any one or more of the following offenses: (i) those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and subsection (b), clause (1), of Section 12-4 of the Criminal Code of 1961; (ii) those offenses defined in the Cannabis Control Act except those offenses defined in subsections (a) and (b) of Section 4, and subsection (a) of Section 5 of the Cannabis Control Act; (iii) those offenses defined in the Illinois Controlled Substances Act; (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State would be punishable as one or more of the foregoing offenses; (v) the offenses defined in Sections 4.1 and 5.1 of the Wrongs to Children Act and (vi) those offenses defined in Section 6-16 of the Liquor Control Act of 1934.

(d) Commercial driver instruction permit. A commercial driver instruction permit may be issued to any person holding a valid Illinois driver's license if such person successfully passes such tests as the Secretary determines to be necessary. A commercial driver instruction permit shall not be issued to a person who does not meet the requirements of 49 CFR 391.41 (b)(11), except for the renewal of a commercial driver instruction permit for a person who possesses a commercial instruction permit prior to the effective date of this amendatory Act of 1999. (Source: P.A. 91-350, eff. 7-29-99.)".

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 Cullerton, **Senate Bill No. 173** 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 173 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-306.5, 11-208, 11-208.3, and 11-306 and adding Section 11-208.5 as follows:

(625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

Sec. 6-306.5. Failure to pay fine or penalty for standing, parking, ~~or~~ compliance, or automated traffic law violations; suspension of driving privileges.

(a) Upon receipt of a certified report, as prescribed by subsection (c) of this Section, from any municipality stating that the owner of a registered vehicle has: (1) failed to pay any fine or penalty due and owing as a result of 10 or more violations of a municipality's vehicular standing, parking, or

compliance regulations established by ordinance pursuant to Section 11-208.3 of this Code, or (2) failed to pay any fine or penalty due and owing as a result of 5 offenses for automated traffic violations as defined in Section 11-208.5, the Secretary of State shall suspend the driving privileges of such person in accordance with the procedures set forth in this Section. The Secretary shall also suspend the driving privileges of an owner of a registered vehicle upon receipt of a certified report, as prescribed by subsection (f) of this Section, from any municipality stating that such person has failed to satisfy any fines or penalties imposed by final judgments for 5 or more automated traffic law violations or 10 or more violations of local standing, parking, or compliance regulations after exhaustion of judicial review procedures.

(b) Following receipt of the certified report of the municipality as specified in this Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's drivers license will be suspended at the end of a specified period of time unless the Secretary of State is presented with a notice from the municipality certifying that the fine or penalty due and owing the municipality has been paid or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the municipality's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code.

(c) The report of the appropriate municipal official notifying the Secretary of State of unpaid fines or penalties pursuant to this Section shall be certified and shall contain the following:

(1) The name, last known address and drivers license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in this State.

(2) The name of the municipality making the report pursuant to this Section.

(3) A statement that the municipality sent a notice of impending drivers license suspension as prescribed by ordinance enacted pursuant to Section 11-208.3, to the person named in the report at the address recorded with the Secretary of State; the date on which such notice was sent; and the address to which such notice was sent. In a municipality with a population of 1,000,000 or more, the report shall also include a statement that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(d) Any municipality making a certified report to the Secretary of State pursuant to this Section shall notify the Secretary of State, in a form prescribed by the Secretary, whenever a person named in the certified report has paid the previously reported fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the municipality's notification or presentation of a certified copy of such notification, the Secretary of State shall terminate the suspension.

(e) Any municipality making a certified report to the Secretary of State pursuant to this Section shall also by ordinance establish procedures for persons to challenge the accuracy of the certified report. The ordinance shall also state the grounds for such a challenge, which may be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving 10 or more standing, parking, or compliance violation notices or 5 or more automated traffic law violation notices on the date or dates such notices were issued; and (2) the person having already paid the fine or penalty for the 10 or more standing, parking, or compliance violations or 5 or more automated traffic law violations indicated on the certified report.

(f) Any municipality, other than a municipality establishing vehicular standing, parking, and compliance regulations pursuant to Section 11-208.3 or automated traffic law regulations under Section 11-208.5, may also cause a suspension of a person's drivers license pursuant to this Section. Such municipality may invoke this sanction by making a certified report to the Secretary of State upon a person's failure to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations or 5 or more automated traffic law violations after exhaustion of judicial review procedures, but only if:

(1) the municipality complies with the provisions of this Section in all respects except in regard to enacting an ordinance pursuant to Section 11-208.3;

(2) the municipality has sent a notice of impending drivers license suspension as prescribed by an ordinance enacted pursuant to subsection (g) of this Section; and

(3) in municipalities with a population of 1,000,000 or more, the municipality has verified that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(g) Any municipality, other than a municipality establishing standing, parking, and compliance

regulations pursuant to Section 11-208.3 or automated traffic law regulations under Section 11-208.5, may provide by ordinance for the sending of a notice of impending drivers license suspension to the person who has failed to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations or 5 or more automated traffic law violations after exhaustion of judicial review procedures. An ordinance so providing shall specify that the notice sent to the person liable for any fine or penalty shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person's drivers license is eligible for suspension pursuant to this Section. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.

(h) An administrative hearing to contest an impending suspension or a suspension made pursuant to this Section may be had upon filing a written request with the Secretary of State. The filing fee for this hearing shall be $20, to be paid at the time the request is made. A municipality which files a certified report with the Secretary of State pursuant to this Section shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of the report, including but not limited to the costs of providing the notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from such a hearing.

(i) The provisions of this Section shall apply on and after January 1, 1988.

(j) For purposes of this Section, the term "compliance violation" is defined as in Section 11-208.3.
(Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98; 90-481, eff. 8-17-97.)

(625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

Sec. 11-208. Powers of local authorities. (a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Section 11-1306 of this Act;
2. Regulating traffic by means of police officers or traffic control signals;
3. Regulating or prohibiting processions or assemblages on the highways;
4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;
5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604;
6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;
7. Restricting the use of highways as authorized in Chapter 15;
8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;
9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;
10. Altering the speed limits as authorized in Section 11-604;
11. Prohibiting U-turns;
12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;
13. Prohibiting parking during snow removal operation;
14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or disabled veterans by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or for a person with disabilities or disabled veteran;
15. Adopting such other traffic regulations as are specifically authorized by this Code; or
16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code or a similar local ordinance.

(b) No ordinance or regulation enacted under subsections 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality or county may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or similar provisions of a local ordinance.
(Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97; 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles and automated traffic law violations.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection, and automated traffic law violations as defined in Section 11-208.5. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of automated traffic law violations and violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of $250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking, ~~and~~ compliance, and automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, ~~or~~ compliance, or automated traffic law violation notice that shall specify the date, time, and place of violation of a parking, standing, ~~or~~ compliance, or automated traffic law regulation; the particular regulation violated; the fine and any penalty that may be assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present and service of an automated traffic law violation notice by mail to the address of the registered owner of the cited vehicle as recorded with the Secretary of State within 30 days after the violation. A person authorized by ordinance to issue and serve parking, standing, ~~and~~ compliance, or automated traffic law violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device

while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a signed statement by a technician employed by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation Section 11-208.5. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, ~~or~~ compliance, or automated traffic law violation notice issued, signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, ~~or~~ compliance, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of violation. This notice shall specify the date and location of the violation cited in the parking, standing, ~~or~~ compliance, or automated traffic law violation notice, the particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the municipality within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this Section, or may result in suspension of the person's drivers license for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5 or 5 more automated traffic law violations under Section 11-208.5.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations or 5 or more unpaid automated traffic law violations. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded

with the Secretary of State.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability that may be filed by a person owing an unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. After the determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, ~~and~~ compliance, and automated traffic law regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed $250.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, ~~and~~ compliance, and automated traffic law regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of parking, standing, ~~or~~ compliance, or automated traffic law violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, ~~or~~ compliance, or automated traffic law violation liability listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without payment of the outstanding fines and penalties on parking, standing, ~~or~~ compliance, or automated traffic law violations for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, ~~and~~ compliance, and automated traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a standing, parking, ~~or~~ compliance, or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation, the municipality

may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality from consolidating multiple final determinations of parking, standing, ~~or~~ compliance, or automated traffic law violations ~~violation~~ against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy of the final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, ~~or~~ compliance, or automated traffic law violations does not exceed $2500. If the court is satisfied that the final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money. (Source: P.A. 92-695, eff. 1-1-03.)

(625 ILCS 5/11-208.5 new)

Sec. 11-208.5. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with:

(1) a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance;

(2) a speed measuring device to produce recorded images of motor vehicles traveling at a prohibited rate of speed; or

(3) any other traffic control device designed to enhance highway safety.

An automated traffic law enforcement system is a system in a municipality or county operated by a governmental agency, in cooperation with a law enforcement agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a videotape showing the motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

(c) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the local law enforcement agency having jurisdiction shall issue a written citation and a notice of the violation to the registered owner of the vehicle as the alleged violator. The citation and notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation.

The citation shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(8) a signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of a automated traffic law enforcement system;

(9) a statement that recorded images are evidence of a violation of a traffic control device or

posted rate of speed; and

(10) warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle.

(d) The citation issued to the registered owner of the vehicle shall be accompanied by a written notice, the contents of which is set forth in subsection (e) of this Section, explaining how the registered owner of the vehicle can elect to proceed by either paying the civil penalty or challenging the issuance of the citation.

(e) The written notice explaining the alleged violator's rights and obligations must include the following text:

"You have been served with the accompanying citation and cited with having violated Section 11-208.5 of the Illinois Vehicle Code. You can elect to proceed by:

1. paying the fine; or

2. challenging the issuance of the Citation in court."

(f) If a person charged with a traffic violation, as a result of automated traffic law enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated traffic law enforcement system.

(g) Based on inspection of recorded images produced by an automated traffic law enforcement system, a citation or a copy of a citation alleging that the violation occurred and signed by a duly authorized agent of the agency shall be evidence of the facts contained in the citation or copy and admissible in any proceeding alleging a violation under this Section.

(h) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section. Any recorded image evidencing a violation of this Section, however, is admissible in any proceeding resulting from the issuance of the citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.

(i) The court may consider in defense of a violation:

(1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) with respect to an alleged automated red light violation, that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues that the Court deems pertinent.

(j) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report concerning the stolen motor vehicle or registration plates was filed in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $500 if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

Sec. 11-306. Traffic-control signal legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another

indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian-control signal, as provided in Section 11-307, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication.

1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication.

1. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown.

2. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

3. Except when a sign is in place prohibiting a turn and local authorities by ordinance or State authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph 1 or paragraph 2 of this subsection. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

4. Unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

~~5. A municipality with a population of 1,000,000 or more may enact an ordinance that provides for the use of an automated red light enforcement system to enforce violations of this subsection (c) that result in or involve a motor vehicle accident, leaving the scene of a motor vehicle accident, or reckless driving that results in bodily injury.~~

~~This paragraph 5 is subject to prosecutorial discretion that is consistent with applicable law.~~

(d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.

(e) The motorman of any streetcar shall obey the above signals as applicable to vehicles. (Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)

(625 ILCS 5/1-105.5 rep.)

Section 10. The Illinois Vehicle Code is amended by repealing Section 1-105.5.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 173 by replacing everything after the enacting clause with

the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-306.5, 11-208, 11-208.3, and 11-306 and adding Section 11-208.5 as follows:

(625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

Sec. 6-306.5. Failure to pay fine or penalty for standing, parking, ~~or~~ compliance, or automated traffic law violations; suspension of driving privileges.

(a) Upon receipt of a certified report, as prescribed by subsection (c) of this Section, from any municipality stating that the owner of a registered vehicle has: (1) failed to pay any fine or penalty due and owing as a result of 10 or more violations of a municipality's vehicular standing, parking, or compliance regulations established by ordinance pursuant to Section 11-208.3 of this Code, or (2) failed to pay any fine or penalty due and owing as a result of 5 offenses for automated traffic violations as defined in Section 11-208.5, the Secretary of State shall suspend the driving privileges of such person in accordance with the procedures set forth in this Section. The Secretary shall also suspend the driving privileges of an owner of a registered vehicle upon receipt of a certified report, as prescribed by subsection (f) of this Section, from any municipality stating that such person has failed to satisfy any fines or penalties imposed by final judgments for 5 or more automated traffic law violations or 10 or more violations of local standing, parking, or compliance regulations after exhaustion of judicial review procedures.

(b) Following receipt of the certified report of the municipality as specified in this Section, the Secretary of State shall notify the person whose name appears on the certified report that the person's drivers license will be suspended at the end of a specified period of time unless the Secretary of State is presented with a notice from the municipality certifying that the fine or penalty due and owing the municipality has been paid or that inclusion of that person's name on the certified report was in error. The Secretary's notice shall state in substance the information contained in the municipality's certified report to the Secretary, and shall be effective as specified by subsection (c) of Section 6-211 of this Code.

(c) The report of the appropriate municipal official notifying the Secretary of State of unpaid fines or penalties pursuant to this Section shall be certified and shall contain the following:

(1) The name, last known address and drivers license number of the person who failed to pay the fine or penalty and the registration number of any vehicle known to be registered to such person in this State.

(2) The name of the municipality making the report pursuant to this Section.

(3) A statement that the municipality sent a notice of impending drivers license suspension as prescribed by ordinance enacted pursuant to Section 11-208.3, to the person named in the report at the address recorded with the Secretary of State; the date on which such notice was sent; and the address to which such notice was sent. In a municipality with a population of 1,000,000 or more, the report shall also include a statement that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(d) Any municipality making a certified report to the Secretary of State pursuant to this Section shall notify the Secretary of State, in a form prescribed by the Secretary, whenever a person named in the certified report has paid the previously reported fine or penalty or whenever the municipality determines that the original report was in error. A certified copy of such notification shall also be given upon request and at no additional charge to the person named therein. Upon receipt of the municipality's notification or presentation of a certified copy of such notification, the Secretary of State shall terminate the suspension.

(e) Any municipality making a certified report to the Secretary of State pursuant to this Section shall also by ordinance establish procedures for persons to challenge the accuracy of the certified report. The ordinance shall also state the grounds for such a challenge, which may be limited to (1) the person not having been the owner or lessee of the vehicle or vehicles receiving 10 or more standing, parking, or compliance violation notices or 5 or more automated traffic law violation notices on the date or dates such notices were issued; and (2) the person having already paid the fine or penalty for the 10 or more standing, parking, or compliance violations or 5 or more automated traffic law violations indicated on the certified report.

(f) Any municipality, other than a municipality establishing vehicular standing, parking, and compliance regulations pursuant to Section 11-208.3 or automated traffic law regulations under Section 11-208.5, may also cause a suspension of a person's drivers license pursuant to this Section. Such municipality may invoke this sanction by making a certified report to the Secretary of State upon a person's failure to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations or 5 or more automated traffic law violations after

exhaustion of judicial review procedures, but only if:

(1) the municipality complies with the provisions of this Section in all respects except in regard to enacting an ordinance pursuant to Section 11-208.3;

(2) the municipality has sent a notice of impending drivers license suspension as prescribed by an ordinance enacted pursuant to subsection (g) of this Section; and

(3) in municipalities with a population of 1,000,000 or more, the municipality has verified that the alleged violator's State vehicle registration number and vehicle make are correct as they appear on the citations.

(g) Any municipality, other than a municipality establishing standing, parking, and compliance regulations pursuant to Section 11-208.3 or automated traffic law regulations under Section 11-208.5, may provide by ordinance for the sending of a notice of impending drivers license suspension to the person who has failed to satisfy any fine or penalty imposed by final judgment for 10 or more violations of local standing, parking, or compliance regulations or 5 or more automated traffic law violations after exhaustion of judicial review procedures. An ordinance so providing shall specify that the notice sent to the person liable for any fine or penalty shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person's drivers license is eligible for suspension pursuant to this Section. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.

(h) An administrative hearing to contest an impending suspension or a suspension made pursuant to this Section may be had upon filing a written request with the Secretary of State. The filing fee for this hearing shall be $20, to be paid at the time the request is made. A municipality which files a certified report with the Secretary of State pursuant to this Section shall reimburse the Secretary for all reasonable costs incurred by the Secretary as a result of the filing of the report, including but not limited to the costs of providing the notice required pursuant to subsection (b) and the costs incurred by the Secretary in any hearing conducted with respect to the report pursuant to this subsection and any appeal from such a hearing.

(i) The provisions of this Section shall apply on and after January 1, 1988.

(j) For purposes of this Section, the term "compliance violation" is defined as in Section 11-208.3.
(Source: P.A. 89-190, eff. 1-1-96; 90-145, eff. 1-1-98; 90-481, eff. 8-17-97.)

(625 ILCS 5/11-208) (from Ch. 95 1/2, par. 11-208)

Sec. 11-208. Powers of local authorities. (a) The provisions of this Code shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

1. Regulating the standing or parking of vehicles, except as limited by Section 11-1306 of this Act;

2. Regulating traffic by means of police officers or traffic control signals;

3. Regulating or prohibiting processions or assemblages on the highways;

4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one specific direction;

5. Regulating the speed of vehicles in public parks subject to the limitations set forth in Section 11-604;

6. Designating any highway as a through highway, as authorized in Section 11-302, and requiring that all vehicles stop before entering or crossing the same or designating any intersection as a stop intersection or a yield right-of-way intersection and requiring all vehicles to stop or yield the right-of-way at one or more entrances to such intersections;

7. Restricting the use of highways as authorized in Chapter 15;

8. Regulating the operation of bicycles and requiring the registration and licensing of same, including the requirement of a registration fee;

9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

10. Altering the speed limits as authorized in Section 11-604;

11. Prohibiting U-turns;

12. Prohibiting pedestrian crossings at other than designated and marked crosswalks or at intersections;

13. Prohibiting parking during snow removal operation;

14. Imposing fines in accordance with Section 11-1301.3 as penalties for use of any parking place reserved for persons with disabilities, as defined by Section 1-159.1, or disabled veterans by any person using a motor vehicle not bearing registration plates specified in Section 11-1301.1 or a special decal or device as defined in Section 11-1301.2 as evidence that the vehicle is operated by or

for a person with disabilities or disabled veteran;

15. Adopting such other traffic regulations as are specifically authorized by this Code; or

16. Enforcing the provisions of subsection (f) of Section 3-413 of this Code or a similar local ordinance.

(b) No ordinance or regulation enacted under subsections 1, 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective until signs giving reasonable notice of such local traffic regulations are posted.

(c) The provisions of this Code shall not prevent any municipality having a population of 500,000 or more inhabitants from prohibiting any person from driving or operating any motor vehicle upon the roadways of such municipality with headlamps on high beam or bright.

(d) The provisions of this Code shall not be deemed to prevent local authorities within the reasonable exercise of their police power from prohibiting, on private property, the unauthorized use of parking spaces reserved for persons with disabilities.

(e) No unit of local government, including a home rule unit, may enact or enforce an ordinance that applies only to motorcycles if the principal purpose for that ordinance is to restrict the access of motorcycles to any highway or portion of a highway for which federal or State funds have been used for the planning, design, construction, or maintenance of that highway. No unit of local government, including a home rule unit, may enact an ordinance requiring motorcycle users to wear protective headgear. Nothing in this subsection (e) shall affect the authority of a unit of local government to regulate motorcycles for traffic control purposes or in accordance with Section 12-602 of this Code. No unit of local government, including a home rule unit, may regulate motorcycles in a manner inconsistent with this Code. This subsection (e) is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

(f) A municipality or county may enact an ordinance providing for an automated traffic law enforcement system to enforce violations of this Code or similar provisions of a local ordinance.
(Source: P.A. 90-106, eff. 1-1-98; 90-513, eff. 8-22-97; 90-655, eff. 7-30-98; 91-519, eff. 1-1-00.)

(625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

Sec. 11-208.3. Administrative adjudication of violations of traffic regulations concerning the standing, parking, or condition of vehicles and automated traffic law violations.

(a) Any municipality may provide by ordinance for a system of administrative adjudication of vehicular standing and parking violations and vehicle compliance violations as defined in this subsection, and automated traffic law violations as defined in Section 11-208.5. The administrative system shall have as its purpose the fair and efficient enforcement of municipal regulations through the administrative adjudication of automated traffic law violations and violations of municipal ordinances regulating the standing and parking of vehicles, the condition and use of vehicle equipment, and the display of municipal wheel tax licenses within the municipality's borders. The administrative system shall only have authority to adjudicate civil offenses carrying fines not in excess of $250 that occur after the effective date of the ordinance adopting such a system under this Section. For purposes of this Section, "compliance violation" means a violation of a municipal regulation governing the condition or use of equipment on a vehicle or governing the display of a municipal wheel tax license.

(b) Any ordinance establishing a system of administrative adjudication under this Section shall provide for:

(1) A traffic compliance administrator authorized to adopt, distribute and process parking, ~~and~~ compliance, and automated traffic law violation notices and other notices required by this Section, collect money paid as fines and penalties for violation of parking and compliance ordinances and automated traffic law violations, and operate an administrative adjudication system. The traffic compliance administrator also may make a certified report to the Secretary of State under Section 6-306.5.

(2) A parking, standing, ~~or~~ compliance, or automated traffic law violation notice that shall specify the date, time, and place of violation of a parking, standing, ~~or~~ compliance, or automated traffic law regulation; the particular regulation violated; the fine and any penalty that may be assessed for late payment, when so provided by ordinance; the vehicle make and state registration number; and the identification number of the person issuing the notice. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. The violation notice shall state that the payment of the indicated fine, and of any applicable penalty for late payment, shall operate as a final disposition of the violation. The notice also shall contain information as to the availability of a hearing in which the violation may be contested on its merits. The violation notice shall specify the time and manner in which a hearing may be had.

(3) Service of the parking, standing, or compliance violation notice by affixing the original or a facsimile of the notice to an unlawfully parked vehicle or by handing the notice to the operator of a vehicle if he or she is present and service of an automated traffic law violation notice by mail to the address of the registered owner of the cited vehicle as recorded with the Secretary of State within 30 days after the violation. A person authorized by ordinance to issue and serve parking, standing, ~~and~~ compliance, or automated traffic law violation notices shall certify as to the correctness of the facts entered on the violation notice by signing his or her name to the notice at the time of service or in the case of a notice produced by a computerized device, by signing a single certificate to be kept by the traffic compliance administrator attesting to the correctness of all notices produced by the device while it was under his or her control. In the case of an automated traffic law violation, the ordinance shall require a signed statement by a technician employed by the municipality or county that, based on inspection of recorded images, the motor vehicle was being operated in violation Section 11-208.5. In the case of a red light violation, if the technician determines that the vehicle entered the intersection as part of a funeral procession or in order to yield the right-of-way to an emergency vehicle, a citation may not be issued. The original or a facsimile of the violation notice or, in the case of a notice produced by a computerized device, a printed record generated by the device showing the facts entered on the notice, shall be retained by the traffic compliance administrator, and shall be a record kept in the ordinary course of business. A parking, standing, ~~or~~ compliance, or automated traffic law violation notice issued, signed and served in accordance with this Section, a copy of the notice, or the computer generated record shall be prima facie correct and shall be prima facie evidence of the correctness of the facts shown on the notice. The notice, copy, or computer generated record shall be admissible in any subsequent administrative or legal proceedings.

(4) An opportunity for a hearing for the registered owner of the vehicle cited in the parking, standing, ~~or~~ compliance, or automated traffic law violation notice in which the owner may contest the merits of the alleged violation, and during which formal or technical rules of evidence shall not apply; provided, however, that under Section 11-1306 of this Code the lessee of a vehicle cited in the violation notice likewise shall be provided an opportunity for a hearing of the same kind afforded the registered owner. The hearings shall be recorded, and the person conducting the hearing on behalf of the traffic compliance administrator shall be empowered to administer oaths and to secure by subpoena both the attendance and testimony of witnesses and the production of relevant books and papers. Persons appearing at a hearing under this Section may be represented by counsel at their expense. The ordinance may also provide for internal administrative review following the decision of the hearing officer.

(5) Service of additional notices, sent by first class United States mail, postage prepaid, to the address of the registered owner of the cited vehicle as recorded with the Secretary of State or, under Section 11-1306 of this Code, to the lessee of the cited vehicle at the last address known to the lessor of the cited vehicle at the time of lease. The service shall be deemed complete as of the date of deposit in the United States mail. The notices shall be in the following sequence and shall include but not be limited to the information specified herein:

(i) A second notice of violation. This notice shall specify the date and location of the violation cited in the parking, standing, ~~or~~ compliance, or automated traffic law violation notice, the particular regulation violated, the vehicle make and state registration number, the fine and any penalty that may be assessed for late payment when so provided by ordinance, the availability of a hearing in which the violation may be contested on its merits, and the time and manner in which the hearing may be had. The notice of violation shall also state that failure either to pay the indicated fine and any applicable penalty, or to appear at a hearing on the merits in the time and manner specified, will result in a final determination of violation liability for the cited violation in the amount of the fine or penalty indicated, and that, upon the occurrence of a final determination of violation liability for the failure, and the exhaustion of, or failure to exhaust, available administrative or judicial procedures for review, any unpaid fine or penalty will constitute a debt due and owing the municipality.

(ii) A notice of final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability. This notice shall be sent following a final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation liability and the conclusion of judicial review procedures taken under this Section. The notice shall state that the unpaid fine or penalty is a debt due and owing the municipality. The notice shall contain warnings that failure to pay any fine or penalty due and owing the municipality within the time specified may result in the municipality's filing of a petition in the Circuit Court to have the unpaid fine or penalty rendered a judgment as provided by this Section, or may result in suspension of the person's drivers license

for failure to pay fines or penalties for 10 or more parking violations under Section 6-306.5 <u>or 5 more automated traffic law violations under Section 11-208.5</u>.

(6) A Notice of impending drivers license suspension. This notice shall be sent to the person liable for any fine or penalty that remains due and owing on 10 or more parking violations <u>or 5 or more unpaid automated traffic law violations</u>. The notice shall state that failure to pay the fine or penalty owing within 45 days of the notice's date will result in the municipality notifying the Secretary of State that the person is eligible for initiation of suspension proceedings under Section 6-306.5 of this Code. The notice shall also state that the person may obtain a photostatic copy of an original ticket imposing a fine or penalty by sending a self addressed, stamped envelope to the municipality along with a request for the photostatic copy. The notice of impending drivers license suspension shall be sent by first class United States mail, postage prepaid, to the address recorded with the Secretary of State.

(7) Final determinations of violation liability. A final determination of violation liability shall occur following failure to pay the fine or penalty after a hearing officer's determination of violation liability and the exhaustion of or failure to exhaust any administrative review procedures provided by ordinance. Where a person fails to appear at a hearing to contest the alleged violation in the time and manner specified in a prior mailed notice, the hearing officer's determination of violation liability shall become final: (A) upon denial of a timely petition to set aside that determination, or (B) upon expiration of the period for filing the petition without a filing having been made.

(8) A petition to set aside a determination of parking, standing, ~~or~~ compliance<u>, or automated traffic law</u> violation liability that may be filed by a person owing an unpaid fine or penalty. The petition shall be filed with and ruled upon by the traffic compliance administrator in the manner and within the time specified by ordinance. The grounds for the petition may be limited to: (A) the person not having been the owner or lessee of the cited vehicle on the date the violation notice was issued, (B) the person having already paid the fine or penalty for the violation in question, and (C) excusable failure to appear at or request a new date for a hearing. With regard to municipalities with a population of 1 million or more, it shall be grounds for dismissal of a parking violation if the State registration number or vehicle make specified is incorrect. After the determination of parking, standing, ~~or~~ compliance<u>, or automated traffic law</u> violation liability has been set aside upon a showing of just cause, the registered owner shall be provided with a hearing on the merits for that violation.

(9) Procedures for non-residents. Procedures by which persons who are not residents of the municipality may contest the merits of the alleged violation without attending a hearing.

(10) A schedule of civil fines for violations of vehicular standing, parking, ~~and~~ compliance<u>, and automated traffic law</u> regulations enacted by ordinance pursuant to this Section, and a schedule of penalties for late payment of the fines, provided, however, that the total amount of the fine and penalty for any one violation shall not exceed $250.

(11) Other provisions as are necessary and proper to carry into effect the powers granted and purposes stated in this Section.

(c) Any municipality establishing vehicular standing, parking, ~~and~~ compliance<u>, and automated traffic law</u> regulations under this Section may also provide by ordinance for a program of vehicle immobilization for the purpose of facilitating enforcement of those regulations. The program of vehicle immobilization shall provide for immobilizing any eligible vehicle upon the public way by presence of a restraint in a manner to prevent operation of the vehicle. Any ordinance establishing a program of vehicle immobilization under this Section shall provide:

(1) Criteria for the designation of vehicles eligible for immobilization. A vehicle shall be eligible for immobilization when the registered owner of the vehicle has accumulated the number of unpaid final determinations of parking, standing, ~~or~~ compliance<u>, or automated traffic law</u> violation liability as determined by ordinance.

(2) A notice of impending vehicle immobilization and a right to a hearing to challenge the validity of the notice by disproving liability for the unpaid final determinations of parking, standing, ~~or~~ compliance<u>, or automated traffic law</u> violation liability listed on the notice.

(3) The right to a prompt hearing after a vehicle has been immobilized or subsequently towed without payment of the outstanding fines and penalties on parking, standing, ~~or~~ compliance<u>, or automated traffic law</u> violations for which final determinations have been issued. An order issued after the hearing is a final administrative decision within the meaning of Section 3-101 of the Code of Civil Procedure.

(4) A post immobilization and post-towing notice advising the registered owner of the vehicle of the right to a hearing to challenge the validity of the impoundment.

(d) Judicial review of final determinations of parking, standing, ~~and~~ compliance<u>, and automated</u>

traffic law violations and final administrative decisions issued after hearings regarding vehicle immobilization and impoundment made under this Section shall be subject to the provisions of the Administrative Review Law.

(e) Any fine, penalty, or part of any fine or any penalty remaining unpaid after the exhaustion of, or the failure to exhaust, administrative remedies created under this Section and the conclusion of any judicial review procedures shall be a debt due and owing the municipality and, as such, may be collected in accordance with applicable law. Payment in full of any fine or penalty resulting from a standing, parking, ~~or~~ compliance, or automated traffic law violation shall constitute a final disposition of that violation.

(f) After the expiration of the period within which judicial review may be sought for a final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation, the municipality may commence a proceeding in the Circuit Court for purposes of obtaining a judgment on the final determination of violation. Nothing in this Section shall prevent a municipality from consolidating multiple final determinations of parking, standing, ~~or~~ compliance, or automated traffic law violations ~~violation~~ against a person in a proceeding. Upon commencement of the action, the municipality shall file a certified copy of the final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation, which shall be accompanied by a certification that recites facts sufficient to show that the final determination of violation was issued in accordance with this Section and the applicable municipal ordinance. Service of the summons and a copy of the petition may be by any method provided by Section 2-203 of the Code of Civil Procedure or by certified mail, return receipt requested, provided that the total amount of fines and penalties for final determinations of parking, standing, ~~or~~ compliance, or automated traffic law violations does not exceed $2500. If the court is satisfied that the final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation was entered in accordance with the requirements of this Section and the applicable municipal ordinance, and that the registered owner or the lessee, as the case may be, had an opportunity for an administrative hearing and for judicial review as provided in this Section, the court shall render judgment in favor of the municipality and against the registered owner or the lessee for the amount indicated in the final determination of parking, standing, ~~or~~ compliance, or automated traffic law violation, plus costs. The judgment shall have the same effect and may be enforced in the same manner as other judgments for the recovery of money. (Source: P.A. 92-695, eff. 1-1-03.)

(625 ILCS 5/11-208.5 new)

Sec. 11-208.5. Automated traffic law enforcement system.

(a) As used in this Section, "automated traffic law enforcement system" means a device with one or more motor vehicle sensors working in conjunction with:

(1) a red light signal to produce recorded images of motor vehicles entering an intersection against a red signal indication in violation of Section 11-306 of this Code or a similar provision of a local ordinance;

(2) a speed measuring device to produce recorded images of motor vehicles traveling at a prohibited rate of speed; or

(3) any other traffic control device designed to enhance highway safety.

An automated traffic law enforcement system is a system in a municipality or county operated by a governmental agency, in cooperation with a law enforcement agency, that produces a recorded image of a motor vehicle's violation of a provision of this Code or a local ordinance and is designed to obtain a clear recorded image of the vehicle and the vehicle's license plate. The recorded image must also display the time, date, and location of the violation.

(b) As used in this Section, "recorded images" means images recorded by an automated traffic law enforcement system on:

(1) 2 or more photographs;

(2) 2 or more microphotographs;

(3) 2 or more electronic images; or

(4) a videotape showing the motor vehicle and, on at least one image or portion of tape, clearly identifying the registration plate number of the motor vehicle.

(c) For each violation of a provision of this Code or a local ordinance recorded by an automatic traffic law enforcement system, the local law enforcement agency having jurisdiction shall issue a written citation and a notice of the violation to the registered owner of the vehicle as the alleged violator. The citation and notice shall be delivered to the registered owner of the vehicle, by mail, within 30 days of the violation.

The citation shall include:

(1) the name and address of the registered owner of the vehicle;

(2) the registration number of the motor vehicle involved in the violation;

(3) the violation charged;

(4) the location where the violation occurred;

(5) the date and time of the violation;

(6) a copy of the recorded images;

(7) the amount of the civil penalty imposed and the date by which the civil penalty should be paid;

(8) a signed statement by a technician employed by the agency that, based on inspection of recorded images, the motor vehicle was being operated in violation of a automated traffic law enforcement system;

(9) a statement that recorded images are evidence of a violation of a traffic control device or posted rate of speed; and

(10) warning that failure to pay the civil penalty or to contest liability in a timely manner is an admission of liability and may result in a suspension of the driving privileges of the registered owner of the vehicle.

(d) The citation issued to the registered owner of the vehicle shall be accompanied by a written notice, the contents of which is set forth in subsection (e) of this Section, explaining how the registered owner of the vehicle can elect to proceed by either paying the civil penalty or challenging the issuance of the citation.

(e) The written notice explaining the alleged violator's rights and obligations must include the following text:

"You have been served with the accompanying citation and cited with having violated Section 11-208.5 of the Illinois Vehicle Code. You can elect to proceed by:

1. paying the fine; or

2. challenging the issuance of the Citation in court."

(f) If a person charged with a traffic violation, as a result of automated traffic law enforcement system, does not pay or successfully contest the civil penalty resulting from that violation, the Secretary of State shall suspend the driving privileges of the registered owner of the vehicle under Section 6-306.5 of this Code for failing to pay any fine or penalty due and owing as a result of 5 violations of the automated traffic law enforcement system.

(g) Based on inspection of recorded images produced by an automated traffic law enforcement system, a citation or a copy of a citation alleging that the violation occurred and signed by a duly authorized agent of the agency shall be evidence of the facts contained in the citation or copy and admissible in any proceeding alleging a violation under this Section.

(h) Recorded images made by an automatic traffic law enforcement system are confidential and shall be made available only to the alleged violator and governmental and law enforcement agencies for purposes of adjudicating a violation of this Section. Any recorded image evidencing a violation of this Section, however, is admissible in any proceeding resulting from the issuance of the citation when there is reasonable and sufficient proof of the accuracy of the camera or electronic instrument recording the image. There is a rebuttable presumption that the recorded image is accurate if the camera or electronic recording instrument was in good working order at the beginning and the end of the day of the alleged offense.

(i) The court may consider in defense of a violation:

(1) that the motor vehicle or registration plates of the motor vehicle were stolen before the violation occurred and not under the control of or in the possession of the owner at the time of the violation;

(2) with respect to an alleged automated red light violation, that the driver of the vehicle passed through the intersection when the light was red either (i) in order to yield the right-of-way to an emergency vehicle or (ii) as part of a funeral procession; and

(3) any other evidence or issues that the Court deems pertinent.

(j) To demonstrate that the motor vehicle or the registration plates were stolen before the violation occurred and were not under the control or possession of the owner at the time of the violation, the owner must submit proof that a police report concerning the stolen motor vehicle or registration plates was filed in a timely manner.

(k) Unless the driver of the motor vehicle received a Uniform Traffic Citation from a police officer at the time of the violation, the motor vehicle owner is subject to a civil penalty not exceeding $500 if the motor vehicle is recorded by an automated traffic law enforcement system. A violation for which a civil penalty is imposed under this Section is not a violation of a traffic regulation governing the movement of vehicles and may not be recorded on the driving record of the owner of the vehicle.

(l) A roadway or intersection equipped with an automated traffic law enforcement system must be posted with a sign visible to approaching traffic indicating that the roadway or intersection is being monitored by an automated traffic law enforcement system.

(m) The compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system.

(625 ILCS 5/11-306) (from Ch. 95 1/2, par. 11-306)

Sec. 11-306. Traffic-control signal legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights or color lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a) Green indication.

1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3. Unless otherwise directed by a pedestrian-control signal, as provided in Section 11-307, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Steady yellow indication.

1. Vehicular traffic facing a steady circular yellow or yellow arrow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

2. Pedestrians facing a steady circular yellow or yellow arrow signal, unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(c) Steady red indication.

1. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady circular red signal alone shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication to proceed is shown.

2. Except as provided in paragraph 3 of this subsection (c), vehicular traffic facing a steady red arrow signal shall not enter the intersection to make the movement indicated by the arrow and, unless entering the intersection to make a movement permitted by another signal, shall stop at a clearly marked stop line, but if there is no such stop line, before entering the crosswalk on the near side of the intersection, or if there is no such crosswalk, then before entering the intersection, and shall remain standing until an indication permitting the movement indicated by such red arrow is shown.

3. Except when a sign is in place prohibiting a turn and local authorities by ordinance or State authorities by rule or regulation prohibit any such turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping as required by paragraph 1 or paragraph 2 of this subsection. After stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction or roadways. Such driver shall yield the right of way to pedestrians within the intersection or an adjacent crosswalk.

4. Unless otherwise directed by a pedestrian-control signal as provided in Section 11-307, pedestrians facing a steady circular red or red arrow signal alone shall not enter the roadway.

~~5. A municipality with a population of 1,000,000 or more may enact an ordinance that provides for the use of an automated red light enforcement system to enforce violations of this subsection (c) that result in or involve a motor vehicle accident, leaving the scene of a motor vehicle accident, or reckless driving that results in bodily injury.~~

~~This paragraph 5 is subject to prosecutorial discretion that is consistent with applicable law.~~

(d) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this Section shall be applicable except as to provisions which by their nature can have no application. Any stop required shall be at a traffic sign or a marking on the pavement indicating where the stop shall be made or, in the absence of such sign or marking, the stop shall be made at the signal.

(e) The motorman of any streetcar shall obey the above signals as applicable to vehicles. (Source: P.A. 90-86, eff. 7-10-97; 91-357, eff. 7-29-99.)

(625 ILCS 5/1-105.5 rep.)

Section 10. The Illinois Vehicle Code is amended by repealing Section 1-105.5.

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 Link, **Senate Bill No. 227** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 227 by replacing everything after the enacting clause with the following:

"Section 5. The Cigarette Tax Act is amended by adding Section 3-2 as follows:

(35 ILCS 130/3-2 new)

Sec. 3-2. Credit voucher for bad debts.

(a) Definitions. As used in this Section:

"Bad debt" means the taxes attributable to any portion of a debt that is related to a sale of cigarettes subject to tax under Section 2 that is not otherwise deductible or excludable for any tax purpose, that has become worthless or uncollectible within 60 days after the delivery of the cigarettes that are represented by a claim. "Bad debt" does not include any interest on the wholesale price of a cigarette, uncollectible amounts on property that remains in the possession of the distributor until the full purchase price is paid, expenses incurred in attempting to collect any account receivable or any portion of the debt recovered, any accounts receivable that have been sold to a third party for collection, or repossessed property.

"Reasonable collection practices" means that at least 3 attempts are made to collect the debt within 60 days after the delivery of the cigarettes by providing written notices with one being mailed within 30 days after the delivery and another being mailed within 45 days after delivery, which shall be mailed by certified mail.

"Written notice" means notice in writing from the distributor to the retailer which shall include a statement that a portion of the collection is for that amount of taxes charged by the State and represented by the stamp.

"Person" means an actual person and any successor or related party.

(b) The Department is authorized to issue credit vouchers for bad debts to applicants meeting the requirements of this Section. Beginning on January 1, 2004, a distributor may submit an application to the Department for a credit voucher in the amount of bad debts from the tax imposed under Section 2. The amount of the requested credit must be charged off as uncollectible within 3 years after the stamps were first sold to the distributor. Any claim for a credit voucher in the amount of bad debts from the tax imposed under Section 2 is subject to this statute of limitations and shall not be allowed after 3 years after the stamp is first sold to the distributor.

(c) The amount of the credit voucher shall be determined using the following as guidelines:

(1) What is the amount of the taxes owed to the distributor?

(2) Who owed the amount to the distributor?

(3) Is the amount owed greater than $50?

(4) Has the distributor received a credit in any other years as a result of a bad debt from this person? If yes, the distributor is not eligible for the voucher provided under this Section.

(5) Is the claim for a credit voucher made within 30 days after the determination that the debt is a bad debt as defined by this Section?

(d) A credit voucher issued under this Section shall have an expiration date of not less than 45 days after issuance.

(e) A claim for a credit voucher must be made within 30 days after the determination that the debt is a bad debt as defined by this Section.

(f) Any claim for a bad debt submitted under this Section must contain all of the following:

(1) A copy of the original invoice that must contain the distributor's legal name and address, as well as the legal name of the retailer.

(2) The name of the person who is responsible for the bad debt.

(3) Evidence that the cigarettes described in the invoice and containing stamps were received by the person who is responsible for the bad debt.

(4) Evidence that the person who is responsible for the bad debt did not pay the distributor for the bad debt.

(5) Evidence that the distributor used reasonable collection practices in efforts to collect the bad debt.

(6) Evidence that the claim for a credit voucher is made within 30 days after the determination that the debt is a bad debt as defined by this Section.

(g) Recapture.

(1) A bad debt is reduced by any amounts collected by the distributor from the retailer within the 60-day period with respect to such debt, regardless of whether the amounts so collected are attributable to or designated by the parties or other law as collected with respect to the taxes imposed under Section 2.

(2) Any amount subsequently collected by the distributor from the retailer with respect to a debt that gave rise to a credit voucher, regardless of any designation of the parties or other law, shall be treated as reimbursement for the taxes imposed under Section 2.

(3) In the case of a partially worthless debt, the amount of the debt attributable to taxes imposed under Section 2 shall be treated to the extent possible, as attributable to the non-worthless portion of such debt.

(h) Any person aggrieved by any action of the Department under this Section may protest the action by making a written request for a hearing within 60 days after the original action. If the hearing is not requested in writing within 60 days, the original action is final.

(i) An application for a credit voucher under this Section must be signed by the claimant and verified.

Section 10. The Cigarette Use Tax Act is amended by adding Section 3-2 as follows:

(35 ILCS 135/3-2 new)

Sec. 3-2. Credit voucher for bad debts.

(a) Definitions. As used in this Section:

"Bad debt" means the taxes attributable to any portion of a debt that is related to a sale of cigarettes subject to tax under Section 2 that is not otherwise deductible or excludable for any tax purpose, that has become worthless or uncollectible within 60 days after the delivery of the cigarettes that are represented by a claim. "Bad debt" does not include any interest on the wholesale price of a cigarette, uncollectible amounts on property that remains in the possession of the distributor until the full purchase price is paid, expenses incurred in attempting to collect any account receivable or any portion of the debt recovered, any accounts receivable that have been sold to a third party for collection, or repossessed property.

"Reasonable collection practices" means that at least 3 attempts are made to collect the debt within 60 days after the delivery of the cigarettes by providing written notices with one being mailed within 30 days after the delivery and another being mailed within 45 days after delivery, which shall be mailed by certified mail.

"Written notice" means notice in writing from the distributor to the retailer which shall include a statement that a portion of the collection is for that amount of taxes charged by the State and represented by the stamp.

"Person" means an actual person and any successor or related party.

(b) The Department is authorized to issue credit vouchers for bad debts to applicants meeting the requirements of this Section. Beginning on January 1, 2004, a distributor may submit an application to the Department for a credit voucher in the amount of bad debts from the tax imposed under Section 2. The amount of the requested credit must be charged off as uncollectible within 3 years after the stamps were first sold to the distributor. Any claim for a credit voucher in the amount of bad debts from the tax imposed under Section 2 is subject to this statute of limitations and shall not be allowed after 3 years after the stamp is first sold to the distributor.

(c) The amount of the credit voucher shall be determined using the following as guidelines:

(1) What is the amount of the taxes owed to the distributor?

(2) Who owed the amount to the distributor?

(3) Is the amount owed greater than $50?

(4) Has the distributor received a credit in any other years as a result of a bad debt from this person? If yes, the distributor is not eligible for the voucher provided under this Section.

(5) Is the claim for a credit voucher made within 30 days after the determination that the debt is a bad debt as defined by this Section?

(d) A credit voucher issued under this Section shall have an expiration date of not less than 45 days after issuance.

(e) A claim for a credit voucher must be made within 30 days after the determination that the debt is a bad debt as defined by this Section.

(f) Any claim for a bad debt submitted under this Section must contain all of the following:

(1) A copy of the original invoice that must contain the distributor's legal name and address, as well as the legal name of the retailer.

(2) The name of the person who is responsible for the bad debt.

(3) Evidence that the cigarettes described in the invoice and containing stamps were received by the person who is responsible for the bad debt.

(4) Evidence that the person who is responsible for the bad debt did not pay the distributor for the bad debt.

(5) Evidence that the distributor used reasonable collection practices in efforts to collect the bad debt.

(6) Evidence that the claim for a credit voucher is made within 30 days after the determination that the debt is a bad debt as defined by this Section.

(g) Recapture.

(1) A bad debt is reduced by any amounts collected by the distributor from the retailer within the 60-day period with respect to such debt, regardless of whether the amounts so collected are attributable to or designated by the parties or other law as collected with respect to the taxes imposed under Section 2.

(2) Any amount subsequently collected by the distributor from the retailer with respect to a debt that gave rise to a credit voucher, regardless of any designation of the parties or other law, shall be treated as reimbursement for the taxes imposed under Section 2.

(3) In the case of a partially worthless debt, the amount of the debt attributable to taxes imposed under Section 2 shall be treated to the extent possible, as attributable to the non-worthless portion of such debt.

(h) Any person aggrieved by any action of the Department under this Section may protest the action by making a written request for a hearing within 60 days after the original action. If the hearing is not requested in writing within 60 days, the original action is final.

(i) An application for a credit voucher under this Section must be signed by the claimant and verified.

Section 15. The Tobacco Products Tax Act of 1995 is amended by adding Section 10-32 as follows:

(35 ILCS 143/10-32 new)

Sec. 3-2. Credit voucher for bad debts.

(a) Definitions. As used in this Section:

"Bad debt" means the taxes attributable to any portion of a debt that is related to a sale of cigarettes subject to tax under Section 10-10 that is not otherwise deductible or excludable for any tax purpose, that has become worthless or uncollectible within 60 days after the delivery of the cigarettes that are represented by a claim. "Bad debt" does not include any interest on the wholesale price of a cigarette, uncollectible amounts on property that remains in the possession of the distributor until the full purchase price is paid, expenses incurred in attempting to collect any account receivable or any portion of the debt recovered, any accounts receivable that have been sold to a third party for collection, or repossessed property.

"Reasonable collection practices" means that at least 3 attempts are made to collect the debt within 60 days after the delivery of the cigarettes by providing written notices with one being mailed within 30 days after the delivery and another being mailed within 45 days after delivery, which shall be mailed by certified mail.

"Written notice" means notice in writing from the distributor to the retailer which shall include a statement that a portion of the collection is for that amount of taxes charged by the State and represented by the stamp.

"Person" means an actual person and any successor or related party.

(b) The Department is authorized to issue credit vouchers for bad debts to applicants meeting the requirements of this Section. Beginning on January 1, 2004, a distributor may submit an application to the Department for a credit voucher in the amount of bad debts from the tax imposed under Section 10-10. The amount of the requested credit must be charged off as uncollectible within 3 years after the

stamps were first sold to the distributor. Any claim for a credit voucher in the amount of bad debts from the tax imposed under Section 10-10 is subject to this statute of limitations and shall not be allowed after 3 years after the stamp is first sold to the distributor.

(c) The amount of the credit voucher shall be determined using the following as guidelines:

(1) What is the amount of the taxes owed to the distributor?

(2) Who owed the amount to the distributor?

(3) Is the amount owed greater than $50?

(4) Has the distributor received a credit in any other years as a result of a bad debt from this person? If yes, the distributor is not eligible for the voucher provided under this Section.

(5) Is the claim for a credit voucher made within 30 days after the determination that the debt is a bad debt as defined by this Section?

(d) A credit voucher issued under this Section shall have an expiration date of not less than 45 days after issuance.

(e) A claim for a credit voucher must be made within 30 days after the determination that the debt is a bad debt as defined by this Section.

(f) Any claim for a bad debt submitted under this Section must contain all of the following:

(1) A copy of the original invoice that must contain the distributor's legal name and address, as well as the legal name of the retailer.

(2) The name of the person who is responsible for the bad debt.

(3) Evidence that the cigarettes described in the invoice and containing stamps were received by the person who is responsible for the bad debt.

(4) Evidence that the person who is responsible for the bad debt did not pay the distributor for the bad debt.

(5) Evidence that the distributor used reasonable collection practices in efforts to collect the bad debt.

(6) Evidence that the claim for a credit voucher is made within 30 days after the determination that the debt is a bad debt as defined by this Section.

(g) Recapture.

(1) A bad debt is reduced by any amounts collected by the distributor from the retailer within the 60-day period with respect to such debt, regardless of whether the amounts so collected are attributable to or designated by the parties or other law as collected with respect to the taxes imposed under Section 10-10.

(2) Any amount subsequently collected by the distributor from the retailer with respect to a debt that gave rise to a credit voucher, regardless of any designation of the parties or other law, shall be treated as reimbursement for the taxes imposed under Section 10-10.

(3) In the case of a partially worthless debt, the amount of the debt attributable to taxes imposed under Section 10-10 shall be treated to the extent possible, as attributable to the non-worthless portion of such debt.

(h) Any person aggrieved by any action of the Department under this Section may protest the action by making a written request for a hearing within 60 days after the original action. If the hearing is not requested in writing within 60 days, the original action is final.

(i) An application for a credit voucher under this Section must be signed by the claimant and verified.

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 Watson, **Senate Bill No. 199** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 199, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, lines 5 and 6, by replacing "an organic, mental," with "a mental".

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.

On motion of Senator Haine, **Senate Bill No. 254** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 254 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Physical Therapy Act is amended by changing Sections 8 and 8.1 as follows:

(225 ILCS 90/8) (from Ch. 111, par. 4258) (Section scheduled to be repealed on January 1, 2006)

Sec. 8. Qualifications for licensure as a Physical Therapist. (a) A person is qualified to receive a license as a physical therapist if that person has applied in writing, on forms prescribed by the Department, has paid the required fees, and meets all of the following requirements:

(1) He or she is at least 18 years of age and of good moral character. In determining moral character, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to a license.

(2) A person applying for licensure after the effective date of this amendatory Act of the 93rd General Assembly must have a post-baccalaureate degree from a college or university physical therapy education program approved by the Commission on Accreditation in Physical Therapy Education. A person who graduated from a physical therapy program outside the United States or its territories must submit evicence that his or her educational background is substantially equivalent to a post-baccalaureate degree from a Commission on Accreditation in Physical Therapy Education approved physical therapy educational program and conferred by a regionally accredited college or university in the United States. ~~He or she has graduated from a curriculum in physical therapy approved by the Department. In approving a curriculum in physical therapy, the Department shall consider, but not be bound by, accreditation by the Commission on Accreditation in Physical Therapy Education. A person who graduated from a physical therapy program outside the United States or its territories shall have his or her degree validated as equivalent to a physical therapy degree conferred by a regionally accredited college or university in the United States.~~ The Department may establish by rule a method for the completion of course deficiencies.

(3) He or she has passed an examination approved by the Department to determine his fitness for practice as a physical therapist, or is entitled to be licensed without examination as provided in Sections 10 and 11 of this Act. A person who graduated from a physical therapy program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule prior to taking the licensure examination.

(b) The Department reserves the right and may request a personal interview of an applicant before the Committee to further evaluate his or her qualifications for a license. (Source: P.A. 91-357, eff. 7-29-99.)

(225 ILCS 90/8.1) (from Ch. 111, par. 4258.1) (Section scheduled to be repealed on January 1, 2006)

Sec. 8.1. Qualifications for licensure as a physical therapist assistant. A person is qualified to receive a license as a physical therapist assistant if that person has applied in writing, on forms prescribed by the Department, has paid the required fees and:

(1) Is at least 18 years of age and of good moral character. In determining moral character, the Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate automatically as a complete bar to a license;

(2) Has graduated from a 2 year college-level physical therapist ~~therapy~~ assistant program accredited by the Commission on Accreditation in Physical Therapy Education. A person who graduated from a physical therapy assistant program outside the United States or its territories must submit evidence that his or her educational background is substantially equivalent to a Commission on Accreditation in Physical Therapy Education program and conferred by a regionally accredited college or university in the United States. ~~approved by the Department. In approving such a physical therapist assistant program the Department shall consider but not be bound by accreditation by the Commission on Accreditation in Physical Therapy Education. Any person who graduated from a physical therapy assistant program outside the United States or its territories shall have his or her~~

~~degree validated as equivalent to a physical therapy assistant degree conferred by a regionally accredited college or university in the United States.~~ The Department may establish by rule a method for the completion of course deficiencies; and

(3) Has successfully completed the examination authorized by the Department. A person who graduated from a physical therapy assistant program outside the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE) as defined by rule prior to taking the licensure examination.

(Source: P.A. 89-387, eff. 1-1-96.)".

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 Haine, **Senate Bill No. 255** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 255 by replacing everything after the enacting clause with the following:

"Section 5. The Massage Licensing Act is amended by changing Sections 10, 15, 20, 35, 55, 90, and 160 as follows:

(225 ILCS 57/10) (Section scheduled to be repealed on January 1, 2012)

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

"Approved massage school" means a facility which meets minimum standards for training and curriculum as determined by the Department.

"Board" means the Massage Licensing ~~Therapy~~ Board appointed by the Director.

"Compensation" means the payment, loan, advance, donation, contribution, deposit, or gift of money or anything of value.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Massage" or "massage therapy" means a system of structured palpation or movement of the soft tissue of the body. The system may include, but is not limited to, techniques such as effleurage or stroking and gliding, petrissage or kneading, tapotement or percussion, friction, vibration, compression, and stretching activities as they pertain to massage therapy. These techniques may be applied by a licensed massage therapist with or without the aid of lubricants, salt or herbal preparations, hydromassage, thermal massage, or a massage device that mimics or enhances the actions possible by human hands. The purpose of the practice of massage, as licensed under this Act, is to enhance the general health and well-being of the mind and body of the recipient. "Massage" does not include the diagnosis of a specific pathology. "Massage" does not include those acts of physical therapy or therapeutic or corrective measures that are outside the scope of massage therapy practice as defined in this Section.

"Massage therapist" means a person who is licensed by the Department and administers massage for compensation.

"Professional massage or bodywork therapy association" means a state or nationally chartered organization that is devoted to the massage specialty and therapeutic approach and meets the following requirements:

(1) The organization requires that its members meet minimum educational requirements. The educational requirements must include anatomy, physiology, hygiene, sanitation, ethics, technical theory, and application of techniques.

(2) The organization has an established code of ethics and has procedures for the suspension and revocation of membership of persons violating the code of ethics.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/15) (Section scheduled to be repealed on January 1, 2012)

Sec. 15. Licensure requirements. Beginning January 1, 2005 ~~2004~~, persons engaged in massage for compensation must be licensed by the Department. The Department shall issue a license to an individual who meets all of the following requirements:

(1) The applicant has applied in writing on the prescribed forms and has paid the required fees.

(2) The applicant is at least 18 years of age and of good moral character. In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession. Such a conviction shall not operate automatically as a complete bar to a license, except in the case of any conviction for prostitution, rape, or sexual misconduct, or where the applicant is a registered sex offender.

(3) The applicant has met one of the following requirements:

(A) has successfully completed the curriculum or curriculums of one or more massage therapy schools approved by the Department that require a minimum of 500 hours and has passed a competency examination approved by the Department;

(B) holds a current license from another jurisdiction having licensure requirements that meet or exceed those defined within this Act; or

(C) has moved to Illinois from a jurisdiction with no licensure requirement and has provided documentation that he or she has successfully passed the National Certification Board of Therapeutic Massage and Bodywork's examination or another massage therapist certifying examination approved by the Department and maintains current certification.

(Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/20) (Section scheduled to be repealed on January 1, 2012)

Sec. 20. Grandfathering provision. (a) For a period of one year after the effective date of the rules adopted under this Act, the Department may issue a license to an individual who, in addition to meeting the requirements set forth in paragraphs (1) and (2) of Section 15, produces proof that he or she has met at least one of the following requirements before the effective date of this Act:

(1) has been an active member, for a period of at least one year prior to the application for licensure, of a national professional massage therapy organization established prior to the year 2000, which offers professional liability insurance and a code of ethics;

(2) has passed the National Certification Exam of Therapeutic Massage and Bodywork and has kept his or her certification current;

(3) has practiced massage therapy an average of at least 10 hours per week for at least 10 years; or

(4) has practiced massage therapy an average of at least 10 hours per week for at least one year prior to the effective date of this Act and has completed at least 100 hours of formal training in massage therapy.

(b) An applicant who can show proof of having engaged in the practice of massage therapy for at least 10 hours per week for a minimum of one year prior to the effective date of this Act and has less than 100 hours of formal training or has been practicing for less than one year with 100 hours of formal training must complete at least 100 additional hours of formal training consisting of at least 25 hours in anatomy and physiology by January 1, 2005 ~~2004~~.

(c) An applicant who has training from another state or country may qualify for a license under subsection (a) by showing proof of meeting the requirements of that state or country and demonstrating that those requirements are substantially the same as the requirements in this Section.

(d) For purposes of this Section, "formal training" means a massage therapy curriculum approved by the Illinois State Board of Education or the Illinois Board of Higher Education or course work provided by continuing education sponsors approved by the Department. (Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/35) (Section scheduled to be repealed on January 1, 2012)

Sec. 35. Massage Licensing Board. (a) The Director shall appoint a Massage Licensing Board, which shall serve in an advisory capacity to the Director. The Board shall consist of 7 members, of whom 6 shall be massage therapists with at least 3 years of experience in massage. One of the massage therapist members shall represent a massage therapy school from the private sector and one of the massage therapist members shall represent a massage therapy school from the public sector. One member of the Board shall be a member of the public who is not licensed under this Act or a similar Act in Illinois or another jurisdiction. Membership on the Board shall reasonably reflect the various massage therapy and non-exempt bodywork organizations. Membership on the Board shall reasonably reflect the geographic areas of the State.

(b) Members shall be appointed to a 3-year term, except that initial appointees shall serve the following terms: 2 members ~~including the non-voting member~~ shall serve for one year, 2 members shall serve for 2 years, and 3 members shall serve for 3 years. A member whose term has expired shall continue to serve until his or her successor is appointed. No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to exceed 9 years. Appointments to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion

of the vacated term.

(c) The members of the Board are entitled to receive compensation for all legitimate and necessary expenses incurred while attending Board and Department meetings.

(d) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other activities performed in good faith as members of the Board.

(e) The Director shall consider the recommendations of the Board on questions involving the standards of professional conduct, discipline, and qualifications of candidates and licensees under this Act. Nothing shall limit the ability of the Board to provide recommendations to the Director in regard to any matter affecting the administration of this Act. The Director shall give due consideration to all recommendations of the Board. If the Director takes action contrary to a recommendation of the Board, the Director shall provide a written explanation of that action.

(f) The Director may terminate the appointment of any member for cause which, in the opinion of the Director reasonably justifies termination, which may include, but is not limited to, a Board member who does not attend 2 (Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/55) (Section scheduled to be repealed on January 1, 2012)

Sec. 55. Exclusive jurisdiction. Beginning January 1, 2005 ~~2004~~, the regulation and licensing of massage therapy is an exclusive power and function of the State. Beginning January 1, 2005 ~~2004~~, a home rule unit may not regulate or license massage therapists. This Section is a denial and limitation of home rule powers and functions under subsection (h) of Section 6 of Article VII of the Illinois Constitution. (Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/90) (Section scheduled to be repealed on January 1, 2012)

Sec. 90. Violations; injunction; cease and desist order. (a) If any person violates a provision of this Act, the Director may, in the name of the People of the State of Illinois, through the Attorney General of the State of Illinois or the State's Attorney in the county in which the offense occurs, petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order, without notice or bond, and may preliminarily and permanently enjoin the violation. If it is established that the person has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If, after January 1, 2005 ~~2004~~, any person practices as a massage therapist or holds himself or herself out as a massage therapist without being licensed under the provisions of this Act, then the Director, any licensed massage therapist, any interested party, or any person injured thereby may petition for relief as provided in subsection (a) of this Section or may apply to the circuit court of the county in which the violation or some part thereof occurred, or in which the person complained of has his or her principal place of business or resides, to prevent the violation. The court has jurisdiction to enforce obedience by injunction or by other process restricting the person complained of from further violation and enjoining upon him or her obedience.

(c) Whenever, in the opinion of the Department, a person violates any provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately. (Source: P.A. 92-860, eff. 6-1-03.)

(225 ILCS 57/160) (Section scheduled to be repealed on January 1, 2012)

Sec. 160. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. ~~If the check or other payment was for a renewal or issuance fee and that person practices without paying the renewal fee or issuance fee and the fine due, an additional fine of $100 shall be imposed.~~ The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or deny the application, without hearing. If, after termination or denial, the person seeks a license, he or she shall apply to the Department for restoration or issuance of the license and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to pay all expenses of processing this application. The Director may waive the fines due

under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome. (Source: P.A. 92-860, eff. 6-1-03.)

Section 99. Effective date. This Act takes effect on June 1, 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 Trotter, **Senate Bill No. 233** 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 233 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 that ~~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.

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.)".

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** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 267 on page 1, by replacing lines 29 through 30 with the following:
"Section 10 of the Steroid Control Act. ~~In setting such fee,~~ The county board may impose, with the concurrence of the"; and
on page 2, line 4, immediately before "No", by inserting the following:
"All proceeds from this fee must be used to defray court security expenses incurred by the sheriff in providing court services.".

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. 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. 3

AMENDMENT NO. 3. Amend Senate Bill 268, AS AMENDED, in Section 5, Sec. 21, subsection (w), by replacing the sentence that begins "This subsection (w)" with the following:
"This subsection (w) shall not apply to (1) a permitted pollution control facility that transfers or accepts construction or demolition debris, clean or general, or uncontaminated soil for final disposal, recycling, or treatment, (2) a public utility (as that term is defined in the Public Utilities Act) or a municipal utility, ~~or~~ (3) the Illinois Department of Transportation, or (4) a municipality or a county highway department, with the exception of any municipality or county highway department located within a county having a population of over 3,000,000 inhabitants or located in a county that is contiguous to a county having a population of over 3,000,000 inhabitants; but it shall apply to an entity that contracts with a public utility, a municipal utility, ~~or~~ the Illinois Department of Transportation, or a municipality or a county highway department.".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 268 by inserting at the end of the bill the following:
"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 3 and 4 were ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Haine, **Senate Bill No. 317** was recalled from the order of third reading to the order of second reading.
Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 317, AS AMENDED, by replacing everything after the enacting clause with the following:
"Section 5. The School Code is amended by changing Section 24-11 as follows:
(105 ILCS 5/24-11) (from Ch. 122, par. 24-11)
Sec. 24-11. Boards of Education - Boards of School Inspectors - Contractual continued service. As used in this and the succeeding Sections of this Article:
"Teacher" means any or all school district employees regularly required to be certified under laws relating to the certification of teachers.
"Board" means board of directors, board of education, or board of school inspectors, as the case may be.

"School term" means that portion of the school year, July 1 to the following June 30, when school is in actual session.

This Section and Sections 24-12 through 24-16 of this Article apply only to school districts having less than 500,000 inhabitants.

Any teacher who has been employed in any district as a full-time teacher for a probationary period of 2 consecutive school terms shall enter upon contractual continued service unless given written notice of dismissal stating the specific reason therefor, by certified mail, return receipt requested by the employing board at least 45 days before the end of such period; except that (i) for a teacher who is first employed as a full-time teacher by a school district on or after January 1, 1998 but before the effective date of this amendatory Act of the 93rd General Assembly and who has not before January 1, 1998 ~~that date~~ already entered upon contractual continued service in that district, the probationary period shall be 4 consecutive school terms before the teacher shall enter upon contractual continued service and (ii) for a teacher who is first employed as a full-time teacher by a school district on or after the effective date of this amendatory Act of the 93rd General Assembly and who has not before the date of this employment already entered upon contractual continued service in any district pursuant to this Section or achieved permanent appointment pursuant to Section 34-84 of this Code, the probationary period shall be 3 consecutive school terms before the teacher shall enter upon contractual continued service. For the purpose of determining contractual continued service, the first probationary year shall be any full-time employment from a date before November 1 through the end of the school year. If, however, a teacher who was first employed prior to January 1, 1998 or first employed on or after the effective date of this amendatory Act of the 93rd General Assembly has not had one school term of full-time teaching experience before the beginning of the applicable ~~a~~ probationary period ~~of 2 consecutive school terms~~, the employing board may at its option extend the probationary period for one additional school term by giving the teacher written notice by certified mail, return receipt requested, at least 45 days before the end of the last ~~second~~ school term of the applicable probationary period ~~of 2 consecutive school terms referred to above~~. This notice must state the reasons for the one year extension and must outline the corrective actions that the teacher must take to satisfactorily complete probation. The changes made by Public Act 90-653 and this amendatory Act of the 93rd General Assembly ~~this amendatory Act of 1998~~ are declaratory of existing law.

Any full-time teacher who is not completing the last year of the probationary period described in the preceding paragraph, or any teacher employed on a full-time basis not later than January 1 of the school term, shall receive written notice from the employing board at least 45 days before the end of any school term whether or not he will be re-employed for the following school term. If the board fails to give such notice, the employee shall be deemed reemployed, and not later than the close of the then current school term the board shall issue a regular contract to the employee as though the board had reemployed him in the usual manner.

Contractual continued service shall continue in effect the terms and provisions of the contract with the teacher during the last school term of the probationary period, subject to this Act and the lawful regulations of the employing board. This Section and succeeding Sections do not modify any existing power of the board except with respect to the procedure of the discharge of a teacher and reductions in salary as hereinafter provided. Contractual continued service status shall not restrict the power of the board to transfer a teacher to a position which the teacher is qualified to fill or to make such salary adjustments as it deems desirable, but unless reductions in salary are uniform or based upon some reasonable classification, any teacher whose salary is reduced shall be entitled to a notice and a hearing as hereinafter provided in the case of certain dismissals or removals.

The employment of any teacher in a program of a special education joint agreement established under Section 3-15.14, 10-22.31 or 10-22.31a shall be under this and succeeding Sections of this Article. For purposes of attaining and maintaining contractual continued service and computing length of continuing service as referred to in this Section and Section 24-12, employment in a special educational joint program shall be deemed a continuation of all previous certificated employment of such teacher for such joint agreement whether the employer of the teacher was the joint agreement, the regional superintendent, or one of the participating districts in the joint agreement.

Any teacher employed after July 1, 1987 as a full-time teacher in a program of a special education joint agreement, whether the program is operated by the joint agreement or a member district on behalf of the joint agreement, for a probationary period of two consecutive school terms ~~years~~ shall enter upon contractual continued service in all of the programs conducted by such joint agreement which the teacher is legally qualified to hold; except that (i) for a teacher who is first employed on or after January 1, 1998 but before the effective date of this amendatory Act of the 93rd General Assembly in a program of a special education joint agreement and who has not before January 1, 1998 ~~that date~~ already entered upon

contractual continued service in all of the programs conducted by the joint agreement that the teacher is legally qualified to hold, the probationary period shall be 4 consecutive school terms ~~years~~ before the teacher enters upon contractual continued service in all of those programs and (ii) for a teacher who is first employed by a school district on or after the effective date of this amendatory Act of the 93rd General Assembly in a program of a special education joint agreement and who has not before the date of this employment already entered upon contractual continued service in any district pursuant to this Section or achieved permanent appointment pursuant to Section 34-84 of this Code, the probationary period shall be 3 consecutive school terms before the teacher enters upon contractual continued service in all of the programs conducted by the joint agreement for which the teacher is legally qualified. In the event of a reduction in the number of programs or positions in the joint agreement, the teacher on contractual continued service shall be eligible for employment in the joint agreement programs for which the teacher is legally qualified in order of greater length of continuing service in the joint agreement unless an alternative method of determining the sequence of dismissal is established in a collective bargaining agreement. In the event of the dissolution of a joint agreement, the teacher on contractual continued service who is legally qualified shall be assigned to any comparable position in a member district currently held by a teacher who has not entered upon contractual continued service or held by a teacher who has entered upon contractual continued service with shorter length of contractual continued service.

The governing board of the joint agreement, or the administrative district, if so authorized by the articles of agreement of the joint agreement, rather than the board of education of a school district, may carry out employment and termination actions including dismissals under this Section and Section 24-12.

For purposes of this and succeeding Sections of this Article, a program of a special educational joint agreement shall be defined as instructional, consultative, supervisory, administrative, diagnostic, and related services which are managed by the special educational joint agreement designed to service two or more districts which are members of the joint agreement.

Each joint agreement shall be required to post by February 1, a list of all its employees in order of length of continuing service in the joint agreement, unless an alternative method of determining a sequence of dismissal is established in an applicable collective bargaining agreement.

The employment of any teacher in a special education program authorized by Section 14-1.01 through 14-14.01, or a joint educational program established under Section 10-22.31a, shall be under this and the succeeding Sections of this Article, and such employment shall be deemed a continuation of the previous employment of such teacher in any of the participating districts, regardless of the participation of other districts in the program. Any teacher employed as a full-time teacher in a special education program prior to September 23, 1987 in which 2 or more school districts participate for a probationary period of 2 consecutive years shall enter upon contractual continued service in each of the participating districts, subject to this and the succeeding Sections of this Article, and in the event of the termination of the program shall be eligible for any vacant position in any of such districts for which such teacher is qualified. (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff. 7-29-98.)

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

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

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

The 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.

On motion of Senator Shadid, **Senate Bill No. 318** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 318 on page 1 by replacing lines 18 through 21 with the following:

""Authorized insurer" means an insurer that holds a certificate of authority issued by the Director but, for the purposes of this Section, does not include a domestic surplus line insurer as defined in Section

445a or any residual market mechanism."; and
and on page 2 by inserting immediately below line 17 the following:

"Insurance producers shall not procure from an unauthorized insurer an insurance policy:

(i) that is designed to satisfy the proof of financial responsibility and insurance requirements in any Illinois statute where the statute requires that the proof or insurance is issued by an authorized insurer or residual market mechanism;

(ii) that covers the risk of accidental injury to employees arising out of and in the course of employment according to the provisions of the Workers' Compensation Act; or

(iii) that insures any Illinois personal lines risk, as defined in subsection (a), (b), or (c) of Section 143.13 of this Code, that is eligible for residual market mechanism coverage, unless the insured or prospective insured requests limits of liability greater than the limits provided by the residual market mechanism. In the course of making a diligent effort to procure insurance from authorized insurers, an insurance producer shall not be required to submit a risk to a residual market mechanism when the risk is not eligible for coverage or exceeds the limits available in the residual market mechanism.

Where there is an insurance policy issued by an authorized insurer or residual market mechanism insuring a risk described in item (i), (ii) or (iii) above, nothing in this paragraph shall be construed to prohibit a surplus line producer from procuring from an unauthorized insurer a policy insuring the risk on an excess or umbrella basis where the excess or umbrella policy is written over one or more underlying policies.".

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.

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. 3

AMENDMENT NO. 3. Amend Senate Bill 354, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.

Section 5. Legislative purpose. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training, and experience for those who seek to hold the title of registered surgical assistant and registered surgical technologist.

Section 10. Definitions. As used in this Act:

"Department" means the Department of Professional Regulation.

"Direct supervision" means supervision by an operating physician, licensed podiatrist, or licensed dentist who is physically present and who personally directs delegated acts and remains available to personally respond to an emergency until the patient is released from the operating room. A registered professional nurse may also provide direct supervision within the scope of his or her license. A registered surgical assistant or registered surgical technologist shall perform duties as assigned.

"Director" means the Director of Professional Regulation.

"Physician" or "operating physician" means a person licensed to practice medicine in all of its branches under the Medical Practice Act of 1987.

"Registered surgical assistant" means a person who (i) is not licensed to practice medicine in all of its branches, (ii) is certified by the National Surgical Assistant Association on the Certification of Surgical Assistants, the Liaison Council on Certification for the Surgical Technologist as a certified first assistant, or the American Board of Surgical Assisting, (iii) performs duties under direct supervision, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.

"Registered surgical technologist" means a person who (i) is not a physician licensed to practice medicine in all of its branches, (ii) is certified by the Liaison Council on Certification for the Surgical Technologist, (iii) performs duties under direct supervision, (iv) provides services only in a licensed hospital, ambulatory treatment center, or office of a physician licensed to practice medicine in all its branches, and (v) is registered under this Act.

Section 15. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois and shall exercise any other powers and duties necessary for effectuating the purposes of this Act.

(b) The Department may adopt rules consistent with the provisions of this Act for its administration and enforcement and may prescribe forms that shall be issued in connection with this Act. The rules may include but are not limited to criteria for registration, professional conduct, and discipline.

Section 20. Illinois Administrative Procedure Act; rules.

(a) The Illinois Administrative Procedure Act is expressly adopted and incorporated in this Act as if all of the provisions of the Illinois Administrative Procedure Act were included in this Act, except that the provision of subsection (d) of Section 10-65 of the Illinois Administrative Procedure Act that provides that at hearings the registrant has the right to show compliance with all lawful requirements for retention, continuation, or renewal of the registration is specifically excluded. For purposes of this Act, the notice required under Section 10-25 of the Illinois Administrative Procedure Act is deemed sufficient when mailed to the last known address of a party.

(b) The Director may promulgate rules for the administration and enforcement of this Act and may prescribe forms to be issued in connection with this Act.

Section 25. Application for registration. An application for an initial registration shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required nonrefundable fee. An application shall require information that, in the judgment of the Department, will enable the Department to evaluate the qualifications of an applicant for registration.

If an applicant fails to obtain a certificate of registration under this Act within 3 years after filing his or her application, the application shall be denied. The applicant may make a new application, which shall be accompanied by the required nonrefundable fee.

Section 30. Social Security Number on registration application. In addition to any other information required to be contained in the application, every application for an original, renewal, or restored certificate of registration under this Act shall include the applicant's Social Security Number.

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. This is title protection and not licensure by the Department.

Section 40. Application of Act. This Act shall not be construed to prohibit the following:

(1) A person licensed in this State under any other Act from engaging in the practice for which he or she is licensed, including but not limited to a physician licensed to practice medicine in all its branches, physician assistant, advanced practice registered nurse, or nurse performing surgery-related tasks within the scope of his or her license, nor are these individuals required to be registered under this Act.

(2) A person from engaging in practice as a surgical assistant or surgical technologist in the discharge of his or her official duties as an employee of the United States government.

(3) One or more registered surgical assistants from forming a professional service corporation in accordance with the Professional Service Corporation Act and applying for licensure as a corporation providing surgical assistant services.

(4) A student engaging in practice as a surgical assistant or surgical technologist under the direct supervision of a physician licensed to practice medicine in all of its branches as part of his or her program of study at a school approved by the Department or in preparation to qualify for the examination as prescribed under Sections 45 and 50 of this Act.

(5) A person from assisting in surgery at an operating physician's discretion.

(6) A hospital, health system or network, ambulatory surgical treatment center, physician licensed to practice medicine in all its branches, physician medical group, or other entity that provides surgery-related services from employing individuals that the entity considers competent to assist in surgery. These entities are not required to utilize registered surgical assistants or registered surgical technologists when providing surgery-related services to patients. Nothing in this subsection shall be construed to limit the ability of an employer to utilize the services of any person to assist in surgery within the employment setting consistent with the individual's skill and training.

Section 45. Registration requirements; surgical assistant. A person shall qualify for registration as a surgical assistant if he or she has applied in writing on the prescribed form, has paid the required fees, and meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not violated a provision of Section 95 of this Act. In addition the Department may take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to registration.

(3) Has completed a medical education program approved by the Department or has graduated from a United States Military Program that emphasized surgical assisting.

(4) Has successfully completed a national certifying examination approved by the Department.

(5) Is currently certified by the National Surgical Assistant Association on the Certification of Surgical Assistants, the Liaison Council on Certification for the Surgical Technologist as a certified first assistant, or the American Board of Surgical Assisting.

Section 50. Registration requirements; surgical technologist. A person shall qualify for registration as a surgical technologist if he or she has applied in writing on the prescribed form, has paid the required fees, and meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not violated a provision of Section 95 of this Act. In addition the Department may take into consideration any felony conviction of the applicant, but a conviction shall not operate as an absolute bar to registration.

(3) Has completed a surgical technologist program approved by the Department.

(4) Has successfully completed the surgical technologist national certification examination provided by the Liaison Council on Certification for the Surgical Technologist or its successor agency.

(6) Is currently certified by the Liaison Council on Certification for the Surgical Technologist or its successor agency and has met the requirements set forth for certification.

Section 55. Supervision requirement. A person registered under this Act shall practice as a surgical assistant only under direct supervision.

Section 60. Expiration; restoration; renewal. The expiration date and renewal period for each certificate of registration issued under this Act shall be set by the Department by rule. Renewal shall be conditioned on paying the required fee and meeting other requirements as may be established by rule.

A registrant who has permitted his or her registration to expire or who has had his or her registration on inactive status may have the registration restored by making application to the Department, by filing proof acceptable to the Department of his or her fitness to have the registration restored, and by paying the required fees. Proof of fitness may include sworn evidence certifying to active lawful practice in another jurisdiction.

If the registrant has not maintained an active practice in another jurisdiction satisfactory to the Department, the Department shall determine, by an evaluation program established by rule, his or her fitness for restoration of the registration and shall establish procedures and requirements for restoration. However, a registrant whose registration expired while he or she was (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or education under the supervision of the United States before induction into the military service, may have the registration restored without paying any lapsed renewal fees if within 2 years after honorable termination of the service, training, or education he or she furnishes the Department with satisfactory evidence to the effect that he or she has been so engaged and that his or her service, training, or education has been so terminated.

Section 65. Inactive status. A registrant who notified the Department in writing on forms prescribed by the Department may elect to place his or her registration on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until he or she notifies the Department in writing of his or her intention to restore the registration. A registrant requesting restoration from inactive status shall pay the current renewal fee and shall restore his or her registration in accordance with Section 60 of this Act. A registrant whose license is on inactive status shall not hold himself or herself out as a registered surgical assistant or registered surgical technologist. To do so shall be grounds for discipline under Section 75 of this Act.

Section 70. Fees; returned checks.

(a) The Department shall set by rule fees for the administration of this Act, including but not limited to fees for initial and renewal registration and restoration of a certificate of registration.

(b) A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of $50. The fines imposed by this Section are in addition to any other discipline provided under this Act. The Department shall notify the person that fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the registration or deny the application without a hearing. If the person seeks a license after termination or denial, he or she shall apply to the Department for restoration or issuance of the license and pay all fees

and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license to defray the expenses of processing the application. The Director may waive the fines due under this Section in individual cases if the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(c) All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund. All moneys in the Fund shall be used by the Department, as appropriated, for the ordinary and contingent expenses of the Department.

Section 75. Grounds for disciplinary action.

(a) The Department may refuse to issue, renew, or restore a registration, may revoke or suspend a registration, or may place on probation, censure, reprimand, or take other disciplinary action with regard to a person registered under this Act, including but not limited to the imposition of fines not to exceed $5,000 for each violation, for any one or combination of the following causes:

(1) Making a material misstatement in furnishing information to the Department.

(2) Violating a provision of this Act or its rules.

(3) Conviction under the laws of a United States jurisdiction of a crime that is a felony or a misdemeanor, an essential element of which is dishonesty, or of a crime that is directly related to the practice as a surgical assistant or surgical technologist.

(4) Making a misrepresentation for the purpose of obtaining, renewing, or restoring a registration.

(5) Wilfully aiding or assisting another person in violating a provision of this Act or its rules.

(6) Failing to provide information within 60 days in response to a written request made by the Department.

(7) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public, as defined by rule of the Department.

(8) Discipline by another United States jurisdiction or foreign nation, if at least one of the grounds for discipline is the same or substantially equivalent to those set forth in this Section.

(9) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a fee, commission, rebate, or other form of compensation for professional services not actually or personally rendered.

(10) A finding by the Department that the registrant, after having his or her registration placed on probationary status, has violated the terms of probation.

(11) Wilfully making or filing false records or reports in his or her practice, including but not limited to false records or reports filed with State agencies.

(12) Wilfully making or signing a false statement, certificate, or affidavit to induce payment.

(13) Wilfully failing to report an instance of suspected child abuse or neglect as required under the Abused and Neglected Child Reporting Act.

(14) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(15) Employment of fraud, deception, or any unlawful means in applying for or securing a license as a surgical assistant.

(16) Failure to report to the Department (A) any adverse final action taken against the registrant by another registering or licensing jurisdiction, government agency, law enforcement agency, or any court or (B) liability for conduct that would constitute grounds for action as set forth in this Section.

(17) Habitual intoxication or addiction to the use of drugs.

(18) Physical illness, including but not limited to deterioration through the aging process or loss of motor skills, which results in the inability to practice the profession for which he or she is registered with reasonable judgment, skill, or safety.

(19) Gross malpractice resulting in permanent injury or death of a patient.

(20) Immoral conduct in the commission of an act related to the registrant's practice, including but not limited to sexual abuse, sexual misconduct, or sexual exploitation.

(21) Violation the Health Care Worker Self-Referral Act.

(b) The Department may refuse to issue or may suspend the registration of a person who fails to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay a final assessment of the tax, penalty, or interest as required by a tax Act administered by the Department of Revenue, until the requirements of the tax Act are satisfied.

(c) The determination by a circuit court that a registrant is subject to involuntary admission or judicial admission as provided in the Mental Health and Developmental Disabilities Code operates as an automatic suspension. The suspension will end only upon (1) a finding by a court that the patient is no

longer subject to involuntary admission or judicial admission, (2) issuance of an order so finding and discharging the patient, and (3) the recommendation of the Department to the Director that the registrant be allowed to resume his or her practice.

Section 80. Cease and desist order.

(a) If a person violates a provision of this Act, the Director, in the name of the People of the State of Illinois through the Attorney General of the State of Illinois, or the State's Attorney of a county in which the violation occurs, may petition for an order enjoining the violation or for an order enforcing compliance with this Act. Upon the filing of a verified petition in court, the court may issue a temporary restraining order without notice or bond and may preliminarily and permanently enjoin the violation. If it is established that the registrant has violated or is violating the injunction, the court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to, and not in lieu of, all other remedies and penalties provided by this Act.

(b) If a person holds himself or herself out as a surgical assistant or surgical technologist without being registered under this Act, then any registrant under this Act, interested party, or person injured thereby, in addition to the Director or State's Attorney, may petition for relief as provided in subsection (a) of this Section.

(c) If the Department determines that a person violated a provision of this Act, the Department may issue a rule to show cause why an order to cease and desist should not be entered against him or her. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall cause an order to cease and desist to be issued immediately.

Section 85. Investigation; notice; hearing. Certificates of registration may be refused, revoked, suspended, or otherwise disciplined in the manner provided by this Act and not otherwise. The Department may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts that if proven would constitute grounds for refusal to issue or for suspension or revocation under this Act, investigate the actions of a person applying for, holding, or claiming to hold a certificate of registration. The Department shall, before refusing to issue or renew, suspending, or revoking a certificate of registration or taking other discipline pursuant to Section 75 of this Act, and at least 30 days prior to the date set for the hearing, notify in writing the applicant or licensee of any charges made, shall afford the applicant or registration an opportunity to be heard in person or by counsel in reference to the charges, and direct the applicant or registrant to file a written answer to the Department under oath within 20 days after the service of the notice and inform the applicant or registrant that failure to file an answer will result in default being taken against the applicant or registrant and that the certificate of registration may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature, or extent of practice, as the Director may deem proper. Written notice may be served by personal delivery to the applicant or registrant or by mailing the notice by certified mail to his or her last known place of residence or to the place of business last specified by the applicant or registrant in his or her last notification to the Department. If the person fails to file an answer after receiving notice, his or her certificate of registration may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the delegated tasks or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Department shall proceed to hearing of the charges and both the applicant or registrant and the complainant shall be afforded ample opportunity to present, in person or by counsel, any statements, testimony, evidence, and arguments that may be pertinent to the charges or to their defense. The Department may continue a hearing from time to time. The Department may continue a hearing for a period not to exceed 30 days.

Section 90. Record of proceedings. The Department, at its expense, shall preserve a record of all proceedings at a formal hearing conducted pursuant to Section 85 of this Act. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Department or hearing officer, and orders of the Department shall be the record of the proceeding. The Department shall supply a transcript of the record to a person interested in the hearing on payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

Section 95. Order for production of documents. A circuit court may, upon application of the Department or its designee, or of the applicant or registration against whom proceedings pursuant to Section 85 of this Act are pending, enter an order requiring the attendance of witnesses and their testimony and the production of documents, papers, files, books, and records in connection with a

hearing or investigation authorized by this Act. The court may compel obedience to its order through contempt proceedings.

Section 100. Subpoena power. The Department has the power to subpoena and bring before it any person in this State and to take testimony orally or by deposition, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in civil cases in circuit courts of this State. The Director shall have the authority to administer, at any hearing that the Department is authorized to conduct under this Act, oaths to witnesses and any other oaths authorized to be administered by the Department under this Act.

Section 105. Disciplinary report. At the conclusion of the hearing, the Department shall present to the Director a written report of its findings of fact, conclusions of law, and recommendations. In the report, the Department shall make a finding of whether or not the charged registrant or applicant violated a provision of this Act or its rules and shall specify the nature of the violation. In making its recommendations for discipline, the Department may take into consideration all facts and circumstances bearing upon the reasonableness of the conduct of the respondent and the potential for future harm to the public, including but not limited to previous discipline of that respondent by the Department, intent, degree of harm to the public and likelihood of harm in the future, any restitution made, and whether the incident or incidents complained of appear to be isolated or a pattern of conduct. In making its recommendations for discipline, the Department shall seek to ensure that the severity of the discipline recommended bears some reasonable relationship to the severity of the violation.

Section 110. Motion for rehearing. In a case involving the refusal to issue or renew a registration or the discipline of a registrant, a copy of the Department's report shall be served upon the respondent by the Department, either personally or as provided under Section 20 of this Act for the service of the notice of hearing. Within 20 days after the service, the respondent may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for a rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing the motion, or if a motion for rehearing is denied, then upon the denial the Director may enter an order in accordance with recommendations of the Department, except as provided in Section 115 or 120 of this Act. If the respondent orders a transcript of the record from the reporting service and pays for the transcript within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Section 115. Order of Director.

(a) The Director shall issue an order concerning the disposition of the charges (i) following the expiration of the filing period granted under Section 110 of this Act if no motion for rehearing is filed or (ii) following a denial of a timely motion for rehearing.

(b) The Director's order shall be based on the recommendations contained in the Department report unless, after giving due consideration to the Department's report, the Director disagrees in any regard with the report of the Department, in which case he or she may issue an order in contravention of the report. The Director shall provide a written report to the Department on any deviation from the Department's report and shall specify with particularity the reasons for his or her deviation in the final order. The Department's report and Director's order are not admissible in evidence against the person in a criminal prosecution brought for a violation of this Act, but the hearing, report, and order are not a bar to a criminal prosecution brought for the violation of this Act.

Section 120. Hearing officer. The Director shall have the authority to appoint an attorney licensed to practice law in this State to serve as the hearing officer in a hearing authorized under Section 90 of this Act. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report his or her findings of fact, conclusions of law, and recommendations to the Department. If the Director disagrees in any regard with the report of the Department, he or she may issue an order in contravention of the report. The Director shall provide a written explanation to the Department on a deviation from the Department's report and shall specify with particularity the reasons for his or her deviation in the final order.

Section 125. Rehearing on order of Director. Whenever the Director is not satisfied that substantial justice has been achieved in the discipline of a registration, the Director may order a rehearing by the same or another hearing officer.

Section 130. Order; prima facie proof. An order or a certified copy of an order, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof that:

(1) the signature is the genuine signature of the Director; and

(2) the Director is duly appointed and qualified.

Section 135. Restoration of registration. At any time after the suspension or revocation of a certificate of registration, the Department may restore it to the registrant unless, after an investigation

and a hearing, the Department determines that restoration is not in the public interest. Where circumstances of suspension or revocation so indicate, the Department may require an examination of the registrant before restoring his or her certificate of registration.

Section 140. Surrender of certificate of registration. Upon the revocation or suspension of a certificate of registration, the registrant shall immediately surrender the certificate of registration to the Department. If the registrant fails to do so, the Department shall have the right to seize the certificate of registration.

Section 145. Temporary suspension. The Director may temporarily suspend the registration of a surgical assistant or surgical technologist without a hearing, simultaneously with the institution of proceedings for a hearing provided for in Section 85 of this Act, if the Director finds that evidence in his or her possession indicates that continuation in practice would constitute an imminent danger to the public. If the Director temporarily suspends a license without a hearing, a hearing by the Department shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay.

Section 150. Certificate of record. The Department shall not be required to certify any record to a court or file an answer in court or otherwise appear in a court in a judicial review proceeding unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record. Failure on the part of the plaintiff to file a receipt in court shall be grounds for dismissal of the action.

Section 155. Administrative Review Law. All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Proceedings for judicial review shall be commenced in the circuit court of the county in which the party seeking review resides. If the party seeking review is not a resident of this State, venue shall be in Sangamon County.

Section 160. Criminal penalties. A person who is found to have knowingly violated Section 35 of this Act is guilty of a Class A misdemeanor for a first offense and is guilty of a Class 4 felony for a second or subsequent offense.

Section 165. Civil penalties.

(a) In addition to any other penalty provided by law, a person who violates Section 35 of this Act shall pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding a hearing for the discipline of a licensee.

(b) The Department has the authority and power to investigate any and all unregistered activity.

(c) The civil penalty assessed under this Act shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had on the judgment in the same manner as a judgment from a court of record.

Section 170. Home rule powers. The regulation of surgical assistants and surgical technologists is an exclusive power and function of the State. A home rule unit shall not regulate surgical assistants or surgical technologists. This Section is a limitation under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

Section 900. The Regulatory Sunset Act is amended by changing Section 4.24 as follows:

(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 Public Accounting Act.

<u>The Registered Surgical Assistant and Registered Surgical Technologist Title Protection Act.</u>

(Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 999. 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 Amendment No. 3 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 368** was recalled from the order of third reading to the order of second reading.

Senators Shadid - Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 368, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 11A-2 and 11A-8 as follows:

(105 ILCS 5/11A-2) (from Ch. 122, par. 11A-2)

Sec. 11A-2. Organization of community unit districts; territorial requirement. (1) Any contiguous and compact territory of at least $12,000,000 equalized assessed valuation and having a population of not less than 4,000 and not more than 500,000, no part of which is included within any unit district, may be organized into a community unit school district as provided in this Article; (2) the territory of 2 or more entire unit school districts that are contiguous to each other and the territory of which taken as a whole is compact may be organized into a community unit school district as provided in this Article; or (3) the territory of one or more entire unit school districts that are contiguous to each other plus any contiguous and compact territory, no part of which is included within any unit district, and the territory of which taken as a whole is compact may be organized into a community unit school district as provided in this Article; however, a petition or petitions may be filed hereunder proposing to divide a unit school district into 2 or more parts and proposing to include all of such parts in 2 or more community unit districts. As used in this Section, a unit school district includes, but is not limited to, a special charter unit school district.

The territory of any high school district and all of the elementary school districts included within that high school district may be organized into a community unit school district. A petition signed by at least 10% of the voters residing in the affected school districts included in the proposal shall be filed with the regional superintendent of schools of the region in which the territory described in the petition is situated, or the petition may be filed by the school board of the high school district. The petition shall (i) request the submission of the proposition at a regular scheduled election for the purpose of voting for or against the creation of a community unit school district; (ii) describe the territory comprising the proposed district; and (iii) set forth the maximum tax rates for educational, operations and maintenance, pupil transportation, and fire prevention and safety purposes that the proposed district will be authorized to levy.

The regional superintendent shall not accept for filing hereunder any petition which includes therein any territory already included as part of the territory described in another petition filed hereunder. Hearings on a petition filed hereunder shall not be commenced so long as any part of the territory described therein shall include territory described, whether by amendment or otherwise, in another petition filed hereunder. A petition may be filed hereunder which contains less than the required minimum equalized assessed valuation or population requirements provided that such a petition shall not be approved by the regional superintendent and State Superintendent unless it is determined: (1) that there is a compelling reason for granting the petition; (2) that the territory involved cannot currently be organized as part of a petition which meets the minimum requirements; (3) that the granting of the petition will not interfere with the ultimate reorganization of the territory into a school district which meets the minimum requirements; (4) that the granting of the petition is in the best educational interests of the pupils affected; and (5) that the granting of the petition is financially beneficial to the affected school districts. (Source: P.A. 88-555, eff. 7-27-94.)

(105 ILCS 5/11A-8) (from Ch. 122, par. 11A-8)

Sec. 11A-8. Passage requirements. (a) Except as otherwise provided by Section 11A-7, the proposition to create a community unit school district shall be submitted only to the voters of the territory which comprises the proposed community unit school district, and if a majority of the voters ~~in each of the affected school districts~~ voting at such election vote in favor of the establishment of such community unit school district, the proposition shall be deemed to have passed. Unless the board of education of a new community unit school district is elected at the same election at which the proposition establishing that district is deemed to have passed, the regional superintendent of schools shall order an election to be held on the next regularly scheduled election date for the purpose of electing a board of education for that district. In either event, the board of education elected for a new community unit school district created under this Article shall consist of 7 members who shall have the terms and the powers and duties of school boards as defined in Article 10 of this Act. Nomination papers filed under this Section are not valid unless the candidate named therein files with the regional superintendent a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such statement shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law. The regional superintendent shall perform the election duties assigned by law to the secretary of a school board for such election, and shall

certify the officers and candidates therefor pursuant to the general election law.

(b) Except as otherwise provided in subsection (c), for school districts formed before January 1, 1975, if the territory of such district is greater than 2 congressional townships or 72 square miles, then not more than 3 board members may be selected from any one congressional township, but congressional townships of less than 100 inhabitants shall not be considered for the purpose of such mandatory board representation, and in any such community unit district where at least 75% but not more than 90% of the population is in one congressional township 4 board members shall be selected therefrom and 3 board members shall be selected from the rest of the district, but in any such community unit district where more than 90% of the population is in one congressional township all board members may be selected from one or more congressional townships; and whenever the territory of any community unit district shall consist of not more than 2 congressional townships or 72 square miles, but shall consist of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district, not more than 5 board members shall be selected from any city, village or incorporated town in such school district.

(c) The provisions of subsection (b) for mandatory board representation shall no longer apply to a community unit school district formed prior to January 1, 1975, and the members of the board of education shall be elected at large from within that school district and without restriction by area of residence within the district if both of the following conditions are met with respect to that district:

(1) A proposition for the election of board members at large and without restriction by area of residence within the district rather than in accordance with the provisions of subsection (b) for mandatory board representation is submitted to the school district's voters at a regular school election or at the general election as provided in this subsection (c).

(2) A majority of those voting at the election in each congressional township comprising the territory of the school district, including any congressional township of less than 100 inhabitants, vote in favor of the proposition.

The board of education of the school district may by resolution order submitted or, upon the petition of the lesser of 2,500 or 5% of the school district's registered voters, shall order submitted to the school district's voters at a regular school election or at the general election the proposition for the election of board members at large and without restriction by area of residence within the district rather than in accordance with the provisions of subsection (b) for mandatory board representation; and the proposition shall thereupon be certified by the board's secretary for submission. If a majority of those voting at the election in each congressional township comprising the territory of the school district, including any congressional township of less than 100 inhabitants, vote in favor of the proposition: (i) the proposition to elect board members at large and without restriction by area of residence within the district shall be deemed to have passed, (ii) new members of the board shall be elected at large and without restriction by area of residence within the district at the next regular school election, and (iii) the terms of office of the board members incumbent at the time the proposition is adopted shall expire when the new board members that are elected at large and without restriction by area of residence within the district have organized in accordance with Section 10-16. In a community unit school district that formerly elected its members under subsection (b) to successive terms not exceeding 4 years, the members elected at large and without restriction by area of residence within the district shall be elected for a term of 4 years, and in a community unit school district that formerly elected its members under subsection (b) to successive terms not exceeding 6 years, the members elected at large and without restriction by area of residence within the district shall be elected for a term of 6 years; provided, that in each case the terms of the board members initially elected at large and without restriction by area of residence within the district as provided in this subsection shall be staggered and determined in accordance with the provisions of Sections 10-10 and 10-16. (Source: P.A. 89-129, eff. 7-14-95.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Schoenberg, **Senate Bill No. 404** 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 404 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Children's Privacy Protection and Parental Empowerment Act.

Section 5. Definitions. As used in this Act:

"Child" means a person under the age of 18.

"Personal information" means any of the following:

(1) A person's name.

(2) A person's address.

(3) A person's telephone number.

(4) A person's driver's license number or State of Illinois identification card as assigned by the Illinois Secretary of State or by a similar agency of another state.

(5) A person's social security number.

(6) Any other information that can be used to identify a specific individual.

Personal information does not include public records as defined by Section 2 of the Freedom of Information Act.

Section 10. Prohibited acts. The following acts are prohibited:

(a) the sale or purchase of personal information concerning a child without parental consent;

(b) the processing of personal information concerning a child by prisoners or convicted sex offenders; and

(c) the distribution or exchange of a child's personal information that one has reason to believe will be used to harm or abuse the child.

Section 15. Information brokers and solicitors. Persons who broker, solicit, or facilitate the sale of personal information concerning children are required:

(a) To disclose to a parent, step-parent, or legal guardian, upon request, the source and content of personal information on file with regard to that person's child, step-child, or ward.

(b) To disclose to a parent, step-parent, or legal guardian, upon request, the names of persons or entities that have received or solicited personal information with regard to that person's child, step-child, or ward.

(c) Upon the request of a parent, step-parent, or legal guardian, to cease to broker, solicit, or facilitate the sale of personal information concerning that person's child, step-child, or ward.

Section 20. Application of the Consumer Fraud and Deceptive Business Practices Act. A violation of any provision of this Act is a violation of the Consumer Fraud and Deceptive Business Practices Act.

Section 90. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the Children's Privacy Protection and Parental Empowerment Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, or paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code commits an unlawful practice within the meaning of this Act. (Source: P.A. 91-164, eff. 7-16-99; 91-230, eff. 1-1-00; 91-233, eff. 1-1-00; 91-810, eff. 6-13-00; 92-426, 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 Jacobs, **Senate Bill No. 411** 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. 3

AMENDMENT NO. 3. Amend Senate Bill 411, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2 on page 2, line 16, after "licensee." by inserting: "For a violation of Section 6-16, the State Commission may impose a fine not to exceed $250 if the appropriate local liquor control commissioner did not take any action. If the local liquor control commissioner issued a fine of less than $250, the State Commission may impose an additional fine to make the total fine from the appropriate local liquor control commissioner and the State Commission equal up to $250. For multiple violations of Section 6-16 within a 24-month period, the maximum fine shall be increased $250 for each violation.".

The motion prevailed.
And the amendment was adopted and ordered printed.
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 Lightford, **Senate Bill No. 423** was recalled from the order of third reading to the order of second reading.
Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 423 on page 5, line 28, by deleting "or sentence"; and on page 7, line 13, by deleting "and assistance".

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 Shadid, **Senate Bill No. 451** 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 451 by replacing everything after the enacting clause with the following
"Section 5. The Illinois Vehicle Code is amended by changing Section 12-608 as follows:
(625 ILCS 5/12-608) (from Ch. 95 1/2, par. 12-608)
Sec. 12-608. Bumpers. (a) It shall be unlawful to operate any motor vehicle with a gross vehicle weight rating of 9,000 pounds or less or any motor vehicle registered as a recreational vehicle under this Code on any highway of this State unless such motor vehicle is equipped with both a front and rear bumper.

Except as indicated below, maximum bumper heights of such motor vehicles shall be determined by weight category of gross vehicle weight rating (GVWR) measured from a level surface to the highest point of the bottom of the bumper when the vehicle is unloaded and the tires are inflated to the manufacturer's recommended pressure.

Maximum bumper heights are as follows:

Maximum Front	Maximum Rear	
Bumper height	Bumper Height	
All motor vehicles of the first		
division except multipurpose		
passenger vehicles:	22 inches	22 inches
Multipurpose passenger vehicles and		

all other motor vehicles:

4,500 lbs. and under GVWR	24 inches	26 inches
4,501 lbs. through 7,500		
lbs. GVWR	27 inches	29 inches
7,501 lbs. through 9,000		
lbs. GVWR	28 inches	30 inches

It is unlawful to operate upon any highway of this State any vehicle with a front bumper height that exceeds 28 inches or a rear bumper height that exceeds 30 inches, regardless of the GVWR of the vehicle, except those vehicles covered by Chapter 18b of this Code.

For any vehicle with bumpers or attaching components which have been modified or altered from the original manufacturer's design in order to conform with the maximum bumper requirements of this section, the bumper height shall be measured from a level surface to the bottom of the vehicle frame rail at the most forward and rearward points of the frame rail. The bumper on any vehicle so modified or altered shall be at least 4.5 inches in vertical height and extend no less than the width of the respective wheel tracks outermost distance.

However, nothing in this Section shall prevent the installation of bumper guards.

(b) This Section shall not apply to street rods, custom vehicles, motor vehicles designed or modified primarily for off-highway purposes while such vehicles are in tow or to motorcycles or motor driven cycles, nor to motor vehicles registered as antique vehicles when the original design of such antique vehicles did not include bumpers. The provisions of this Section shall not apply to any motor vehicle driven during the first 1000 recorded miles of that vehicle, when such vehicle is owned or operated by a manufacturer, dealer or transporter displaying a special plate or plates as described in Chapter 3 of this Code while such vehicle is (1) being delivered from the manufacturing or assembly plant directly to the purchasing dealer or distributor, or from one dealership or distributor to another; (2) being moved by the most direct route from one location to another for the purpose of installing special bodies or equipment; or (3) being driven for purposes of demonstration by a prospective buyer with the dealer or his agent present in the cab of the vehicle during the demonstration.

The dealer shall, prior to the receipt of any deposit made or any contract signed by the buyer to secure the purchase of a vehicle, inform such buyer, by written statement signed by the purchaser to indicate acknowledgement of the contents thereof, of the legal requirements of this Section regarding front and rear bumpers if such vehicle is not to be equipped with bumpers at the time of delivery.

(c) Any violation of this Section is a Class C misdemeanor. A second conviction under this Section shall be punishable with a fine of not less than $500. An officer making an arrest under this Section shall order the vehicle driver to remove the vehicle from the highway. A person convicted under this Section shall be ordered to bring his vehicle into compliance with this Section. (Source: P.A. 92-668, eff. 1-1-03.)".

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 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. 2

AMENDMENT NO. 2. Amend Senate Bill 461 on page 2, line 28 by changing "agency or" to "agency to"; and
on page 2, line 29 by changing "contractor" to "contract".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 461, AS AMENDED, by deleting subsection (c) of Section 5; and
in Section 5, by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively; and
in Section 10, in the paragraph beginning with ""State funds""; by deleting "or other thing of value"; and by inserting at the end of Section 25 the following:
"Section 30. Construction of Act. Nothing in this Act shall be construed to make a contractor responsible for the actions of a subcontractor.".

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 Maloney, **Senate Bill No. 467** was recalled from the order of third reading to the order of second reading.
Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 467 on page 1 by replacing line 18 with the following:
"physician and are medically appropriate.".

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 E. Jones, **Senate Bill No. 487** was recalled from the order of third reading to the order of second reading.
Senator E. Jones offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 487 by replacing everything after the enacting clause with the following: "ARTICLE 5. GENERAL PROVISIONS.
Section 5-5. Short title; Act supersedes the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993. This Act may be cited as the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 and it supersedes the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 repealed by this Act.
Section 5-10. Definitions. As used in this Act:
"Advertisement" means any printed material that is published in a phone book, newspaper, magazine, pamphlet, newsletter, or other similar type of publication that is intended to either attract business or merely provide contact information to the public for an agency or licensee. Advertisement shall include any material published over the Internet or other electronic formats, but shall not include a licensee's or an agency's letterhead, business cards, or other stationery used in routine business correspondence or customary name, address, and number type listings in a telephone directory.
"Alarm system" means any system, including an electronic access control system, a surveillance video system, a security video system, a burglar alarm system, a fire alarm system, or any other electronic system, that activates an audible, visible, remote, or recorded signal that is designed for the protection or detection of intrusion, entry, theft, fire, vandalism, escape, or trespass.
"Armed employee" means a licensee or registered person who is employed by an agency licensed under this Act who carries a weapon while engaged in the performance of official duties within the course and scope of his or her employment during the hours and times the employee is scheduled to work or is commuting between his or her home or place of employment, provided that commuting is

accomplished within one hour from departure from home or place of employment.

"Armed proprietary security force" means a security force made up of 5 or more armed individuals employed by a private, commercial, or industrial operation or one or more armed individuals employed by a financial institution as security officers for the protection of persons or property.

"Board" means the Private Detective, Private Alarm, Private Security, and Locksmith Board.

"Branch office" means a business location where active employee records that are required to be maintained under this Act are kept, where prospective new employees are processed, or where members of the public are invited in to transact business. A branch office does not include an office or other facility located on the property of an existing client that is utilized solely for the benefit of that client and is not owned or leased by the agency.

"Corporation" means an artificial person or legal entity created by or under the authority of the laws of a state.

"Department" means the Department of Professional Regulation.

"Director" means the Director of Professional Regulation.

"Employee" means a person who works for a person or agency that has the right to control the details of the work performed and is not dependent upon whether or not federal or state payroll taxes are withheld.

"Fire alarm system" means any system that is activated by an automatic or manual device in the detection of smoke, heat, or fire that activates an audible, visible, or remote signal requiring a response.

"Firearm authorization card" means a card issued by the Department that authorizes the holder to carry a weapon during the performance of his or her duties as specified in this Act.

"Firm" means an unincorporated business entity, including but not limited to proprietorships and partnerships.

"Locksmith" means a person who engages in a business or holds himself out to the public as providing a service that includes, but is not limited to, the servicing, installing, originating first keys, re-coding, repairing, maintaining, manipulating, or bypassing of a mechanical or electronic locking device, access control or video surveillance system at premises, vehicles, safes, vaults, safe deposit boxes, or automatic teller machines.

"Locksmith agency" means a person, corporation, or other entity that engages in the locksmith business and employs, in addition to the locksmith licensee-in-charge, at least one other person in conducting such business.

"Locksmith licensee-in-charge" means a person who has been designated by a person, association, firm, or corporation to be the licensee-in-charge of an agency, who is a full-time executive employee or owner who assumes sole responsibility for all employees of the agency and for their actions, who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act.

"Peace officer" or "police officer" means a person who, by virtue of office or public employment, is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses. Officers, agents, or employees of the federal government commissioned by federal statute to make arrests for violations of federal laws are considered peace officers.

"Permanent employee registration card" means a card issued by the Department to an individual who has applied to the Department and meets the requirements for employment by a licensed agency under this Act.

"Person" means a natural person.

"Private alarm contractor" means a person who engages in a business that individually or through others undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to sell, install, monitor, maintain, alter, repair, replace, or service alarm and other security-related systems or parts thereof, including fire alarm systems, at protected premises or premises to be protected or responds to alarm systems at a protected premises on an emergency basis and not as a full-time security officer. "Private alarm contractor" does not include a person, firm, or corporation that manufactures or sells alarm systems only from its place of business and does not sell, install, monitor, maintain, alter, repair, replace, service, or respond to alarm systems at protected premises or premises to be protected.

"Private alarm contractor agency" means a person, corporation, or other entity that engages in the private alarm contracting business and employs, in addition to the private alarm contractor-in-charge, at least one other person in conducting such business.

"Private alarm contractor licensee-in-charge" means a person who has been designated by a person, association, firm, or corporation to be the licensee-in-charge of an agency, who is a full-time executive employee or owner who assumes sole responsibility for all employees of the agency and for their

actions, who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act. If the licensee-in-charge is a person other than the controlling interest owner, the full-time in-charge executive employee shall work at least 30 hours per week for the agency.

"Private detective" means any person who by any means, including but not limited to manual or electronic methods, engages in the business of, accepts employment to furnish, or agrees to make or makes investigations for a fee or other consideration to obtain information, from any source, public or private, relating to:

(1) Crimes or wrongs done or threatened against the United States, any state or territory of the United States, or any local government of a state or territory.

(2) The identity, habits, conduct, business occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movements, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person, firm, or other entity by any means, manual or electronic.

(3) The location, disposition, or recovery of lost or stolen property.

(4) The cause, origin, or responsibility for fires, accidents, or injuries to individuals or real or personal property.

(5) The truth or falsity of any statement or representation.

(6) Securing evidence to be used before any court, board, or investigating body.

(7) The protection of individuals from bodily harm or death (bodyguard functions).

(8) Service of process in criminal and civil proceedings without court order.

"Private detective agency" means a person, firm, or other entity that engages in the private detective business and employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private Detective licensee-in-charge" means a person who has been designated by a person, association, firm, or corporation to be the licensee-in-charge of an agency, who is a full-time executive employee or owner who assumes sole responsibility for all employees of the agency and for their actions, who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act.

"Private security contractor" means a person who engages in the business of providing a private security officer, watchman, patrol, or a similar service by any other title or name on a contractual basis for another person, firm, corporation, or other entity for a fee or other consideration and performing one or more of the following functions:

(1) The prevention or detection of intrusion, entry, theft, vandalism, abuse, fire, or trespass on private or governmental property.

(2) The prevention, observation, or detection of any unauthorized activity on private or governmental property.

(3) The protection of persons authorized to be on the premises of the person, firm, or other entity for which the security contractor contractually provides security services.

(4) The prevention of the misappropriation or concealment of goods, money, bonds, stocks, notes, documents, or papers.

(5) The control, regulation, or direction of the movement of the public for the time specifically required for the protection of property owned or controlled by the client.

(6) The protection of individuals from bodily harm or death (bodyguard functions).

"Private security contractor agency" means a person or other entity that engages in the private security contractor business and that employs, in addition to the licensee-in-charge, one or more persons in conducting such business.

"Private security contractor licensee-in-charge" means a person who has been designated by a person, association, firm, or corporation to be the licensee-in-charge of an agency, who is a full-time executive employee or owner who assumes sole responsibility for all employees of the agency and for their actions, who assumes sole responsibility for maintaining all records required by this Act, and who assumes sole responsibility for assuring the licensed agency's compliance with its responsibilities as stated in this Act.

"Public member" means a person who is not a licensee or related to a licensee, or who is not an employer or employee of a licensee. The term "related to" shall be determined by the rules of the Department.

Section 5-15. Legislative intent. The intent of the General Assembly in enacting this statute is to regulate persons and businesses licensed under this Act for the protection of the public. These practices

are declared to affect the public health, safety, and welfare and are subject to State regulation and licensure. This Act shall be construed to carry out these purposes. ARTICLE 10. GENERAL LICENSING PROVISIONS.

Section 10-5. Requirement of license.

(a) It is unlawful for a person to act as or provide the functions of a private detective, private security contractor, private alarm contractor, or locksmith or to advertise or to assume to act as any one of these, or to use these or any title implying that the person is engaged in any of these activities unless licensed as such by the Department. An individual or sole proprietor who does not employ any employees other than himself or herself may operate under a "doing business as" certification without having to obtain an agency license.

(b) It is unlawful for a person, firm, or other entity to act as an agency licensed under this Act, to advertise, or to assume to act as a licensed agency or to use a title implying that the person, firm, or other entity is engaged in the practice as a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency unless licensed by the Department.

(c) Any licensed agency that operates a branch office shall apply for a branch office license for each location.

Section 10-10. General exemptions. This Act does not apply to any of the following:

(1) A person, firm, or corporation engaging in fire protection engineering, including the design, testing, and inspection of fire protection systems.

(2) The practice of professional engineering as defined in the Professional Engineering Practice Act of 1989.

(3) The practice of structural engineering as defined in the Structural Engineering Practice Act of 1989.

(4) The practice of architecture as defined in the Illinois Architecture Practice Act of 1989.

(5) The activities of persons or firms licensed under the Illinois Public Accounting Act if performed in the course of their professional practice.

(6) An attorney licensed to practice in Illinois while engaging in the practice of law.

(7) A person engaged exclusively and employed by a person, firm, association, or corporation in the business of transporting persons or property in interstate commerce and making an investigation related to the business of that employer.

Section 10-15. Licensure classifications.

(a) The types of individual licenses issued pursuant to this Act are:

(1) Private detective.

(2) Private security contractor.

(3) Private alarm contractor.

(4) Locksmith.

(b) The types of business licenses issued pursuant to this Act are:

(1) Private detective agency.

(2) Private security contractor agency.

(3) Private alarm contractor agency.

(4) Locksmith agency.

(5) Agency branch office license.

Section 10-20. Application for license; forms.

(a) Each license application shall be on forms provided by the Department.

(b) Application for a license by endorsement, without examination, shall be made in accordance with the provisions of Section 10-40.

(c) Every application for an original, renewal, or restored license shall include the applicant's Social Security number.

Section 10-25. Issuance of license; renewal; fees.

(a) The Department shall, upon the applicant's satisfactory completion of the rFequirements set forth in this Act and upon receipt of the fee, issue the license and wallet card indicating the name and business location of the licensee and the dates of issuance and expiration and containing a photograph of the licensee provided to the Department that is not more than one year old as of the date of application for licensure and reflects any recent appearance changes.

(b) An applicant may, upon satisfactory completion of the requirements set forth in this Act and upon receipt of fees related to the application and testing for licensure, elect to defer the issuance of the applicant's initial license for a period not longer than 6 years. An applicant who fails to request issuance of his or her initial license or agency license and to remit the fees required for that license within 6 years shall be required to resubmit an application together with all required fees.

(c) The expiration date, renewal period, and conditions for renewal and restoration of each license, permanent employee registration card, and firearm authorization card shall be set by rule. The holder may renew the license, permanent employee registration card, or firearm authorization card during the 30 days preceding its expiration by paying the required fee and by meeting conditions that the Department may specify. Any license holder who notifies the Department on forms prescribed by the Department may place his or her license on inactive status for a period of not longer than 6 years and shall, subject to the rules of the Department, be excused from payment of renewal fees until the license holder notifies the Department, in writing, of an intention to resume active status. Practice while on inactive status constitutes unlicensed practice. A non-renewed license that has lapsed for less than 6 years may be restored upon payment of the restoration fee and all lapsed renewal fees. A license that has lapsed for more than 6 years may be restored by paying the required restoration fee and all lapsed renewal fees and by providing evidence of competence to resume practice satisfactory to the Department and the Board, which may include passing a written examination. All restoration fees and lapsed renewal fees shall be waived for an applicant whose license lapsed while on active duty in the armed forces of the United States if application for restoration is made within 12 months after discharge from the service.

(d) The Department shall by rule provide for fees for the administration and enforcement of this Act and such fees are nonrefundable. All fees shall be deposited into the General Professions Dedicated Fund and be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration and enforcement of this Act.

Section 10-30. Unlawful acts. It is unlawful for a licensee or an employee of a licensed agency:

(1) Upon termination of employment by the agency, to fail to return upon demand or within 72 hours of termination of employment any firearm issued by the employer together with the employee's firearm authorization card.

(2) Upon termination of employment by the agency, to fail to return within 72 hours of termination of employment any uniform, badge, identification card, or equipment issued, but not sold, to the employee by the agency.

(3) To falsify the employee's statement required by this Act.

Section 10-35. Examination of applicants; forfeiture of fee.

(a) Applicants for licensure shall be examined as provided by this Section if they are qualified to be examined under this Act. All applicants taking the examination shall be evaluated using the same standards as others who are examined for the respective license.

(b) Examinations for licensure shall be held at such time and place as the Department may determine, but shall be held at least twice a year.

(c) Examinations shall test the amount of knowledge and skill needed to perform the duties set forth in this Act and be in the interest of the protection of the public. All applicants, except locksmith applicants, shall also be examined on subject matter related to this Act, the Constitutions of the United States and the State of Illinois, Illinois government, and the Criminal Code of 1961. The Department may contract with a testing service for the preparation and conduct of the examination.

(d) If an applicant neglects, fails, or refuses to take an examination within one year after filing an application, the fee shall be forfeited. However, an applicant may, after the one-year period, make a new application for examination, accompanied by the required fee. If an applicant fails to pass the examination within 3 years after filing an application, the application shall be denied. An applicant may make a new application after the 3-year period.

Section 10-40. Licensure by endorsement; reciprocity. The Department shall promulgate rules for licensure by endorsement without examination and may license under this Act upon payment of the fee an applicant who is registered or licensed under the laws of another state, territory, or country if the requirements for registration or licensure in the jurisdiction in which the applicant was licensed or registered were, at the date of his or her registration or licensure, substantially equal to the requirements then in force in Illinois and that state or country has similar requirements for licensure or registration by endorsement. Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be denied, the fee forfeited, and the applicant must re-apply and meet the requirements in effect at the time of reapplication.

Section 10-45. Emergency care without a fee. A license holder, agency, or registered employee of a private security contractor, as defined in Section 5-10 of this Act, who in good faith provides emergency care without fee to any person or takes actions in good faith that directly relate to the employee's job responsibilities to protect people and property, as defined by the areas in which registered security officers receive training under Sections 20-20 and 25-20 shall not, as a result of his or her acts or omissions, except willful and wanton misconduct, in providing the care, be liable to a person to whom such care is provided for civil damages. ARTICLE 15. PRIVATE DETECTIVES.

Section 15-5. Exemptions; private detective. The provisions of this Act relating to the licensure of private detectives do not apply to any of the following:

(1) An employee of the United States, Illinois, or a political subdivision of either while the employee is engaged in the performance of his or her official duties within the scope of his or her employment. However, any such person who offers his or her services as a private detective or uses a similar title when these services are performed for compensation or other consideration, whether received directly or indirectly, is subject to this Act.

(2) A person, firm, or other entity engaged exclusively in tracing and compiling lineage or ancestry who does not hold himself or herself out to be a private detective.

(3) A person engaged exclusively in obtaining and furnishing information as to the financial rating or credit worthiness of persons or a person who provides reports in connection with (i) consumer credit transactions, (ii) information for employment purposes, or (iii) information for the underwriting of consumer insurance.

(4) Insurance adjusters employed or under contract as adjusters who engage in no other investigative activities other than those directly connected with adjustment of claims against an insurance company or a self-insured entity by which they are employed or with which they have a contract. No insurance adjuster or company may use the term "investigation" or any derivative thereof, in its name or in its advertising.

Section 15-10. Qualifications for licensure as a private detective.

(a) A person is qualified for licensure as a private detective if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience of the 5 years immediately preceding application working full-time for a licensed private detective agency as a registered private detective agency employee or with 3 years experience of the 5 years immediately preceding his or her application employed as a full-time investigator for a licensed attorney or in a law enforcement agency of a federal or state political subdivision, which shall include a state's attorney's office or a public defender's office. The Board and the Department shall approve such full-time investigator experience. An applicant who has a baccalaureate degree, or higher, in law enforcement or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years of the required experience. An applicant who has an associate degree in law enforcement or in a related field or in business from an accredited college or university shall be given credit for one of the 3 years of the required experience.

(7) Has not been dishonorably discharged from the armed forces of the United States or has not been discharged from a law enforcement agency of the United States or of any state or of any political subdivision thereof, which shall include a state's attorney office, for reasons relating to his or her conduct as an employee of that law enforcement agency.

(8) Has passed an examination authorized by the Department.

(b) It is the responsibility of the applicant to obtain general liability insurance in an amount and coverage appropriate for the applicant's circumstances as determined by rule. The applicant shall provide evidence of insurance to the Department before being issued a license. Failure to maintain general liability insurance and to provide the Department with written proof of the insurance shall result in cancellation of the license.

Section 15-15. Qualifications for licensure as a private detective agency.

(a) Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private detective-in-charge, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a license as a private detective agency to any of the following:

(1) An individual who submits an application and is a licensed private detective under this Act.

(2) A firm that submits an application and all of the members of the firm are licensed private detectives under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a detective agency, provided at least one full-time executive employee is licensed as a private detective in Illinois and all unlicensed officers and directors are determined by the Department to be persons of good moral character.

(b) No private detective may be the licensee-in-charge for more than one private detective agency. Upon written request by a representative of an agency, within 10 days after the loss of a licensee-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency.

Section 15-25. Training.

(a) Registered employees of a private detective agency shall complete, within 30 days of their employment, a minimum of 20 hours of training provided by a qualified instructor. The substance of the training shall be related to the work performed by the registered employee.

(b) It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer. An agency may place a notarized copy of the Department form in lieu of the original into the permanent employee registration card file. The original form shall be given to the employee when his or her employment is terminated. Failure to return the original form to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(c) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 or any prior Act shall be accepted as proof of training under this Act. ARTICLE 20. PRIVATE ALARM CONTRACTORS.

Section 20-5. Exemptions; private alarm contractor.

(a) The provisions of this Act related to the licensure of private alarm contractors do not apply to any of the following:

(1) A person who sells alarm system equipment and is not an employee, agent, or independent contractor of an entity that installs, monitors, maintains, alters, repairs, services, or responds to alarm systems at protected premises or premises to be protected if all of the following conditions are met:

(A) The alarm systems are approved either by Underwriters Laboratories or another authoritative entity recognized by the Department and identified by a federally-registered trademark.

(B) The owner of the trademark has authorized the person to sell the trademark owner's products and the person provides proof to the Department of this authorization.

(C) The owner of the trademark provides, upon the Department's request, proof of liability insurance for bodily injury or property damage from defective products of not less than $1,000,000 combined single limit. The insurance policy need not apply exclusively to alarm systems.

(2) A person who sells, installs, maintains, or repairs automobile alarm systems.

(3) A licensed electrical contractor who repairs or services fire alarm systems on an emergency call-in basis or who sells, installs, maintains, alters, repairs, or services only fire alarm systems and not alarm or other security related electronic systems.

(b) Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of delivery drivers, reception personnel, building cleaning, landscape and maintenance personnel, and employees involved in vehicle and equipment repair. Confidential or security information is that which pertains to employee files, scheduling, client contracts, or technical security and alarm data.

Section 20-10. Qualifications for licensure as a private alarm contractor.

(a) A person is qualified for licensure as a private alarm contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience of the 5 years immediately preceding application working as a full-time manager for a licensed private alarm contractor agency or for an entity that designs, sells, installs, services, or monitors alarm systems that, in the judgment of the Board, satisfies the standards of alarm industry competence. An applicant who has received a 4-year degree or higher in electrical engineering or a related field from a program approved by the Board shall be given credit for 2 years of the required experience. An applicant who has successfully completed a national certification program approved by the Board shall be given credit for one year of the required experience.

(7) Has not been dishonorably discharged from the armed forces of the United States.

(8) Has passed an examination authorized by the Department.

(9) Submits the photographs, fingerprints, proof of having general liability insurance required under subsection (b), and the required license fee.

(10) Has not violated Section 5-5 of this Act.

(b) It is the responsibility of the applicant to obtain general liability insurance in an amount and coverage appropriate for the applicant's circumstances as determined by rule. The applicant shall provide evidence of insurance to the Department before being issued a license. Failure to maintain general liability insurance and to provide the Department with written proof of the insurance shall result in cancellation of the license.

Section 20-15. Qualifications for licensure as a private alarm contractor agency.

(a) Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private alarm contractor-in-charge, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a license as a private alarm contractor agency to any of the following:

(1) An individual who submits an application and is a licensed private alarm contractor under this Act.

(2) A firm that submits an application and all of the members of the firm are licensed private alarm contractors under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a private alarm contractor agency if at least one executive employee is licensed as a private alarm contractor under this Act and all unlicensed officers and directors of the corporation or limited liability company are determined by the Department to be persons of good moral character.

(b) No private alarm contractor may be the private alarm contractor-in-charge for more than one private alarm contractor agency. Upon written request by a representative of an agency, within 10 days after the loss of a licensed private alarm contractor-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency.

(c) No private alarm contractor, private alarm contractor agency, or person may install or connect an alarm system or fire alarm system that connects automatically and directly to a governmentally operated police or fire dispatch system in a manner that violates subsection (a) of Section 15.2 of the Emergency Telephone System Act. In addition to the penalties provided by the Emergency Telephone System Act, a private alarm contractor agency that violates this Section shall pay the Department an additional penalty of $250 per occurrence.

Section 20-20. Training.

(a) Registered employees of the private alarm contractor agency who carry a firearm and respond to alarm systems shall complete, within 30 days of their employment, a minimum of 20 hours of classroom training provided by a qualified instructor and shall include all of the following subjects:

(1) The law regarding arrest and search and seizure as it applies to the private alarm industry.

(2) Civil and criminal liability for acts related to the private alarm industry.

(3) The use of force.

(4) Arrest and control techniques.

(5) The offenses under the Criminal Code of 1961 that are directly related to the protection of persons and property.

(6) The law on private alarm forces and on reporting to law enforcement agencies.

(7) Fire prevention, fire equipment, and fire safety.

(8) The procedures for service of process and for report writing.

(9) Civil rights and public relations.

(b) All other employees of a private alarm contractor agency shall complete a minimum of 20 hours of training provided by a qualified instructor within 30 days of their employment. The substance of the training shall be related to the work performed by the registered employee.

(c) It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer. A private alarm contractor agency may place a notarized copy of the Department form in lieu of the original into the permanent employee registration card file. The original form shall be given to the employee when his or her employment is terminated. Failure to return the original form to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(d) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 or any prior Act shall be accepted as proof of training under this Act. ARTICLE 25. PRIVATE SECURITY CONTRACTORS.

Section 25-5. Exemptions; private security contractor. The provisions of this Act related to licensure of a private security contractor do not apply to any of the following:

(1) An employee of the United States, Illinois, or a political subdivision of either while the employee is engaged in the performance of his or her official duties within the scope of his or her employment. However, any such person who offers his or her services as a private security contractor or uses a similar title when these services are performed for compensation or other consideration, whether received directly or indirectly, is subject to this Act.

(2) A person employed as either an armed or unarmed security officer at a nuclear energy, storage, weapons, or development site or facility regulated by the United States Nuclear Regulatory Commission who has completed the background screening and training mandated by the regulations of the United States Nuclear Regulatory Commission.

(3) A person, watchman, or proprietary security officer employed exclusively by only one employer in connection with the exclusive activities of that employer.

Section 25-10. Qualifications for licensure as a private security contractor.

(a) A person is qualified for licensure as a private security contractor if he or she meets all of the following requirements:

(1) Is at least 21 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

(3) Is of good moral character. Good character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has a minimum of 3 years experience of the 5 years immediately preceding application working as a full-time manager for a licensed private security contractor agency or a manager of a proprietary security force of 30 or more persons registered with the Department or with 3 years experience of the 5 years immediately preceding his or her application employed as a full-time supervisor in a law enforcement agency of a federal or state political subdivision, which shall include a state's attorney's office or public defender's office. The Board and the Department shall approve such full-time supervisory experience. An applicant who has a baccalaureate degree or higher in police science or a related field or a business degree from an accredited college or university shall be given credit for 2 of the 3 years of the required experience. An applicant who has an associate degree in police science or in a related field or in business from an accredited college or university shall be

given credit for one of the 3 years of the required experience.

(7) Has not been dishonorably discharged from the armed forces of the United States.

(8) Has passed an examination authorized by the Department.

(b) It is the responsibility of the applicant to obtain general liability insurance in an amount and coverage appropriate for the applicant's circumstances as determined by rule. The applicant shall provide evidence of insurance to the Department before being issued a license. Failure to maintain general liability insurance and to provide the Department with written proof of the insurance shall result in cancellation of the license.

Section 25-15. Qualifications for licensure as a private security contractor agency.

(a) Upon receipt of the required fee and proof that the applicant has a full-time Illinois licensed private security contractor-in-charge, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a license as a private security contractor agency to any of the following:

(1) An individual who submits an application and is a licensed private security contractor under this Act.

(2) A firm that submits an application and all of the members of the firm are licensed private security contractors under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a private security contractor agency if at least one officer or executive employee is licensed as a private security contractor by this Act and all unlicensed officers and directors are determined by the Department to be persons of good moral character.

(b) No private security contractor may be the private security contractor licensee-in-charge for more than one private security contractor agency. Upon written request by a representative of the agency, within 10 days after the loss of a private security contractor licensee-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency.

Section 25-20. Training.

(a) Registered employees of the private security contractor agency who provide traditional guarding or other private security related functions or who respond to alarm systems shall complete, within 30 days of their employment, a minimum of 20 hours of classroom training provided by a qualified instructor, which shall include the following subjects:

(1) The law regarding arrest and search and seizure as it applies to private security.

(2) Civil and criminal liability for acts related to private security.

(3) The use of force.

(4) Arrest and control techniques.

(5) The offenses under the Criminal Code of 1961 that are directly related to the protection of persons and property.

(6) The law on private security forces and on reporting to law enforcement agencies.

(7) Fire prevention, fire equipment, and fire safety.

(8) The procedures for service of process and for report writing.

(9) Civil rights and public relations.

(b) All other employees of a private security contractor agency shall complete a minimum of 20 hours of training provided by the qualified instructor within 30 days of their employment. The substance of the training shall be related to the work performed by the registered employee.

(c) Registered employees of the private security contractor shall complete, within 6 months of the start of their employment, an additional 8 hours of on-the-job training.

(d) Registered employees of a private security contractor agency, with a minimum of one year of employment, who provide traditional guarding or other private security related functions, shall complete on an annual calendar year basis a minimum of 8 hours of on-the-job training to meet site specific requirements. The foregoing on-the-job training is in addition to the basic training required under this Section.

(e) It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer. An agency may place a notarized copy of the Department form

in lieu of the original into the permanent employee registration card file. The original form shall be given to the employee when his or her employment is terminated. Failure to return the original form to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(f) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security and Locksmith Act of 1993 or any prior Act shall be accepted as proof of training under this Act.

Section 25-30. Uniforms.

(a) No licensee under this Act or any employee of a licensed agency shall wear or display a badge, shoulder patch or other identification that contains the words "law enforcement". No license holder or employee of a licensed agency shall imply in any manner that the person is an employee or agent of a governmental entity, display a badge or identification card, emblem, or uniform using the words "police", "sheriff", "highway patrol", "trooper", "law enforcement" or any similar term.

(b) All full uniforms, if worn, by employees of a licensed private security contractor agency, must bear the name of the private security contractor agency, which shall be plainly visible on a patch, badge, or other insignia. ARTICLE 30. LOCKSMITHS.

Section 30-5. Exemptions; locksmith. The provisions of this Act do not apply to any of the following if the person performing the service does not hold himself or herself out as a locksmith:

(1) Automobile service dealers who service, install, repair, or rebuild automobile locks.

(2) Police officers who open a lock on an emergency dispatch situation.

(3) A retail merchant selling locks or similar security accessories, duplicating keys, or installing, programming, or servicing electronic garage door devices.

(4) A member of the building trades who installs or removes complete locks or locking devices in the course of residential or commercial new construction or remodeling.

(5) An employee of a towing service, repossessor, or automobile club opening automotive locks in the normal course of his or her duties. Additionally, this Act shall not prohibit an employee of a towing service from opening motor vehicles to enable a vehicle to be moved without towing, provided the towing service does not hold itself out to the public, by directory advertisement, through a sign at the facilities of the towing service, or by any other form of advertisement, as a locksmith.

(6) A student in the course of study in locksmith programs approved by the Department.

(7) Warranty service by a lock manufacturer or its employees on the manufacturer's own products.

(8) A maintenance employee of a property management company at a multi-family residential building who services, installs, repairs, or opens locks for tenants.

(9) A person employed exclusively by only one employer in connection with the exclusive activities of that employer, providing that person does not hold himself or herself out to the public as a locksmith.

(10) Persons who have no access to confidential or security information and who otherwise do not provide traditional locksmith services, as defined in this Act, are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of key cutters, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, master key charts, access codes, or technical security and alarm data.

Section 30-10. Qualifications for licensure as a locksmith.

(a) A person is qualified for licensure as a locksmith if he or she meets all of the following requirements:

(1) Is at least 18 years of age.

(2) Has not been convicted of any felony in any jurisdiction or at least 10 years have elapsed since the time of full discharge from a sentence imposed for a felony conviction.

(3) Is of good moral character. Good moral character is a continuing requirement of licensure. Conviction of crimes other than felonies may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(4) Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless a court has subsequently declared him or her to be competent.

(5) Is not suffering from dependence on alcohol or from narcotic addiction or dependence.

(6) Has not been dishonorably discharged from the armed forces of the United States.

(7) Has passed an examination authorized by the Department.

(8) Submits the photographs, the fingerprints, proof of having general liability insurance required

under subsection (b), and the required license fee.

(9) Has not violated Section 10-5 of this Act.

(b) It is the responsibility of the applicant to obtain general liability insurance in an amount and coverage appropriate for the applicant's circumstances as determined by rule. The applicant shall provide evidence of insurance to the Department before being issued a license. Failure to maintain general liability insurance and to provide the Department with written proof of the insurance shall result in cancellation of the license. A locksmith employed by a licensed locksmith agency or employed by a private concern may provide proof that his or her actions as a locksmith are covered by the liability insurance of his or her employer.

Section 30-15. Qualifications for licensure as a locksmith agency.

(a) Upon receipt of the required fee and proof that the applicant is an Illinois licensed locksmith who shall assume responsibility for the operation of the agency and the directed actions of the agency's employees, which is a continuing requirement for agency licensure, the Department shall issue, without examination, a license as a locksmith agency to any of the following:

(1) An individual who submits an application and is a licensed locksmith under this Act.

(2) A firm that submits an application and all of the members of the firm are licensed locksmiths under this Act.

(3) A corporation or limited liability company doing business in Illinois that is authorized by its articles of incorporation or organization to engage in the business of conducting a locksmith agency if at least one officer or executive employee is a licensed locksmith under this Act and all unlicensed officers and directors of the corporation or limited liability company are determined by the Department to be persons of good moral character.

(b) An individual licensed as a locksmith operating under a business name registered with the Department other than the licensed locksmith's own name shall not be required to obtain a locksmith agency license if that licensed locksmith does not employ any persons to engage in the practice of locksmithing.

(c) An applicant for licensure as a locksmith agency shall submit to the Department proof of general liability insurance sufficient for the agency's business circumstances. The Department shall, by rule, specify the minimum general liability insurance requirements. Failure to maintain the general liability insurance shall result in cancellation of the license.

(d) No locksmith may be the locksmith licensee in-charge for more than one locksmith agency. Upon written request by a representative of the agency, within 10 days after the loss of a locksmith-in-charge of an agency because of the death of that individual or because of the termination of the employment of that individual, the Department shall issue a temporary certificate of authority allowing the continuing operation of the licensed agency. No temporary certificate of authority shall be valid for more than 90 days. An extension of an additional 90 days may be granted upon written request by the representative of the agency. Not more than 2 extensions may be granted to any agency.

Section 30-20. Training.

(a) Registered employees of a licensed locksmith agency shall complete a minimum of 20 hours of training provided by a qualified instructor within 30 days of their employment. The substance of the training shall be prescribed by rule.

(b) It is the responsibility of the employer to certify, on a form provided by the Department, that the employee has successfully completed the training. The form shall be a permanent record of training completed by the employee and shall be placed in the employee's file with the employer for the period the employee remains with the employer. An agency may place a notarized copy of the Department form in lieu of the original into the PERC file. The original form shall be given to the employee when his or her employment is terminated. Failure to return the original form to the employee is grounds for disciplinary action. The employee shall not be required to repeat the required training once the employee has been issued the form. An employer may provide or require additional training.

(c) Any certification of completion of the 20-hour basic training issued under the Private Detective, Private Alarm, Private Security and Locksmith Act of 1993 or any prior Act shall be accepted as proof of training under this Act.

Section 30-25. Customer identification; record keeping.

(a) A locksmith who bypasses, manipulates, or originates a first key by code for a device safeguarding an area where access is meant to be limited, whether or not for compensation, shall document where the work was performed and the name, address, date of birth, telephone number, and driver's license number or other identification number of the person requesting the work to be done and shall obtain the signature of that person. This documentation shall be retained by the locksmith for at least 2 years and shall be available for inspection upon written request made at least 3 days in advance

by a law enforcement agency.

(b) A locksmith who bypasses, manipulates, or originates a first key for a motor vehicle, whether or not for compensation, shall document the name, address, date of birth, telephone number, vehicle identification number, and driver's license number or other identification number of the person requesting entry and obtain the signature of that person. Documentation shall be retained by the locksmith for at least 2 years and shall be available for inspection upon written request made at least 3 days in advance by a law enforcement agency. ARTICLE 35. BUSINESS PRACTICE PROVISIONS.

Section 35-5. Display of license. Each licensee shall prominently display his or her individual, agency, or branch office license at each place where business is being conducted, as required under this Act.

Section 35-10. Inspection of facilities. Each licensee shall permit his or her office facilities and registered employee files to be audited or inspected at reasonable times and in a reasonable manner upon 24 hours notice by the Department.

Section 35-15. Advertisements; penalties.

(a) No licensee providing services regulated by this Act may knowingly advertise those services without including his or her license number in the advertisement. The publisher of the advertising, however, is not required to verify the accuracy of the advertisement or the license number.

(b) A licensee who advertises services regulated by this Act who knowingly (i) fails to display his or her license at his or her place of business, (ii) fails to provide the publisher with the current license number, or (iii) provides the publisher with a false license number or a license number other than that of the person or agency doing the advertising or a licensee who knowingly allows his or her license number to be displayed or used by another person or agency to circumvent any provision of this subsection, is guilty of a Class A misdemeanor. Each day an advertisement is published or a licensee allows his or her license to be used in violation of this Section constitutes a separate offense. In addition to the penalties and remedies provided in this Section, a licensee who violates any provision of this Section shall be subject to the disciplinary action, fines, and civil penalty provisions of this Act.

Section 35-20. Renewal provisions.

(a) As a condition of renewal of a license, each licensee shall report information pertaining to the licensee's business location, status as active or inactive, proof of continued general liability insurance coverage, and any other data as determined by rule to be reasonably related to the administration of this Act. Licensees shall report this information as a condition of renewal, except that a change in home or office address or a change of the licensee-in-charge shall be reported within 10 days of when it occurs.

(b) Upon renewal, every licensee shall report to the Department every instance during the licensure period in which the quality of his or her professional services in the State of Illinois was the subject of legal action that resulted in a settlement or a verdict in excess of $10,000.

Section 35-25. Duplicate licenses. If a license, permanent employee registration card, or firearm authorization card is lost, a duplicate shall be issued upon proof of such loss together with the payment of the required fee. If a licensee decides to change his or her name, the Department shall issue a license in the new name upon proof that the change was done pursuant to law and payment of the required fee. Notification of a name change shall be made to the Department within 30 days after the change.

Section 35-30. Employee requirements. All employees of a licensed agency, other than those exempted, shall apply for a permanent employee registration card. The holder of an agency license issued under this Act, known in this Section as "employer", may employ in the conduct of his or her business employees under the following provisions:

(1) No person shall be issued a permanent employee registration card who:

(A) Is younger than 18 years of age.

(B) Is younger than 21 years of age if the services will include being armed.

(C) Has been determined by the Department to be unfit by reason of conviction of an offense in this or another state, other than a traffic offense. The Department shall adopt rules for making those determinations that shall afford the applicant due process of law.

(D) Has had a license or permanent employee registration card denied, suspended, or revoked under this Act within the previous 12 months from the date of the denial, suspension, or revocation.

(E) Has been declared incompetent by any court of competent jurisdiction by reason of mental disease or defect and has not been restored.

(F) Has been dishonorably discharged from the armed services of the United States.

(2) No person may be employed by a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency under this Section until he or she has executed and furnished to the employer, on forms furnished by the Department, a verified statement to be known as "Employee's Statement" setting forth:

(A) The person's full name, age, and residence address.

(B) The business or occupation engaged in for the 5 years immediately before the date of the execution of the statement, the place where the business or occupation was engaged in, and the names of employers, if any.

(C) That the person has not had a license or employee registration denied, revoked, or suspended under this Act.

(D) Any conviction of a felony or misdemeanor.

(E) Any declaration of incompetence by a court of competent jurisdiction that has not been restored.

(F) Any dishonorable discharge from the armed services of the United States.

(G) Any other information as may be required by any rule of the Department to show the good character, competency, and integrity of the person executing the statement.

(c) Each applicant for a permanent employee registration card shall have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information as prescribed by the Department of State Police. These fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall charge applicants a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish positive records of Illinois convictions to the Department. The Department may require applicants to pay a separate fingerprinting fee, either to the Department or directly to the vendor. The Department, at its discretion, may allow an applicant who does not have reasonable access to a vendor to provide his or her fingerprints in another manner. The Department, at its discretion, may also use other procedures in performing or obtaining criminal checks of applicants. Instead of submitting his or her fingerprints, an individual may submit proof that is satisfactory to the Department that an equivalent security clearance has been conducted. Also, an individual who has retired as a peace officer within 12 months of application may submit verification, on forms provided by the Department and signed by his or her employer, of his or her previous full-time employment as a peace officer.

(d) The Department shall issue a permanent employee registration card, in a form the Department prescribes, to all qualified applicants. The Department shall notify the submitting licensed agency within 10 days upon the issuance of or intent to deny the permanent employee registration card. The holder of a permanent employee registration card shall carry the card at all times while actually engaged in the performance of the duties of his or her employment. Expiration and requirements for renewal of permanent employee registration cards shall be established by rule of the Department.

Possession of a permanent employee registration card does not in any way imply that the holder of the card is employed by an agency unless the permanent employee registration card is accompanied by the employee identification card required by subsection (f) of this Section.

(e) Each employer shall maintain a record of each employee that is accessible to the duly authorized representatives of the Department. The record shall contain the following information:

(1) A photograph taken within 10 days of the date that the employee begins employment with the employer. The photograph shall be replaced with a current photograph every 3 calendar years.

(2) The Employee's Statement specified in subsection (b) of this Section.

(3) All correspondence or documents relating to the character and integrity of the employee received by the employer from any official source or law enforcement agency.

(4) In the case of former employees, the employee identification card of that person issued under subsection (f) of this Section. Each employee record shall duly note if the employee is employed in an armed capacity. Armed employee files shall contain a copy of an active firearm owner's identification card and a copy of an active firearm authorization card. Each employer shall maintain a record for each armed employee of each instance in which the employee's weapon was discharged during the course of his or her professional duties or activities. The record shall be maintained on forms provided by the Department, a copy of which must be filed with the Department within 15 days of an instance. The record shall include the date and time of the occurrence, the circumstances involved in the occurrence, and any other information as the Department may require. Failure to provide this information to the Department or failure to maintain the record as a part of each armed employee's permanent file is grounds for disciplinary action. The Department, upon receipt of a report, shall have the authority to make any investigation it considers appropriate into any occurrence in which an employee's weapon was discharged and to take disciplinary action as may be appropriate.

(5) The Department may, by rule, prescribe further record requirements.

(f) Every employer shall furnish an employee identification card to each of his or her employees. This employee identification card shall contain a recent photograph of the employee, the employee's name, the name and agency license number of the employer, the employee's personal description, the signature of the employer, the signature of that employee, the date of issuance, and an employee identification card number.

(g) No employer may issue an employee identification card to any person who is not employed by the employer in accordance with this Section or falsely state or represent that a person is or has been in his or her employ. It is unlawful for an applicant for registered employment to file with the Department the fingerprints of a person other than himself or herself.

(h) Every employer shall obtain the identification card of every employee who terminates employment with him or her.

(i) Every employer shall maintain a separate roster of the names of all employees currently working in an armed capacity and submit the roster to the Department on request.

(j) No agency may employ any person to perform a licensed activity under this Act unless the person possesses a valid permanent employee registration card or a valid license under this Act, or is exempt pursuant to subsection (n).

(k) Notwithstanding the provisions of subsection (j), an agency may employ a person in a temporary capacity if all of the following conditions are met:

(1) The agency completes in its entirety and submits to the Department an application for a permanent employee registration card, including the required fingerprint receipt and fees.

(2) The agency has verification from the Department that the applicant has no record of any criminal conviction pursuant to the criminal history check conducted by the Department of State Police. The agency shall maintain the verification of the results of the Department of State Police criminal history check as part of the employee record as required under subsection (e) of this Section.

(3) The agency exercises due diligence to ensure that the person is qualified under the requirements of the Act to be issued a permanent employee registration card.

(4) The agency maintains a separate roster of the names of all employees whose applications are currently pending with the Department and submits the roster to the Department on a monthly basis. Rosters are to be maintained by the agency for a period of at least 24 months.

An agency may employ only a permanent employee applicant for which it either submitted a permanent employee application and all required forms and fees or it confirms with the Department that a permanent employee application and all required forms and fees have been submitted by another agency, licensee or the permanent employee and all other requirements of this Section are met.

The Department shall have the authority to revoke, without a hearing, the temporary authority of an individual to work upon receipt of Federal Bureau of Investigation fingerprint data or a report of another official authority indicating a criminal conviction. If the Department has not received a temporary employee's Federal Bureau of Investigation fingerprint data within 120 days of the date the Department received the Department of State Police fingerprint data, the Department may, at its discretion, revoke the employee's temporary authority to work with 15 days written notice to the individual and the employing agency.

An agency may not employ a person in a temporary capacity if it knows or reasonably should have known that the person has been convicted of a crime under the laws of this State, has been convicted in another state of any crime that is a crime under the laws of this State, has been convicted of any crime in a federal court, or has been posted as an unapproved applicant by the Department. Notice by the Department to the agency, via certified mail, personal delivery, electronic mail, or posting on the Department's Internet site accessible to the agency that the person has been convicted of a crime shall be deemed constructive knowledge of the conviction on the part of the agency.

The Department may adopt rules to implement this subsection (k).

(l) No person may be employed under this Section in any capacity if:

(1) the person, while so employed, is being paid by the United States or any political subdivision for the time so employed in addition to any payments he or she may receive from the employer; or

(2) the person wears any portion of his or her official uniform, emblem of authority, or equipment while so employed.

(m) If information is discovered affecting the registration of a person whose fingerprints were submitted under this Section, the Department shall so notify the agency that submitted the fingerprints on behalf of that person.

(n) Peace officers shall be exempt from the requirements of this Section relating to permanent employee registration cards. The agency shall remain responsible for any peace officer employed under this exemption, regardless of whether the peace officer is compensated as an employee or as an

independent contractor and as further defined by rule.

(o) Persons who have no access to confidential or security information and who otherwise do not provide traditional security services are exempt from employee registration. Examples of exempt employees include, but are not limited to, employees working in the capacity of ushers, directors, ticket takers, cashiers, drivers, and reception personnel. Confidential or security information is that which pertains to employee files, scheduling, client contracts, or technical security and alarm data.

Section 35-35. Requirement of a firearm authorization card.

(a) No person shall perform duties that include the use, carrying, or possession of a firearm in the performance of those duties without complying with the provisions of this Section and having been issued a valid firearm authorization card by the Department.

(b) No employer shall employ any person to perform the duties for which employee registration is required and allow that person to carry a firearm unless that person has complied with all the firearm training requirements of this Section and has been issued a firearm authorization card. This Act permits only the following to carry firearms while actually engaged in the performance of their duties or while commuting directly to or from their places of employment: persons licensed as private detectives and their registered employees; persons licensed as private security contractors and their registered employees; persons licensed as private alarm contractors and their registered employees; and employees of a registered armed proprietary security force.

(c) Possession of a valid firearm authorization card allows an employee to carry a firearm not otherwise prohibited by law while the employee is engaged in the performance of his or her duties or while the employee is commuting directly to or from the employee's place or places of employment, provided that this is accomplished within one hour from departure from home or place of employment.

(d) The Department shall issue a firearm authorization card to a person who has passed an approved firearm training course, who is currently employed by an agency licensed by this Act and has met all the requirements of this Act, and who possesses a valid firearm owner identification card. Application for the firearm authorization card shall be made by the employer to the Department on forms provided by the Department. The Department shall forward the card to the employer who shall be responsible for its issuance to the employee. The firearm authorization card shall be issued by the Department and shall identify the person holding it and the name of the course where the employee received firearm instruction and shall specify the type of weapon or weapons the person is authorized by the Department to carry and for which the person has been trained.

(e) Expiration and requirements for renewal of firearm authorization cards shall be determined by rule.

(f) The Department may, in addition to any other disciplinary action permitted by this Act, refuse to issue, suspend, or revoke a firearm authorization card if the applicant or holder has been convicted of any felony or crime involving the illegal use, carrying, or possession of a deadly weapon or for a violation of this Act or rules promulgated under this Act. The Department shall refuse to issue or shall revoke a firearm authorization card if the applicant or holder fails to possess a valid firearm owners identification card. The Director shall summarily suspend a firearm authorization card if the Director finds that its continued use would constitute an imminent danger to the public. A hearing shall be held before the Board within 30 days if the Director summarily suspends a firearm authorization card.

(g) The Department shall promulgate rules for the expedited issuance of firearm authorization cards to registered employees who hold a valid firearm authorization card and on whose behalf another agency is applying due to a change in employment by the registered employee.

Section 35-40. Firearm authorization; training requirements.

(a) The Department shall, pursuant to rule, approve or disapprove training programs for the firearm training course, which shall be taught by a qualified instructor. Qualifications for instructors shall be set by rule. The firearm training course shall be conducted by entities, by a licensee, or by an agency licensed by this Act, provided the course is approved by the Department. The firearm course shall consist of the following minimum requirements:

(1) 40 hours of training, 20 hours of which shall be as described in Sections 15-20, 20-20, or 25-20, as applicable, and 20 hours of which shall include all of the following:

(A) Instruction in the dangers of and misuse of firearms, their storage, safety rules, and care and cleaning of firearms.

(B) Practice firing on a range with live ammunition.

(C) Instruction in the legal use of firearms.

(D) A presentation of the ethical and moral considerations necessary for any person who possesses a firearm.

(E) A review of the laws regarding arrest, search, and seizure.

(F) Liability for acts that may be performed in the course of employment.

(2) An examination shall be given at the completion of the course. The examination shall consist of a firearms qualification course and a written examination.

(b) The firearm training requirement may be waived for an employee who has completed training provided by the Illinois Law Enforcement Training Standards Board or the equivalent public body of another state, provided documentation showing requalification with the weapon on the firing range is submitted to the Department.

Section 35-45. Armed proprietary security force.

(a) All financial institutions that employ one or more armed security guards and all commercial or industrial operations that employ 5 or more persons as armed security guards shall register their security forces with the Department on forms provided by the Department.

(b) All armed security employees of the registered proprietary security force must complete a 20-hour basic training course and 20-hour firearm training.

(c) Every proprietary security force is required to apply to the Department, on forms supplied by the Department, for a firearm authorization card for each armed employee.

(d) The Department may provide rules for the administration of this Section. ARTICLE 40. DISCIPLINARY PROVISIONS.

Section 40-5. Injunctive relief. The practice of a private detective, private security contractor, private alarm contractor, locksmith, private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency by any person, firm, or other entity that has not been issued a license by the Department or whose license has been suspended, revoked, or not renewed is hereby declared to be inimical to the public safety and welfare and to constitute a public nuisance.

The Director, through the Attorney General, the State's Attorney of any county, any resident of the State, or any legal entity within the State may apply for injunctive relief in any court to enjoin any person, firm, or other entity that has not been issued a license or whose license has been suspended, revoked, or not renewed from conducting a licensed activity. Upon the filing of a verified petition in court, if satisfied by affidavit or otherwise that the person, firm, or other entity is or has been conducting activities in violation of this Act, the court may enter a temporary restraining order or preliminary injunction, without bond, enjoining the defendant from further activity. A copy of the verified complaint shall be served upon the defendant and the proceedings shall be conducted as in civil cases. If it is established the defendant has been or is conducting activities in violation of this Act, the court may enter a judgment enjoining the defendant from that activity. In case of violation of any injunctive order or judgment entered under this Section, the court may punish the offender for contempt of court. Injunctive proceedings shall be in addition to all other penalties under this Act.

Section 40-10. Disciplinary sanctions.

(a) The Department may deny issuance, refuse to renew, or restore or may reprimand, place on probation, suspend, or revoke any license, registration, permanent employee registration card, or firearm authorization card, and it may impose a fine not to exceed $1,500 for a first violation and not to exceed $5,000 for a second or subsequent violation for any of the following:

(1) Fraud or deception in obtaining or renewing of a license or registration.

(2) Professional incompetence as manifested by poor standards of service.

(3) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(4) Conviction in Illinois or another state of any crime that is a felony under the laws of Illinois; a felony in a federal court; a misdemeanor, an essential element of which is dishonesty; or directly related to professional practice.

(5) Performing any services in a grossly negligent manner or permitting any of a licensee's employees to perform services in a grossly negligent manner, regardless of whether actual damage to the public is established.

(6) Continued practice, although the licensee has become unfit to practice due to any of the following:

(A) Physical illness, including, but not limited to, deterioration through the aging process or loss of motor skills that results in the inability to serve the public with reasonable judgment, skill, or safety.

(B) Mental disability demonstrated by the entry of an order or judgment by a court that a licensee is in need of mental treatment or is incompetent.

(C) Addiction to or dependency on alcohol or drugs that is likely to endanger the public. If the Department has reasonable cause to believe that a licensee is addicted to or dependent on alcohol or drugs that may endanger the public, the Department may require the licensee to undergo an

examination to determine the extent of the addiction or dependency.

(7) Receiving, directly or indirectly, compensation for any services not rendered.

(8) Willfully deceiving or defrauding the public on a material matter.

(9) Failing to account for or remit any moneys or documents illegally coming into the licensee's possession that belong to another person or entity.

(10) Discipline by a federal jurisdiction or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(11) Giving differential treatment to a person that is to that person's detriment because of race, color, creed, sex, religion, or national origin.

(12) Engaging in false or misleading advertising.

(13) Aiding, assisting, or willingly permitting another person to violate this Act or rules promulgated under it.

(14) Performing and charging for services without authorization to do so from the person or entity serviced.

(15) Directly or indirectly offering or accepting any benefit to or from any employee, agent, or fiduciary without the consent of the latter's employer or principal with intent to or the understanding that this action will influence his or her conduct in relation to his or her employer's or principal's affairs.

(16) Violation of any disciplinary order imposed on a licensee by the Department.

(17) Failing to comply with any provision of this Act or rule promulgated under it.

(18) Conducting an agency without a valid license.

(19) Revealing confidential information, except as required by law, including but not limited to information available under Section 2-123 of the Illinois Vehicle Code.

(20) Failing to make available to the Department, upon request, any books, records, or forms required by this Act.

(21) Failing, within 30 days, to respond to a written request for information from the Department.

(22) Failing to provide employment information or experience information required by the Department regarding an applicant for licensure.

(23) Failing to make available to the Department at the time of the request any indicia of licensure or registration issued under this Act.

(24) The Department shall seek to be consistent in the application of disciplinary sanctions.

Section 40-15. Suspension or revocation of permanent employee registration card. Individuals registered as employees pursuant to the provisions of Section 35-30 of this Act shall be subject to the disciplinary sanctions of this Act and shall otherwise comply with this Act and the rules promulgated under it. Notwithstanding any other provision in this Act to the contrary, registered employees of an agency shall not be responsible for compliance with any requirement that this Act assigns to the agency or the licensee-in-charge regardless of the employee's job title, job duties, or position in the agency. The procedures for disciplining a licensee shall also apply in taking action against a registered employee.

Section 40-20. Confidential information; violation. Any person who is or has been an employee of a licensee shall not divulge to anyone, other than to his or her employer, except as required by law or at his employer's direction, any confidential or proprietary information acquired during his or her employment. Any individual who violates this Section or who files false papers or reports to his or her employer is guilty of a Class A misdemeanor.

Section 40-30. Submission to physical or mental examination. The Department may order a licensee or a registrant to submit to a reasonable physical or mental examination if the licensee or registrant's mental or physical capacity to work safely is an issue in a disciplinary proceeding. The failure to submit to a Director's order to submit to a reasonable mental or physical exam shall constitute a violation of this Act subject to the disciplinary provisions in Section 40-10.

Section 40-35. Insufficient funds; checks. A person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it was drawn shall pay to the Department, in addition to the amount already owed, a penalty of $50. The Department shall notify the person, by certified mail return receipt requested, that his or her check or payment was returned and that the person shall pay to the Department by certified check or money order the amount of the returned check plus a $50 penalty within 30 calendar days after the date of the notification. If, after the expiration of 30 calendar days of the notification, the person has failed to remit the necessary funds and penalty, the Department shall automatically terminate the license or deny the application without a hearing. If the returned check or other payment was for issuance of a license under this Act and that person practices as a licensee, that person may be subject to discipline for unlicensed practice as provided in this Act. If, after termination or denial, the person seeks a license, he or she shall

petition the Department for restoration and he or she may be subject to additional discipline or fines. The Director may waive the penalties or fines due under this Section in individual cases where the Director finds that the penalties or fines would be unreasonable or unnecessarily burdensome.

Section 40-40. Disciplinary action for educational loan defaults. The Department shall deny a license or renewal authorized by this Act to a person who has defaulted on an educational loan or scholarship provided or guaranteed by the Illinois Student Assistance Commission or any governmental agency of this State. The Department may issue a license or renewal if the person has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission or other appropriate governmental agency of this State. Additionally, a license issued by the Department may be suspended or revoked if the Director, after the opportunity for a hearing under this Act, finds that the licensee has failed to make satisfactory repayment to the Illinois Student Assistance Commission for a delinquent or defaulted loan.

Section 40-45. Nonpayment of child support. In cases where the Department of Public Aid or any circuit court has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Public Aid or a circuit court. Redetermination of the delinquency by the Department shall not be required. In cases regarding the renewal of a license, the Department shall not renew any license if the Department of Public Aid or a circuit court has certified the licensee to be more than 30 days delinquent in the payment of child support, unless the licensee has arranged for payment of past and current child support obligations in a manner satisfactory to the Department of Public Aid or circuit court. The Department may impose conditions, restrictions or disciplinary action upon that renewal in accordance with Section 40-10 of this Act.

Section 40-50. Failure to file a tax return. The Department may refuse to issue or may suspend the license of any person, firm, or other entity that fails to file a tax return, to pay a tax, penalty, or interest shown in a filed return, or to pay any final assessment of a tax, penalty, or interest, as required by any law administered by the Department of Revenue until the requirements of the law are satisfied or a repayment agreement with the Department of Revenue has been entered into. ARTICLE 45. INVESTIGATION AND HEARING PROVISIONS

Section 45-10. Complaints investigated by the Department.

(a) The Department shall investigate all complaints concerning violations regarding licensees or unlicensed activity.

(b) Following an investigation, the Department may file formal charges against the licensee. The formal charges shall inform the licensee of the facts that are the basis of the charges with enough specificity to enable the licensee to prepare an intelligent defense.

(c) Each licensee whose conduct is the subject of a formal charge that seeks to impose disciplinary action against the licensee shall be served notice of that charge at least 30 days before the date of the hearing. The hearing shall be presided over by a Board member or by a hearing officer authorized by the Department. Service shall be considered to have been given if the notice was personally received by the licensee or if the notice was mailed by certified mail, return receipt requested, to the licensee at the licensee's address on file with the Department.

(d) The notice of formal charges shall consist of the following information:

(1) The time, place, and date of the hearing.

(2) That the licensee shall appear personally at the hearing and may be represented by counsel.

(3) That the licensee may produce witnesses and evidence on his or her behalf and has the right to cross-examine witnesses and evidence produced against him or her.

(4) That the hearing could result in disciplinary action.

(5) That rules for the conduct of hearings are available from the Department.

(6) That a hearing officer authorized by the Department shall conduct the hearing and, following the conclusion of that hearing, shall make findings of fact, conclusions of law, and recommendations, separately stated, to the Director as to what disciplinary action, if any, should be imposed on the licensee.

(7) That the licensee shall file a written answer to the Board within 20 days after the service of the notice and if the licensee fails to file an answer, default will be taken and the license may be reprimanded, suspended, revoked, or placed on probationary status, as the Director may deem appropriate.

Section 45-15. Hearing; rehearing; public record.

(a) The Board or the hearing officer authorized by the Department shall hear evidence in support of

the formal charges and evidence produced by the licensee. At the conclusion of the hearing, the Board shall make findings of fact, conclusions of law, and recommendations and submit them to the Director and to all parties to the proceeding.

(b) The Board's findings of fact, conclusions of law, and recommendations shall be served on the licensee in the same manner as was the service of the notice of formal charges. Within 20 days after the service, any party to the proceeding may present to the Director a motion, in writing, specifying the grounds for a rehearing or reconsideration of the decision or sanctions.

(c) The Director, following the time allowed for filing a motion for rehearing or reconsideration, shall review the Board's findings of fact, conclusions of law and recommendations and any subsequently filed motions. After review of the information, the Director may hear oral arguments and thereafter shall issue an order. The report of findings of fact, conclusions of law and recommendations of the Board shall be the basis for the Department's order. If the Director finds that substantial justice was not done, the Director may issue an order in contravention of the Board's recommendations. The Director shall promptly provide the Board with a written explanation of any deviation and shall specify the reasons for the action. The findings of the Board and the Director are not admissible as evidence against the person in a criminal prosecution brought for the violation of this Act.

(d) All proceedings under this Section are matters of public record and shall be preserved.

(e) Upon the suspension or revocation of a license, the licensee shall surrender the license to the Department and, upon failure to do so, the Department shall seize the same.

Section 45-20. Temporary suspension of a license. The Director may temporarily suspend a license without a hearing, simultaneously with the initiation of the procedure for a hearing provided for in this Act, if the Director finds that evidence indicates that a licensee's continuation in business would constitute an imminent danger to the public. If the Director temporarily suspends a license without a hearing, a hearing by the Department shall be held within 30 days after the suspension has occurred or the temporary suspension shall be rescinded.

Section 45-25. Disposition by consent order. Disposition may be made of any formal charge by consent order between the Department and the licensee. The Board shall be apprised of the consent order at its next meeting and shall promptly submit its view of the consent order to the Department.

Section 45-30. Restoration of license after disciplinary proceedings. The Department shall reinstate any license to good standing upon a recommendation by the Board to the Director after a hearing before a hearing officer authorized by the Department.

Section 45-35. Cease and desist orders. Whenever the Department believes a person, firm, or other entity has violated any provision of Section 10-5, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person, firm, or other entity. The rule shall clearly set forth the grounds relied upon by the Department. The respondent shall be given 21 days from the date of mailing of the rule to respond. The failure by the respondent to respond to a rule to show cause may result in an order to cease and desist to be issued by the Director immediately.

Section 45-40. Administrative review. All final administrative decisions of the Department, as defined in the Code of Civil Procedure, are subject to judicial review under the Code of Civil Procedure. The proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides. If the party is not a resident of Illinois, the venue shall be in Sangamon County. The Department shall not be required to certify any record to the court or to file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, computed at the cost of preparing the record. Exhibits shall be certified without cost. Failure by the licensee to file a receipt in court is grounds for dismissal of the action. During all judicial proceedings relating to a disciplinary action, the sanction imposed upon a licensee by the Department shall remain in effect, unless the court determines justice requires a stay of the order.

Section 45-45. Prima facie proof. An order of revocation or suspension or placing a license on probationary status or other disciplinary action as the Department may consider proper or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, is prima facie proof that:

(1) the signature is that of the Director;

(2) the Director is qualified to act; and

(3) the members of the Board are qualified to act.

Section 45-50. Unlicensed practice; fraud in obtaining a license.

(a) A person who violates any of the following provisions shall be guilty of a Class A misdemeanor; a person who commits a second or subsequent violation of these provisions is guilty of a Class 4 felony:

(1) The practice of or attempted practice of or holding out as available to practice as a private

detective, private security contractor, private alarm contractor, or locksmith without a license.

(2) Operation of or attempt to operate a private detective agency, private security contractor agency, private alarm contractor agency, or locksmith agency without ever having been issued a valid agency license.

(3) The obtaining of or the attempt to obtain any license or authorization issued under this Act by fraudulent misrepresentation.

(b) Whenever a licensee is convicted of a felony related to the violations set forth in this Section, the clerk of the court in any jurisdiction shall promptly report the conviction to the Department and the Department shall immediately revoke any license as a private detective, private security contractor, private alarm contractor, or locksmith held by that licensee. The individual shall not be eligible for licensure until at least 10 years have elapsed since the time of full discharge from any sentence imposed for a felony conviction. If any person in making any oath or affidavit required by this Act swears falsely, the person is guilty of perjury and may be punished accordingly.

(c) In addition to any other penalty provided by law, a person who violates any provision of this Section shall pay a civil penalty to the Department in an amount not to exceed $5,000 for each offense, as determined by the Department. The civil penalty shall be imposed in accordance with this Act.

Section 45-55. Subpoenas.

(a) The Department may subpoena and bring before it any person to take the testimony with the same fees and in the same manner as prescribed in civil cases.

(b) Any court, upon the application of the licensee or Department may petition a circuit court for enforcement of the subpoena. The circuit court may compel obedience to its order for enforcement of the subpoena as in other civil matters.

(c) The Director, the hearing officer or a certified shorthand court reporter may administer oaths at any hearing the Department conducts. Notwithstanding any other statute or Department rule to the contrary, all requests for testimony, production of documents or records shall be strictly in accordance with this Act.

Section 45-60. Stenographers. The Department, at its expense, shall provide a stenographer to preserve a record of all hearing and pre-hearing proceedings if a license may be revoked, suspended, or placed on probationary status or other disciplinary action is taken. The notice of hearing, the complaint, all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall constitute the record of the proceedings. The Department shall furnish a transcript of the record upon payment of the costs of copying and transmitting the record. ARTICLE 50. ADMINISTRATIVE PROVISIONS

Section 50-5. Personnel; investigators. The Director shall employ, pursuant to the Personnel Code, personnel, on a full-time or part-time basis, for the effective enforcement of this Act. Each investigator shall have a minimum of 2 years investigative experience out of the immediately preceding 5 years. No investigator may hold an active license issued pursuant to this Act, nor may an investigator have a financial interest in a business licensed under this Act. This prohibition, however, does not apply to an investigator holding stock in a business licensed under this Act, provided the investigator does not hold more than 5% of the stock in the business. Any person licensed under this Act who is employed by the Department shall surrender his or her license to the Department for the duration of that employment. The licensee shall be exempt from all renewal fees while employed. While employed by the Department, the licensee is not required to maintain the general liability insurance coverage required by this Act.

Section 50-10. The Private Detective, Private Security, Private Alarm, and Locksmith Board.

(a) The Private Detective, Private Security, Private Alarm, and Locksmith Board shall consist of 11 members appointed by the Director and comprised of 2 licensed private detectives, 3 licensed private security contractors, 2 licensed private alarm contractors, 2 licensed locksmiths, one public member who is not licensed or registered under this Act and who has no connection with a business licensed under this Act, and one member representing the employees registered under this Act. Each member shall be a resident of Illinois. Each licensed member shall have at least 5 years experience as a licensee in the professional area in which the person is licensed and be in good standing and actively engaged in that profession. In making appointments, the Director shall consider the recommendations of the professionals and the professional organizations representing the licensees. The membership shall reasonably reflect the different geographic areas in Illinois.

(b) Members shall serve 4-year terms and may serve until their successors are appointed. No member shall serve for more than 2 successive terms. Appointments to fill vacancies shall be made in the same manner as the original appointments for the unexpired portion of the vacated term. Members of the Board in office on the effective date of this Act pursuant to the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 shall serve for the duration of their terms and may be appointed for

one additional term.

(c) A member of the Board may be removed for cause. A member subject to formal disciplinary proceedings shall disqualify himself or herself from all Board business until the charge is resolved. A member also shall disqualify himself or herself from any matter on which the member cannot act objectively.

(d) Members shall receive compensation as set by law. Each member shall receive reimbursement as set by the Governor's Travel Control Board for expenses incurred in carrying out the duties as a Board member.

(e) A majority of Board members constitutes a quorum. A majority vote of the quorum is required for a decision.

(f) The Board shall elect a chairperson and vice chairperson.

(g) Board members are not liable for their acts, omissions, decisions, or other conduct in connection with their duties on the Board, except those determined to be willful, wanton, or intentional misconduct.

(h) The Board may recommend policies, procedures, and rules relevant to the administration and enforcement of this Act.

Section 50-15. Powers and duties of the Department.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois and shall exercise all other powers and duties set forth in this Act.

(b) The Director shall prescribe forms to be issued for the administration and enforcement of this Act.

Section 50-20. Rules. The Department may promulgate rules for the administration and enforcement of this Act. The rules shall include standards for registration, licensure, professional conduct, and discipline. The Department shall consult with the Board prior to promulgating any rule. Proposed rules shall be transmitted, prior to publication in the Illinois Register, to the Board and the Department shall review the Board's recommendations and shall notify the Board with an explanation of any deviations from the Board's recommendations.

Section 50-25. Home rule. Pursuant to paragraph (h) of Section 6 of Article VII of the Illinois Constitution of 1970, the power to regulate the private detective, private security, private alarm, or locksmith business or their employees shall be exercised exclusively by the State and may not be exercised by any unit of local government, including home rule units.

Section 50-30. Deposit of fees and fines. All of the fees and fines collected under this Act shall be deposited into the General Professions Dedicated Fund.

Section 50-35. Rosters. The Department shall, upon request and payment of the fee, provide a list of the names and addresses of all licensees under this Act.

Section 50-40. Rights and obligations. All rights and obligations incurred and any actions commenced under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 shall not be impaired by the enactment of this Act. Rules adopted under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993, unless inconsistent with this Act, shall remain in effect until amended or revoked. All licenses issued by the Department permitting the holder to act as a private detective, private detective agency, private security contractor, private security contractor agency, private alarm contractor, private alarm contractor agency, locksmith, or locksmith agency that are valid on the effective date of this Act shall be considered valid under this Act. ARTICLE 90. AMENDATORY PROVISIONS.

Section 90-5. 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 Act is ~~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 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 Public Accounting Act.

The Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004. (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03.)

Section 90-10. The Criminal Identification Act is amended by changing Section 3-1 as follows:

(20 ILCS 2630/3.1) (from Ch. 38, par. 206-3.1)

Sec. 3.1. (a) The Department may furnish, pursuant to positive identification, records of convictions to the Department of Professional Regulation for the purpose of meeting registration or licensure requirements under The Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~.

(b) The Department may furnish, pursuant to positive identification, records of convictions to policing bodies of this State for the purpose of assisting local liquor control commissioners in carrying out their duty to refuse to issue licenses to persons specified in paragraphs (4), (5) and (6) of Section 6-2 of The Liquor Control Act of 1934.

(c) The Department shall charge an application fee, based on actual costs, for the dissemination of records pursuant to this Section. Fees received for the dissemination of records pursuant to this Section shall be deposited in the State Police Services Fund. The Department is empowered to establish this fee and to prescribe the form and manner for requesting and furnishing conviction information pursuant to this Section.

(d) Any dissemination of any information obtained pursuant to this Section to any person not specifically authorized hereby to receive or use it for the purpose for which it was disseminated shall constitute a violation of Section 7. (Source: P.A. 85-1440.)

Section 90-15. The Service Contract Act is amended by changing Section 10 as follows:

(215 ILCS 152/10)

Sec. 10. Exemptions. Service contract providers and related service contract sellers and administrators complying with this Act are not required to comply with and are not subject to any provision of the Illinois Insurance Code. A service contract provider who is the manufacturer or a wholly-owned subsidiary of the manufacturer of the product or the builder, seller, or lessor of the product that is the subject of the service contract is required to comply only with Sections 30, 35, 45, and 50 of this Act; except that, a service contract provider who sells a motor vehicle, excluding a motorcycle as defined in Section 1-147 of the Illinois Vehicle Code, or who leases, but is not the manufacturer of, the motor vehicle, excluding a motorcycle as defined in Section 1-147 of the Illinois Vehicle Code, that is the subject of the service contract must comply with this Act in its entirety. Contracts for the repair and monitoring of private alarm or private security systems regulated under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~1993~~ are not required to comply with this Act and are not subject to any provision of the Illinois Insurance Code. (Source: P.A. 91-430, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 446/Act rep.)

Section 90-20. The Private Detective, Private Alarm, Private Security, and Locksmith Act of 1993 is repealed.

Section 90-25. The Illinois Vehicle Code is amended by changing Section 2-123 as follows:

(625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and Distribution of Information. (a) Except as otherwise provided in this Section, the Secretary may make the driver's license, vehicle and title registration lists, in part or in whole, and any statistical information derived from these lists available to local governments, elected state officials, state educational institutions, and all other governmental units of the State and Federal Government requesting them for governmental purposes. The Secretary shall require any such applicant for services to pay for the costs of furnishing such services and the use of the equipment involved, and in addition is empowered to establish prices and charges for the services so furnished and for the use of the electronic equipment utilized.

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of $250 in advance and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of $25 per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(c) Secretary of State may issue registration lists. The Secretary of State shall compile and publish, at least annually, a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and shall contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the sheriffs of all counties and to the chiefs of police of all cities and villages and towns of 2,000 population and over in this State at no cost. Additional copies may be purchased by the sheriffs or chiefs of police at the fee of $500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of $5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section.

The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be $5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

The Secretary of State may notify the vehicle owner or registrant of the request for purchase of his title or registration information as the Secretary deems appropriate.

No information shall be released to the requestor until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of title or vehicle information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 ~~22 or 25~~ of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~.

(f-5) The Secretary of State shall not disclose or otherwise make available to any person or entity any personally identifying information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless the information is disclosed for one of the following purposes:

(1) For use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a federal, State, or local agency in carrying out its functions.

(2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal information submitted by an individual to the business or its agents, employees, or contractors; and

(B) if such information as so submitted is not correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in producing statistical reports, if the personally

identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, State, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, State, or local court.

(6) For use by any insurer or insurance support organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of towed or impounded vehicles.

(8) For use by any private investigative agency or security service licensed in Illinois for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the United States Code.

(10) For use in connection with the operation of private toll transportation facilities.

(11) For use by any requester, if the requester demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by law, if that use is related to the operation of a motor vehicle or public safety.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee of $6, furnish to the person or agency so requesting a driver's record. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section.

2. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

3. All requests for driving record information shall be made in a manner prescribed by the Secretary and shall set forth the intended use of the requested information.

The Secretary of State may notify the affected driver of the request for purchase of his driver's record as the Secretary deems appropriate.

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the Illinois Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

Any misrepresentation made by a requestor of driver information shall be punishable as a petty offense, except in the case of persons licensed as a private detective or firms licensed as a private detective agency which shall be subject to disciplinary sanctions under Section 40-10 ~~22 or 25~~ of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~.

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any

public transit system or authority, public defender, law enforcement agency, a state or federal agency, or an Illinois local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

The Secretary may also furnish the courts a copy of an abstract of a driver's record, without fee, subsequent to an arrest for a violation of Section 11-501 or a similar provision of a local ordinance. Such abstract may include records of dispositions; documented information involving the use of a motor vehicle as contained in the current file; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

6. Any certified abstract issued by the Secretary of State or transmitted electronically by the Secretary of State pursuant to this Section, to a court or on request of a law enforcement agency, for the record of a named person as to the status of the person's driver's license shall be prima facie evidence of the facts therein stated and if the name appearing in such abstract is the same as that of a person named in an information or warrant, such abstract shall be prima facie evidence that the person named in such information or warrant is the same person as the person named in such abstract and shall be admissible for any prosecution under this Code and be admitted as proof of any prior conviction or proof of records, notices, or orders recorded on individual driving records maintained by the Secretary of State.

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee of $6, the Secretary of State shall provide a driver's record to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the United States Department of Transportation, or any other State, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent jurisdiction, or (5) to the Department of Public Aid for utilization in the child support enforcement duties assigned to that Department under provisions of the Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the federal Privacy Act.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. No confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction.

(k) All fees collected under this Section shall be paid into the Road Fund of the State Treasury, except that $3 of the $6 fee for a driver's record shall be paid into the Secretary of State Special Services Fund.

(l) (Blank).

(m) Notations of accident involvement that may be disclosed under this Section shall not include notations relating to damage to a vehicle or other property being transported by a tow truck. This information shall remain confidential, provided that nothing in this subsection (m) shall limit disclosure of any notification of accident involvement to any law enforcement agency or official.

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided

pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

(o) The redisclosure of personally identifying information obtained pursuant to this Section is prohibited, except to the extent necessary to effectuate the purpose for which the original disclosure of the information was permitted.

(p) The Secretary of State is empowered to adopt rules to effectuate this Section. (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; 92-651, eff. 7-11-02.)

Section 90-30. The Criminal Code of 1961 is amended by changing Section 24-2 as follows:

(720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

Sec. 24-2. Exemptions. (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Peace officers, and any person summoned by a peace officer to assist in making arrests or preserving the peace, while actually engaged in assisting such officer.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense, while in the performance of their official duty, or while commuting between their homes and places of employment.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard or the Reserve Officers Training Corps, while in the performance of their official duty.

(4) Special agents employed by a railroad or a public utility to perform police functions, and guards of armored car companies, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment; and watchmen while actually engaged in the performance of the duties of their employment.

(5) Persons licensed as private security contractors, private detectives, or private alarm contractors, or employed by an agency certified by the Department of Professional Regulation, if their duties include the carrying of a weapon under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~, while actually engaged in the performance of the duties of their employment or commuting between their homes and places of employment, provided that such commuting is accomplished within one hour from departure from home or place of employment, as the case may be. Persons exempted under this subdivision (a)(5) shall be required to have completed a course of study in firearms handling and training approved and supervised by the Department of Professional Regulation as prescribed by Section 28 of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~, prior to becoming eligible for this exemption. The Department of Professional Regulation shall provide suitable documentation demonstrating the successful completion of the prescribed firearms training. Such documentation shall be carried at all times when such persons are in possession of a concealable weapon.

(6) Any person regularly employed in a commercial or industrial operation as a security guard for the protection of persons employed and private property related to such commercial or industrial operation, while actually engaged in the performance of his or her duty or traveling between sites or properties belonging to the employer, and who, as a security guard, is a member of a security force of at least 5 persons registered with the Department of Professional Regulation; provided that such security guard has successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training that includes the theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for the renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those cards issued under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~. Such firearm authorization card shall be carried by the security guard at all times when he or she is in possession of a concealable weapon.

(7) Agents and investigators of the Illinois Legislative Investigating Commission authorized by the Commission to carry the weapons specified in subsections 24-1(a)(3) and 24-1(a)(4), while on duty in the course of any investigation for the Commission.

(8) Persons employed by a financial institution for the protection of other employees and property related to such financial institution, while actually engaged in the performance of their duties, commuting between their homes and places of employment, or traveling between sites or properties owned or operated by such financial institution, provided that any person so employed has

successfully completed a course of study, approved by and supervised by the Department of Professional Regulation, consisting of not less than 40 hours of training which includes theory of law enforcement, liability for acts, and the handling of weapons. A person shall be considered to be eligible for this exemption if he or she has completed the required 20 hours of training for a security officer and 20 hours of required firearm training, and has been issued a firearm authorization card by the Department of Professional Regulation. Conditions for renewal of firearm authorization cards issued under the provisions of this Section shall be the same as for those issued under the provisions of the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~and Private Security Act of 1983~~. Such firearm authorization card shall be carried by the person so trained at all times when such person is in possession of a concealable weapon. For purposes of this subsection, "financial institution" means a bank, savings and loan association, credit union or company providing armored car services.

(9) Any person employed by an armored car company to drive an armored car, while actually engaged in the performance of his duties.

(10) Persons who have been classified as peace officers pursuant to the Peace Officer Fire Investigation Act.

(11) Investigators of the Office of the State's Attorneys Appellate Prosecutor authorized by the board of governors of the Office of the State's Attorneys Appellate Prosecutor to carry weapons pursuant to Section 7.06 of the State's Attorneys Appellate Prosecutor's Act.

(12) Special investigators appointed by a State's Attorney under Section 3-9005 of the Counties Code.

(13) Court Security Officers while in the performance of their official duties, or while commuting between their homes and places of employment, with the consent of the Sheriff.

(13.5) A person employed as an armed security guard at a nuclear energy, storage, weapons or development site or facility regulated by the Nuclear Regulatory Commission who has completed the background screening and training mandated by the rules and regulations of the Nuclear Regulatory Commission.

(14) Manufacture, transportation, or sale of weapons to persons authorized under subdivisions (1) through (13.5) of this subsection to possess those weapons.

(b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section 24-1.6 do not apply to or affect any of the following:

(1) Members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, and patrons of such ranges, while such members or patrons are using their firearms on those target ranges.

(2) Duly authorized military or civil organizations while parading, with the special permission of the Governor.

(3) Hunters, trappers or fishermen with a license or permit while engaged in hunting, trapping or fishing.

(4) Transportation of weapons that are broken down in a non-functioning state or are not immediately accessible.

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers while in performance of their official duties.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under subdivisions (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or are not immediately accessible.

(5) Persons licensed under federal law to manufacture any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, or ammunition for such weapons, and actually engaged in the business of manufacturing such weapons or ammunition, but only with respect to activities which are within the lawful scope of such business, such as the manufacture, transportation, or testing of such weapons or ammunition. This exemption does not authorize the general private possession of any weapon from which 8 or more shots or bullets can be discharged by a single function of the firing device, but only such possession and activities as are within the lawful scope of a licensed manufacturing business described in this paragraph.

During transportation, such weapons shall be broken down in a non-functioning state or not immediately accessible.

(6) The manufacture, transport, testing, delivery, transfer or sale, and all lawful commercial or experimental activities necessary thereto, of rifles, shotguns, and weapons made from rifles or shotguns, or ammunition for such rifles, shotguns or weapons, where engaged in by a person operating as a contractor or subcontractor pursuant to a contract or subcontract for the development and supply of such rifles, shotguns, weapons or ammunition to the United States government or any branch of the Armed Forces of the United States, when such activities are necessary and incident to fulfilling the terms of such contract.

The exemption granted under this subdivision (c)(6) shall also apply to any authorized agent of any such contractor or subcontractor who is operating within the scope of his employment, where such activities involving such weapon, weapons or ammunition are necessary and incident to fulfilling the terms of such contract.

During transportation, any such weapon shall be broken down in a non-functioning state, or not immediately accessible.

(d) Subsection 24-1(a)(1) does not apply to the purchase, possession or carrying of a black-jack or slung-shot by a peace officer.

(e) Subsection 24-1(a)(8) does not apply to any owner, manager or authorized employee of any place specified in that subsection nor to any law enforcement officer.

(f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and Section 24-1.6 do not apply to members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while using their firearms on those target ranges.

(g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply to:

(1) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(2) Bonafide collectors of antique or surplus military ordinance.

(3) Laboratories having a department of forensic ballistics, or specializing in the development of ammunition or explosive ordinance.

(4) Commerce, preparation, assembly or possession of explosive bullets by manufacturers of ammunition licensed by the federal government, in connection with the supply of those organizations and persons exempted by subdivision (g)(1) of this Section, or like organizations and persons outside this State, or the transportation of explosive bullets to any organization or person exempted in this Section by a common carrier or by a vehicle owned or leased by an exempted manufacturer.

(h) An information or indictment based upon a violation of any subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

(i) Nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession, of any pistol or revolver, stun gun, taser, or other firearm consigned to a common carrier operating under license of the State of Illinois or the federal government, where such transportation, carrying, or possession is incident to the lawful transportation in which such common carrier is engaged; and nothing in this Article shall prohibit, apply to, or affect the transportation, carrying, or possession of any pistol, revolver, stun gun, taser, or other firearm, not the subject of and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of this Article, which is unloaded and enclosed in a case, firearm carrying box, shipping box, or other container, by the possessor of a valid Firearm Owners Identification Card. (Source: P.A. 91-287, eff. 1-1-00; 91-690, eff. 4-13-00; 92-325, eff. 8-9-01.)

Section 90-35. The Code of Civil Procedure is amended by changing Section 2-202 as follows:

(735 ILCS 5/2-202) (from Ch. 110, par. 2-202)

Sec. 2-202. Persons authorized to serve process; Place of service; Failure to make return.

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. A sheriff of a county with a population of less than 1,000,000 may employ civilian personnel to serve process. In counties with a population of less than 1,000,000, process may be served, without special appointment, by a person who is licensed or registered as a private detective under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~1993~~ or by a registered employee of a private detective agency certified under that Act. A private detective or licensed employee must supply the sheriff of any county in which he serves process with a copy of his license or certificate; however, the failure of a person to supply the copy shall not in any way impair the validity of process served by the person. The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. It is not necessary that service be made by a sheriff or coroner of the county in which service is made. If served or sought to be served by a sheriff or coroner, he or she shall endorse his or her return thereon, and if by a private person the return shall be by affidavit.

(a-5) Upon motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~1993~~. Under the appointment, any employee of the private detective agency who is registered under that Act may serve the process. The motion and the order of appointment must contain the number of the certificate issued to the private detective agency by the Department of Professional Regulation under the Private Detective, Private Alarm, Private Security, and Locksmith Act of 2004 ~~1993~~.

(b) Summons may be served upon the defendants wherever they may be found in the State, by any person authorized to serve process. An officer may serve summons in his or her official capacity outside his or her county, but fees for mileage outside the county of the officer cannot be taxed as costs. The person serving the process in a foreign county may make return by mail.

(c) If any sheriff, coroner, or other person to whom any process is delivered, neglects or refuses to make return of the same, the plaintiff may petition the court to enter a rule requiring the sheriff, coroner, or other person, to make return of the process on a day to be fixed by the court, or to show cause on that day why that person should not be attached for contempt of the court. The plaintiff shall then cause a written notice of the rule to be served on the sheriff, coroner, or other person. If good and sufficient cause be not shown to excuse the officer or other person, the court shall adjudge him or her guilty of a contempt, and shall impose punishment as in other cases of contempt.

(d) If process is served by a sheriff or coroner, the court may tax the fee of the sheriff or coroner as costs in the proceeding. If process is served by a private person or entity, the court may establish a fee therefor and tax such fee as costs in the proceedings.

(e) In addition to the powers stated in Section 8.1a of the Housing Authorities Act, in counties with a population of 3,000,000 or more inhabitants, members of a housing authority police force may serve process for forcible entry and detainer actions commenced by that housing authority and may execute orders of possession for that housing authority.

(f) In counties with a population of 3,000,000 or more, process may be served, with special appointment by the court, by a private process server or a law enforcement agency other than the county sheriff in proceedings instituted under the Forcible Entry and Detainer Article of this Code as a result of a lessor or lessor's assignee declaring a lease void pursuant to Section 11 of the Controlled Substance and Cannabis Nuisance Act. (Source: P.A. 90-557, eff. 6-1-98; 91-95, eff. 7-9-99.) ARTICLE 99. EFFECTIVE DATE.

Section 99-5. 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 Cullerton, **Senate Bill No. 472** 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. 4

AMENDMENT NO. 4. Amend Senate Bill 472, AS AMENDED, as follows:
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 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. 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.

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 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 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 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 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) No person who has been certified or granted a valid waiver shall be decertified or have his or her waiver revoked except in a case involving homicide upon a finding that he or she has willfully made false statements, under oath, as to a material fact. A finding may be made only after a hearing upon written charges filed with the Illinois Law Enforcement Training Standards Board.

(1) The Board shall adopt rules governing the investigation and hearing of charges to assure adequate due process and to eliminate conflicts of interest. A majority of the Board must be present to conduct the hearing.

(2) Upon receipt of written charges, the Board is empowered to investigate and dismiss such charges if there is no evidence to support them and to justify the hearing.

(i) If the Board finds that sufficient evidence exists, it shall conduct a hearing upon not less than 14 days certified notice. The accused person shall be afforded the opportunity to:

(1) be represented by counsel;

(2) be heard in his or her own defense;

(3) produce proof in his or her defense;

(4) request that the Board compel the attendance of witnesses and production of documents.

(j) The Board shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of documents and shall also have the power to administer oaths.

(k) Any person who is served by the Board with a subpoena to appear, testify, or produce documents and refuses to comply with the subpoena, shall be guilty of a Class B misdemeanor. Any circuit court or judge, upon application by the Board, may compel compliance with Board issued subpoenas.

(l) If the charges against the accused are established by clear and convincing evidence, the Board, by a two-thirds vote of the members present at the hearing shall make a finding of guilty and order that the person be decertified to serve as a full-time or part-time police officer. Upon the initial filing of charges, the sheriff or police chief of the accused may suspend the accused person pending the decision of the Board. If the charges are not established by clear and convincing evidence, the Board shall make a finding of not guilty and order the person reinstated and paid compensation for the suspension period, if any, while awaiting the hearing. The sheriff or police chief shall take such action as is ordered by the Board.

(m) The provisions of the Administrative Review Law shall govern all proceedings for the judicial

review of any order rendered by the Board. Plaintiff shall pay the reasonable cost of preparing and certifying the record for review. If plaintiff prevails, the court shall award the plaintiff the costs incurred.

(n) As soon as possible after decertification of a police officer based upon the police officer's willful making of false statements, under oath, as to a material fact in a homicide 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 false statements made by the police officer. (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 defendant has been found guilty of first degree murder by a judge or jury, or a case on remand for resentencing, and the State seeks the death penalty as an appropriate sentence, a defendant may file a written motion to 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 informant witness, as defined in Section 115-21 of the Code of Criminal Procedure of 1963, 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. If the court grants defendant's motion to decertify the case as a capital case under either of the grounds set forth above, the court shall issue a written finding. The State may pursue its right to appeal the decertification pursuant to Supreme Court Rule 604(a)(1). If the court denies defendant's motion to decertify the case as a capital case, the matter shall proceed to the eligibility phase of the sentencing hearing.

(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 5/107A-10 new)

Sec. 107A-10. Pilot study on sequential lineup procedures.

(a) Legislative intent. Whereas the goal of a police investigation is to apprehend the person or persons responsible for committing a crime, and whereas studies have shown that the sequential method for photo and live lineups increases the accuracy of positive identifications, it is useful to conduct a pilot study in the field on the effectiveness of the sequential method for lineup procedures.

(b) Establishment of pilot jurisdictions. The Department of State Police shall select 3 police departments to participate in a one-year pilot study on the effectiveness of the sequential lineup method for photo and live lineup procedures. One such pilot jurisdiction shall be a police district within a police department in a municipality whose population is at least 500,000 residents; one such pilot jurisdiction shall be a police department in a municipality whose population is at least 100,000 but less than 500,000; and one such pilot jurisdiction shall be a police department in a municipality whose population is less than 100,000. All such pilot jurisdictions shall be selected no later than January 1, 2004.

(c) Sequential lineup procedures in pilot jurisdictions. For any offense alleged to have been committed in a pilot jurisdiction on or after January 1, 2004, the lineup identification procedure shall be presented in the sequential method in which a witness is shown lineup participants one at a time, using the following procedures:

(1) The witness shall be requested to state whether the individual shown is the perpetrator of the crime prior to viewing the next lineup participant. Only one member of the lineup shall be a suspect and the remainder shall be "fillers" who are not suspects but fit the general description of the suspect;

(2) The lineup administrator shall be someone who is not aware of which member of the lineup is the suspect in the case; and

(3) Prior to presenting the lineup using the sequential method the lineup administrator shall:

(A) Inform the witness that the perpetrator may or may not be among those shown, and the witness should not feel compelled to make an identification;

(B) Inform the witness that he or she will view individuals one at a time and will be requested to state whether the individual shown is the perpetrator of the crime, prior to viewing the next lineup participant; and

(C) Ask the witness to state in his or her own words how sure he or she is that the person identified is the actual suspect, and make the witness's words part of the record.

(d) Application. This Section applies to any live lineups that are composed and presented at a police station and to all photo lineups regardless of where presented; provided that this Section does not apply in police investigations in which a spontaneous identification is possible and no lineup procedure is being used. This Section does not affect the right to counsel afforded by the U.S. or Illinois Constitutions or State law at any stage of a criminal proceeding.

(e) Training. The Department of State Police shall offer training to police officers and any other appropriate personnel on the sequential method of conducting lineup procedures in the pilot jurisdictions and the requirements of this Section. The Department of State Police may seek funding for training from the Illinois Criminal Justice Information Authority and the Illinois Law Enforcement Training Standards Board if necessary.

(f) Report on the pilot study. The Department of State Police shall offer information from each of the police departments selected as a pilot jurisdiction with respect to the effectiveness of the sequential method for lineup procedures and shall file a report of its findings with the Governor and the General Assembly no later than April 1, 2005.

(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 homicide offense or participating in an investigation of any homicide offense, other than defense investigators, shall provide to the authority prosecuting the offense all investigative material, including but not limited to reports, memoranda, and field notes, that have been generated by or have come into the possession of the investigating agency concerning the homicide offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information, including but not limited to reports, memoranda, and field notes, 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 homicide offense. Every investigative and law enforcement agency in this State shall adopt policies to ensure compliance with these standards. Any investigative, law enforcement, or other agency responsible for investigating any "non-homicide felony" offense or participating in an investigation of any "non-homicide 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 field notes that

have been generated by or have come into the possession of the investigating agency concerning the "non-homicide felony" offense being investigated. In addition, the investigating agency shall provide to the prosecuting authority any material or information, including but not limited to reports, memoranda, and field notes, within its possession or control that would tend to negate the guilt of the accused of the "non-homicide felony" offense charged or reduce his or her punishment for the "non-homicide felony" offense. This obligation to furnish exculpatory evidence exists whether the information was recorded or documented in any form. 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) If after a plea of guilty to first degree murder, or a finding of guilty of first degree murder in a bench trial, or a verdict of guilty for first degree murder in a jury trial, or on a matter remanded from the Supreme Court for sentencing for first degree murder, and the State seeks the death penalty as an appropriate sentence, the defendant may raise the issue of defendant's mental retardation not at eligibility but at aggravation and mitigation. 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.

(d) 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.

(e) 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.

(f) 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.

(g) If the court determines at a pretrial hearing that a capital defendant is mentally retarded, and the State does not appeal pursuant to Supreme Court Rule 604, 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 shall be sentenced under the sentencing provisions of Chapter V of the Unified Code of Correction.

(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 in which the informant testified, provided that the existence of such testimony can be ascertained through reasonable inquiry and whether the informant received any 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, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

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, unless the petitioner alleges facts showing that the delay was not due to his or her culpable negligence.

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 where no determination of mental retardation was made and 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 as defined in Section 114-15 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.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend Senate Bill 472, AS AMENDED, with reference to page and line

numbers of Senate Amendment No. 4, on page 20, lines 7 and 8 by changing "reports, memoranda, and field notes" to "reports and memoranda".

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendments numbered 6 and 7 were held in the Committee on Judiciary.

There being no further amendments, the foregoing Amendments numbered 4 and 5 were ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 533** was recalled from the order of third reading to the order of second reading.

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 533 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Article 21A as follows:

(105 ILCS 5/Art. 21A heading new) ARTICLE 21A. NEW TEACHER INDUCTION AND MENTORING

(105 ILCS 5/21A-5 new)

Sec. 21A-5. Definitions. In this Article:

"New teacher" means the holder of an Initial Teaching Certificate, as set forth in Section 21-2 of this Code, who is employed by a public school and who has not previously participated in a new teacher induction and mentoring program required by this Article, except as provided in Section 21A-25 of this Code.

"Public school" means any school operating pursuant to the authority of this Code, including without limitation a school district, a charter school, a cooperative or joint agreement with a governing body or board of control, and a school operated by a regional office of education or State agency.

(105 ILCS 5/21A-10 new)

Sec. 21A-10. Development of program required. During the 2003-2004 school year, each public school or 2 or more public schools acting jointly shall develop, in conjunction with its exclusive representative or their exclusive representatives, if any, a new teacher induction and mentoring program that meets the requirements set forth in Section 21A-20 of this Code to assist new teachers in developing the skills and strategies necessary for instructional excellence, provided that funding is made available by the State Board of Education from an appropriation made for this purpose. A public school that has an existing induction and mentoring program that does not meet the requirements set forth in Section 21A-20 of this Code may have school years 2003-2004 and 2004-2005 to develop a program that does meet those requirements and may receive funding as described in Section 21A-25 of this Code, provided that the funding is made available by the State Board of Education from an appropriation made for this purpose. A public school with such an existing induction and mentoring program may receive funding for the 2005-2006 school year for each new teacher in the second year of a 2-year program that does not meet the requirements set forth in Section 21A-20, as long as the public school has established the required new program by the beginning of that school year as described in Section 21A-15 and provided that funding is made available by the State Board of Education from an appropriation made for this purpose as described in Section 21A-25.

(105 ILCS 5/21A-15 new)

Sec. 21A-15. When program is to be established and implemented. Notwithstanding any other provisions of this Code, by the beginning of the 2004-2005 school year (or by the beginning of the 2005-2006 school year for a public school that has been given an extension of time to develop a program under Section 21A-10 of this Code), each public school or 2 or more public schools acting jointly shall establish and implement, in conjunction with its exclusive representative or their exclusive representatives, if any, the new teacher induction and mentoring program required to be developed under Section 21A-10 of this Code, provided that funding is made available by the State Board of Education, from an appropriation made for this purpose, as described in Section 21A-25 of this Code. A public school may contract with an institution of higher education or other independent party to assist in implementing the program.

(105 ILCS 5/21A-20 new)

Sec. 21A-20. Program requirements. Each new teacher induction and mentoring program must be based on a plan that at least does all of the following:

(1) Assigns a mentor teacher to each new teacher for a period of at least 2 school years.

(2) Aligns with the Illinois Professional Teaching Standards, content area standards, and applicable local school improvement and professional development plans, if any.

(3) Addresses all of the following elements and how they will be provided:

(A) Mentoring and support of the new teacher.

(B) Professional development specifically designed to ensure the growth of the new teacher's knowledge and skills.

(C) Formative assessment designed to ensure feedback and reflection, which must not be used in any evaluation of the new teacher.

(4) Describes the role of mentor teachers, the criteria and process for their selection, and how they will be trained, provided that each mentor teacher shall demonstrate the best practices in teaching his or her respective field of practice. 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 public school.

(105 ILCS 5/21A-25 new)

Sec. 21A-25. Funding. From a separate appropriation made for the purposes of this Article, for each new teacher participating in a new teacher induction and mentoring program that meets the requirements set forth in Section 21A-20 of this Code or in an existing program that is in the process of transition to a program that meets those requirements, the State Board of Education shall pay the public school $1,200 annually for each of 2 school years for the purpose of providing one or more of the following:

(1) Mentor teacher compensation.

(2) Mentor teacher training or new teacher training or both.

(3) Release time.

However, if a new teacher, after participating in the new teacher induction and mentoring program for one school year, becomes employed by another public school, the State Board of Education shall pay the teacher's new school $1,200 for the second school year and the teacher shall continue to be a new teacher as defined in this Article. Each public school shall determine, in conjunction with its exclusive representative, if any, how the $1,200 per school year for each new teacher shall be used, provided that if a mentor teacher receives additional release time to support a new teacher, the total workload of other teachers regularly employed by the public school shall not increase in any substantial manner. If the appropriation is insufficient to cover the $1,200 per school year for each new teacher, public schools are not required to develop or implement the program established by this Article. In the event of an insufficient appropriation, a public school or 2 or more schools acting jointly may submit an application for a grant administered by the State Board of Education and awarded on a competitive basis to establish a new teacher induction and mentoring program that meets the criteria set forth in Section 21A-20 of this Code. The State Board of Education may retain up to $1,000,000 of the appropriation for new teacher induction and mentoring programs to train mentor teachers, administrators, and other personnel, to provide best practices information, and to conduct an evaluation of these programs' impact and effectiveness.

(105 ILCS 5/21A-30 new)

Sec. 21A-30. Evaluation of programs. The State Board of Education and the State Teacher Certification Board shall jointly contract with an independent party to conduct a comprehensive evaluation of new teacher induction and mentoring programs established pursuant to this Article. The first report of this evaluation shall be presented to the General Assembly on or before January 1, 2009. Subsequent evaluations shall be conducted and reports presented to the General Assembly on or before January 1 of every third year thereafter.

(105 ILCS 5/21A-35 new)

Sec. 21A-35. Rules. The State Board of Education, in consultation with the State Teacher Certification Board, shall adopt rules for the implementation of this Article.".

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 Harmon, **Senate Bill No. 553** 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 553 on page 1, immediately below line 5, by inserting the following:

"Section 5. Findings. The General Assembly finds that:

(a) The Massachusetts Institute of Technology, in a recent study, discovered that many companies and individuals are regularly selling or donating computer hard drives with sensitive information still on them, such as credit card numbers, bank and medical records, and personal e-mail.

(b) Illinois currently has no law addressing data security and removal of data from surplus State-owned computers that are to be (i) disposed of by sale, donation, or transfer or (ii) relinquished to a successor executive administration.

(c) In order to ensure the protection of sensitive information relating to the State and its citizens, it is necessary to implement policies to (i) overwrite all hard drives of surplus State-owned electronic data processing equipment that are to be sold, donated, or transferred and (ii) preserve the data on State-owned electronic data processing equipment that is to be relinquished to a successor executive administration for the continuity of government functions.

Section 10. Purpose. The purpose of this Act is to (i) require the Department of Central Management Services or any other authorized agency that disposes of surplus electronic data processing equipment by sale, donation, or transfer to implement a policy mandating that computer hardware be cleared of all data and software before disposal by sale, donation, or transfer and (ii) require the head of each Agency to establish a system for the protection and preservation of State data on State-owned electronic data processing equipment necessary for the continuity of government functions upon relinquishment of the equipment to a successor executive administration.

Section 15. Definitions. As used in this Act:

"Agency" means all parts, boards, and commissions of the executive branch of State government, including, but not limited to, State colleges and universities and their governing boards and all departments established by the Civil Administrative Code of Illinois.

"Disposal by sale, donation, or transfer" includes, but is not limited to, the sale, donation, or transfer of surplus electronic data processing equipment to other agencies, schools, individuals, and not-for-profit agencies.

"Electronic data processing equipment" includes, but is not limited to, computer (CPU) mainframes, and any form of magnetic storage media.

"Authorized agency" means an agency authorized by the Department of Central Management Services to sell or transfer electronic data processing equipment under Sections 5010.1210 and 5010.1220 of Title 44 of the Illinois Administrative Code.

"Department" means the Department of Central Management Services.

"Overwrite" means the replacement of previously stored information with a pre-determined pattern of meaningless information.

Section 20. Establishment and implementation. The Data Security on State Computers Act is established to protect sensitive data stored on State-owned electronic data processing equipment to be (i) disposed of by sale, donation, or transfer or (ii) relinquished to a successor executive administration. This Act shall be administered by the Department or an authorized agency. The Department or an authorized agency shall implement a policy to mandate that all hard drives of surplus electronic data processing equipment be cleared of all data and software before being prepared for sale, donation, or transfer by (i) overwriting the previously stored data on a drive or a disk at least 10 times and (ii) certifying in writing that the overwriting process has been completed by providing the following information: (1) the serial number of the computer or other surplus electronic data processing equipment; (2) the name of the overwriting software used; and (3) the name, date, and signature of the person performing the overwriting process. The head of each State agency shall establish a system for the protection and preservation of State data on State-owned electronic data processing equipment necessary for the continuity of government functions upon it being relinquished to a successor executive administration.

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 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. 4

AMENDMENT NO. 4. Amend Senate Bill 559, AS AMENDED, 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 changing Section 143.17a as follows:

(215 ILCS 5/143.17a) (from Ch. 73, par. 755.17a)

Sec. 143.17a. Notice of intention not to renew. a. No company shall fail to renew any policy of insurance, to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, unless it shall send by mail to the named insured at least 60 days advance notice of its intention not to renew. The company shall maintain proof of mailing of such notice on one of the following forms: a recognized U.S. Post Office form or a form acceptable to the U.S. Post Office or other commercial mail delivery service. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record and to the mortgagee or lien holder at the last mailing address known by the company. However, where cancellation is for nonpayment of premium, the notice of cancellation must be mailed at least 10 days before the effective date of the cancellation.

b. This Section does not apply if the company has manifested its willingness to renew directly to the named insured. Provided, however, that no company may increase the renewal premium on any policy of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, by 30% or more, nor impose changes in deductibles or coverage that materially alter the policy, unless the company shall have mailed or delivered to the named insured written notice of such increase or change in deductible or coverage at least 60 days prior to the renewal or anniversary date. The increase in premium shall be the renewal premium based on the known exposure as of the date of the quotation compared to the premium as of the last day of coverage for the current year's policy, annualized. The premium on the renewal policy may be subsequently amended to reflect any change in exposure or reinsurance costs not considered in the quotation. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record. If the company intends to increase the premium on a policy by 30% or more and the renewal date is less than 60 but more than 30 days away, then the company must extend the current policy under the same terms, conditions, and premium to allow 60 days notice of renewal and provide the actual renewal premium quotation and any change in coverage or deductible on the policy. Proof of mailing or proof of receipt may be proven by a sworn affidavit by the insurer as to the usual and customary business practices of mailing notice pursuant to this Section or may be proven consistent with Illinois Supreme Court Rule 236. ~~The company shall maintain proof of mailing or proof of receipt whichever is required.~~

c. Should a company fail to comply with the notice requirements of this Section, the policy shall terminate only as provided in this subsection. In the event of a nonrenewal, if a notice of nonrenewal is not provided at least ~~31 days, but less than~~ 60 days prior to expiration of the policy, the policy shall be extended for an additional year ~~a period of 60 days or until the effective date of any similar insurance procured by the insured, whichever is less,~~ on the same terms and conditions as the policy sought to be terminated. In the event notice is provided less than 31 days prior to the expiration of the policy, the policy shall be extended for a period of one year or until the effective date of any similar insurance procured by the insured, whichever is less, on the same terms and conditions as the policy sought to be terminated unless the insurer has manifested its willingness to renew at a premium which represents an increase not exceeding 30%. ~~The premium for coverage shall be prorated in accordance with the amount of the last year's premium, and the company shall be entitled to this premium for the extension of coverage and such extension may be contingent upon the payment of such premium.~~

d. Renewal of a policy does not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

e. In all notices of intention not to renew any policy of insurance, as defined in Section 143.11 the company shall provide a specific explanation of the reasons for nonrenewal. (Source: P.A. 89-669, eff. 1-1-97.)

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. 4 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 566** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 566 on page 4, line 31, after "schools", by inserting "and other, local facilities that provide similar services"; and
on page 4, line 31, by replacing "they" with "that these schools and other facilities".

Senator Demuzio moved the adoption of the foregoing amendment.

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 Radogno, **Senate Bill No. 605** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 605 on page 1, line 19, by inserting the following immediately after the period:
"This Section applies only to park districts located within 2 counties, one with a population of 3,000,000 or more and the other with a population between 500,000 and 550,000, and a municipality with a population between 55,000 and 60,000."; and
on page 2, immediately after line 1 by inserting the following:
"This Section is repealed January 1, 2005.".

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.

On motion of Senator Link, **Senate Bill No. 640** 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 640, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 6 by changing "and 7-103.107" to "7-103.107, and 7-103.108"; and
on page 4, by inserting after line 9 the following:

"(735 ILCS 5/7-103.108 new)

Sec. 7-103.108. Quick-take; Village of Buffalo Grove. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Buffalo Grove for the acquisition of the following described property necessary for the purpose of improving the intersection of Port Clinton Road and Prairie Road:
OUTLOT "A" OF EDWARD SCHWARTZ'S INDIAN CREEK OF BUFFALO GROVE, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 7, 1994, AS DOCUMENT 3467875, IN LAKE COUNTY, ILLINOIS.
And,
THAT PART OF LOT 30, OF SCHOOL TRUSTEES SUBDIVISION, ALSO KNOWN AS THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 16, TOWNSHIP 43 NORTH, RANGE 11

EAST OF THE THIRD PRINCIPAL MERIDIAN BOUNDED AND DESCRIBED AS FOLLOWS; (COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 16 AS THE PLACE OF BEGINNING OF THIS CONVEYANCE; THENCE NORTH 89 DEGREES-44'-35" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 AFORESAID, A DISTANCE OF 397.96 FEET; THENCE SOUTH 0 DEGREES-00'-00" EAST, A DISTANCE OF 48.00 FEET; THENCE SOUTH 89 DEGREES-44'-35" WEST, ALONG A LINE DRAWN PARALLEL TO AND 48.0 FEET SOUTHERLY OF THE NORTH LINE OF THE SOUTHEAST 1/4 AFORESAID, A DISTANCE OF 325.28 FEET; THENCE SOUTH 44 DEGREES-52'-15" WEST, A DISTANCE OF 39.23 FEET, TO A POINT WHICH IS 45.0 FEET EASTERLY OF THE WEST LINE OF THE SOUTHEAST 1/4 AFORESAID; THENCE SOUTH 0 DEGREES-00'-00" EAST, ALONG A LINE DRAWN PARALLEL TO AND 45.0 FEET EASTERLY OF THE WEST LINE OF THE SOUTHEAST 1/4 AFORESAID, A DISTANCE OF 269.10 FEET; THENCE SOUTH 89 DEGREES-44'-35" WEST, A DISTANCE OF 45.0 FEET, TO THE WEST LINE OF THE SOUTHEAST 1/4 AFORESAID; THENCE NORTH 0 DEGREES-00'-00" EAST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 AFORESAID, A DISTANCE OF 344.78 FEET, TO THE NORTHWEST CORNER OF THE SAID SOUTHEAST 1/4 AFORESAID, AND THE PLACE OF BEGINNING OF THIS CONVEYANCE, ALL IN LAKE COUNTY, ILLINOIS.).".

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.

On motion of Senator Lightford, **Senate Bill No. 683** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 683 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Banking Act is amended by changing Sections 5 and 10 and adding Section 13.6 as follows:

(205 ILCS 5/5) (from Ch. 17, par. 311)

Sec. 5. General corporate powers. A bank organized under this Act or subject hereto shall be a body corporate and politic and shall, without specific mention thereof in the charter, have all the powers conferred by this Act and the following additional general corporate powers:

(1) To sue and be sued, complain, and defend in its corporate name.

(2) To have a corporate seal, which may be altered at pleasure, and to use the same by causing it or a facsimile thereof to be impressed or affixed or in any manner reproduced, provided that the affixing of a corporate seal to an instrument shall not give the instrument additional force or effect, or change the construction thereof, and the use of a corporate seal is not mandatory.

(3) To make, alter, amend, and repeal bylaws, or the operating agreement if a limited liability company, not inconsistent with its charter or with law, for the administration of the affairs of the bank. If this Act does not provide specific guidance in matters of corporate governance, the provisions of the Business Corporation Act of 1983 may be used if so provided in the bylaws, or the provisions of the Limited Liability Company Act may be used if the bank is a limited liability company.

(4) To elect or appoint and remove officers and agents of the bank and define their duties and fix their compensation.

(5) To adopt and operate reasonable bonus plans, profit-sharing plans, stock-bonus plans, stock-option plans, pension plans and similar incentive plans for its directors, officers and employees.

(5.1) To manage, operate and administer a fund for the investment of funds by a public agency or agencies, including any unit of local government or school district, or any person. The fund for a public agency shall invest in the same type of investments and be subject to the same limitations provided for the investment of public funds. The fund for public agencies shall maintain a separate ledger showing the amount of investment for each public agency in the fund. "Public funds" and "public agency" as used in this Section shall have the meanings ascribed to them in Section 1 of the Public Funds Investment Act.

(6) To make reasonable donations for the public welfare or for charitable, scientific, religious or educational purposes.

(7) To borrow or incur an obligation; and to pledge its assets:

(a) to secure its borrowings, its lease of personal or real property or its other nondeposit obligations;

(b) to enable it to act as agent for the sale of obligations of the United States;

(c) to secure deposits of public money of the United States, whenever required by the laws of the United States, including without being limited to, revenues and funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees and Postal Savings funds;

(d) to secure deposits of public money of any state or of any political corporation or subdivision thereof including, without being limited to, revenues and funds the deposit of which is subject to the control or regulation of any state or of any political corporation or subdivisions thereof or of any of their officers, agents, or employees;

(e) to secure deposits of money whenever required by the National Bankruptcy Act;

(f) (blank); and

(g) to secure trust funds commingled with the bank's funds, whether deposited by the bank or an affiliate of the bank, pursuant to Section 2-8 of the Corporate Fiduciary Act.

(8) To own, possess, and carry as assets all or part of the real estate necessary in or with which to do its banking business, either directly or indirectly through the ownership of all or part of the capital stock, shares or interests in any corporation, association, trust engaged in holding any part or parts or all of the bank premises, engaged in such business and in conducting a safe deposit business in the premises or part of them, or engaged in any activity that the bank is permitted to conduct in a subsidiary pursuant to paragraph (12) of this Section 5.

(9) To own, possess, and carry as assets other real estate to which it may obtain title in the collection of its debts or that was formerly used as a part of the bank premises, but title to any real estate except as herein permitted shall not be retained by the bank, either directly or by or through a subsidiary, as permitted by subsection (12) of this Section for a total period of more than 10 years after acquiring title, either directly or indirectly.

(10) To do any act, including the acquisition of stock, necessary to obtain insurance of its deposits, or part thereof, and any act necessary to obtain a guaranty, in whole or in part, of any of its loans or investments by the United States or any agency thereof, and any act necessary to sell or otherwise dispose of any of its loans or investments to the United States or any agency thereof, and to acquire and hold membership in the Federal Reserve System.

(11) Notwithstanding any other provisions of this Act or any other law, to do any act and to own, possess, and carry as assets property of the character, including stock, that is at the time authorized or permitted to national banks by an Act of Congress, but subject always to the same limitations and restrictions as are applicable to national banks by the pertinent federal law and subject to applicable provisions of the Financial Institutions Insurance Sales Law.

(12) To own, possess, and carry as assets stock of one or more corporations that is, or are, engaged in one or more of the following businesses:

(a) holding title to and administering assets acquired as a result of the collection or liquidating of loans, investments, or discounts; or

(b) holding title to and administering personal property acquired by the bank, directly or indirectly through a subsidiary, for the purpose of leasing to others, provided the lease or leases and the investment of the bank, directly or through a subsidiary, in that personal property otherwise comply with Section 35.1 of this Act; or

(c) carrying on or administering any of the activities excepting the receipt of deposits or the payment of checks or other orders for the payment of money in which a bank may engage in carrying on its general banking business; provided, however, that nothing contained in this paragraph (c) shall be deemed to permit a bank organized under this Act or subject hereto to do, either directly or indirectly through any subsidiary, any act, including the making of any loan or investment, or to own, possess, or carry as assets any property that if done by or owned, possessed, or carried by the State bank would be in violation of or prohibited by any provision of this Act.

The provisions of this subsection (12) shall not apply to and shall not be deemed to limit the powers of a State bank with respect to the ownership, possession, and carrying of stock that a State bank is permitted to own, possess, or carry under this Act.

Any bank intending to establish a subsidiary under this subsection (12) shall give written notice to the Commissioner 60 days prior to the subsidiary's commencing of business or, as the case may be, prior to acquiring stock in a corporation that has already commenced business. After receiving the notice, the Commissioner may waive or reduce the balance of the 60 day notice period. The Commissioner may

specify the form of the notice and may promulgate rules and regulations to administer this subsection (12).

(13) To accept for payment at a future date not exceeding one year from the date of acceptance, drafts drawn upon it by its customers; and to issue, advise, or confirm letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents.

(14) To own and lease personal property acquired by the bank at the request of a prospective lessee and upon the agreement of that person to lease the personal property provided that the lease, the agreement with respect thereto, and the amount of the investment of the bank in the property comply with Section 35.1 of this Act.

(15) (a) To establish and maintain, in addition to the main banking premises, branches offering any banking services permitted at the main banking premises of a State bank.

(b) To establish and maintain, after May 31, 1997, branches in another state that may conduct any activity in that state that is authorized or permitted for any bank that has a banking charter issued by that state, subject to the same limitations and restrictions that are applicable to banks chartered by that state.

(16) (Blank).

(17) To establish and maintain terminals, as authorized by the Electronic Fund Transfer Act.

(18) To establish and maintain temporary service booths at any International Fair held in this State which is approved by the United States Department of Commerce, for the duration of the international fair for the sole purpose of providing a convenient place for foreign trade customers at the fair to exchange their home countries' currency into United States currency or the converse. This power shall not be construed as establishing a new place or change of location for the bank providing the service booth.

(19) To indemnify its officers, directors, employees, and agents, as authorized for corporations under Section 8.75 of the Business Corporation Act of 1983.

(20) To own, possess, and carry as assets stock of, or be or become a member of, any corporation, mutual company, association, trust, or other entity formed exclusively for the purpose of providing directors' and officers' liability and bankers' blanket bond insurance or reinsurance to and for the benefit of the stockholders, members, or beneficiaries, or their assets or businesses, or their officers, directors, employees, or agents, and not to or for the benefit of any other person or entity or the public generally.

(21) To make debt or equity investments in corporations or projects, whether for profit or not for profit, designed to promote the development of the community and its welfare, provided that the aggregate investment in all of these corporations and in all of these projects does not exceed 10% of the unimpaired capital and unimpaired surplus of the bank and provided that this limitation shall not apply to creditworthy loans by the bank to those corporations or projects. Upon written application to the Commissioner, a bank may make an investment that would, when aggregated with all other such investments, exceed 10% of the unimpaired capital and unimpaired surplus of the bank. The Commissioner may approve the investment if he is of the opinion and finds that the proposed investment will not have a material adverse effect on the safety and soundness of the bank.

(22) To own, possess, and carry as assets the stock of a corporation engaged in the ownership or operation of a travel agency or to operate a travel agency as a part of its business.

(23) With respect to affiliate facilities:

(a) to conduct at affiliate facilities for and on behalf of another commonly owned bank, if so authorized by the other bank, all transactions that the other bank is authorized or permitted to perform; and

(b) to authorize a commonly owned bank to conduct for and on behalf of it any of the transactions it is authorized or permitted to perform at one or more affiliate facilities.

Any bank intending to conduct or to authorize a commonly owned bank to conduct at an affiliate facility any of the transactions specified in this paragraph (23) shall give written notice to the Commissioner at least 30 days before any such transaction is conducted at the affiliate facility.

(24) 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 to receive for services so rendered such fees or commissions as may be agreed upon between the bank and the insurance company for which it may act as agent; provided, however, that no such 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 bank shall not guarantee the truth of any statement made by an assured in filing his application for insurance.

(25) Notwithstanding any other provisions of this Act or any other law, to offer any product or service that is at the time authorized or permitted to any insured savings association or out-of-state bank

by applicable law, provided that powers conferred only by this subsection (25):

(a) shall always be subject to the same limitations and restrictions that are applicable to the insured savings association or out-of-state bank for the product or service by such applicable law;

(b) shall be subject to applicable provisions of the Financial Institutions Insurance Sales Law;

(c) shall not include the right to own or conduct a real estate brokerage business for which a license would be required under the laws of this State; and

(d) shall not be construed to include the establishment or maintenance of a branch, nor shall they be construed to limit the establishment or maintenance of a branch pursuant to subsection (11).

Not less than 30 days before engaging in any activity under the authority of this subsection, a bank shall provide written notice to the Commissioner of its intent to engage in the activity. The notice shall indicate the specific federal or state law, rule, regulation, or interpretation the bank intends to use as authority to engage in the activity. (Source: P.A. 91-330, eff. 7-29-99; 91-849, eff. 6-22-00; 92-483, eff. 8-23-01; 92-811, eff. 8-21-02.)

(205 ILCS 5/10) (from Ch. 17, par. 317)

Sec. 10. Permit to organize. (a) Upon the filing of an application for a permit to organize, the Commissioner shall investigate the truth of the statements therein and shall consider the proposed bank's capital structure, its future earnings prospects, the general character, experience, and qualifications of its proposed management, its proposed plan of operation, and the convenience and needs of the area sought to be served, and notwithstanding the provisions of Section 7 of this Act, the Commissioner shall not approve the application and issue a permit to organize unless he shall be of the opinion and finds:

(1) that the proposed capital at least meets the minimum requirements of this Act determined by the Commissioner pursuant to Section 7 of this Act including additional capital necessitated by the circumstances of the proposed bank including its size, scope of operations and market in which it proposes to operate;

(2) that the future earnings prospects are favorable;

(3) that the general character, experience, and qualifications of its proposed management and its proposed plan of operation are such as to assure reasonable promise of successful, safe and sound operation;

(4) that the name of the proposed bank is not the same as or deceptively similar to a name reserved with the Commissioner's office under Section 9.5 or to the name of any other bank then operating in this State; ~~and~~

(5) that the convenience and needs of the area sought to be served by the proposed bank will be promoted; and~~.~~

(6) if the proposed bank will be a limited liability company, that the articles of organization of the limited liability company have been executed and delivered to the Secretary of State as specified in Sections 5-5 and 5-45 of the Limited Liability Company Act.

(b) The Commissioner shall revoke the permit to organize and order liquidation of any funds collected in the event that the organizers do not obtain a charter from the Commissioner authorizing the bank to commence business within 6 months from the date of the issuance of the permit, unless a request has been submitted, in writing, to the Commissioner for an extension and the request has been approved.

(c) The Commissioner may impose such terms and conditions, if any, on the issuance of the permit to organize as the Commissioner deems appropriate and necessary for the organization of the bank. (Source: P.A. 91-452, eff. 1-1-00; 92-483, eff. 8-23-01.)

(205 ILCS 5/13.6 new)

Sec. 13.6. Banks as limited liability companies. A bank may be organized 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 rules promulgated by the Commissioner. A bank organized as a limited liability company shall be subject to the provisions of the Limited Liability Company Act in addition to this Act, provided that, if a provision of the Limited Liability Company Act conflicts with a provision of this Act, as determined by the Commissioner, the provision of this Act shall apply.

Section 10. The Illinois Savings and Loan Act of 1985 is amended by changing Sections 2-4 and 6-1 and adding Section 2-10 as follows:

(205 ILCS 105/2-4) (from Ch. 17, par. 3302-4)

Sec. 2-4. Commissioner's approval and issuance of permit to organize. The Commissioner shall not approve the application and issue a permit to organize unless he shall find:

(a) That the proposed capital meets the requirements of this Act;

(b) That the general character of the proposed management is such as to assure reasonable probability of the success of the association;

(c) That insurance of withdrawable capital shall be effective prior to the issuance of a Certificate of Complete Organization;

(d) Any other conditions which the Commissioner in his discretion shall find are necessary to assure that the association shall be operated in a safe and sound manner, including due regard for the need for the association in its community or the area it proposes to serve and the impact on properly conducted existing associations in the same area; ~~and~~

(e) That the name of the proposed association is not the same as, or deceptively similar to, the name of any other association in the community or area of operation; and no such name shall contain the words "guaranty", "Guarantee", "insured", or any other word the meaning of which might imply that the association is insured by the insurance corporation unless in fact such insurance or a commitment to insure has been obtained, and such prohibition shall likewise extend to an association amending its articles of incorporation to change its name; and~~.~~

(f) If the proposed association will be a limited liability company, that the articles of organization of the limited liability company have been executed and delivered to the Secretary of State as specified in Sections 5-5 and 5-45 of the Limited Liability Company Act. (Source: P.A. 84-543.)

(205 ILCS 105/2-10 new)

Sec. 2-10. Associations as limited liability companies. An association may be organized 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 rules promulgated by the Commissioner. An association organized as a limited liability company shall be subject to the provisions of the Limited Liability Company Act in addition to this Act, provided that, if a provision of the Limited Liability Company Act conflicts with a provision of this Act, as determined by the Commissioner, the provision of this Act shall apply.

(205 ILCS 105/6-1) (from Ch. 17, par. 3306-1)

Sec. 6-1. Amendment of articles of incorporation or operating agreement. An association may amend its articles of incorporation, or operating agreement if a limited liability company, from time to time, in accordance with the procedure prescribed in this Article; but the Articles or operating agreement, as amended, shall conform to all legal requirements which pertain to original articles or operating agreements adopted at the time of such amendment. Any number of amendments may be submitted to the members, and voted upon by them, at one meeting. (Source: P.A. 84-543.)

Section 15. The Savings Bank Act is amended by changing Sections 3005 and 8001 and adding Section 3008 as follows:

(205 ILCS 205/3005) (from Ch. 17, par. 7303-5)

Sec. 3005. Permit to organize. (a) The Commissioner may require additional information and conduct whatever investigation necessary to determine whether to issue a permit to organize, including the subpoenaing of books and records, taking of public testimony, and conducting hearings. The applicants shall share jointly and severally the expense of the investigations.

(b) The Commissioner must find and declare, based on the record of application and his investigation that:

(1) The proposed management, business plan, and capitalization promise to meet regulatory requirements.

(2) The application information is not in dispute.

(3) The proposed name is not deceptively similar to that of other financial institutions within an area defined by regulation of the Commissioner.

(4) The proposed business plan and capitalization promise to serve the needs of the community and its residents.

(5) If the proposed savings bank will be a limited liability company, that the articles of organization of the limited liability company have been executed and delivered to the Secretary of State as specified in Sections 5-5 and 5-45 of the Limited Liability Company Act.

(6) ~~(5)~~ Insurance of accounts shall be effective prior to issuance of a charter.

(c) The Commissioner may promulgate rules to implement and administer this Section. (Source: P.A. 86-1213.)

(205 ILCS 205/3008 new)

Sec. 3008. Savings banks as limited liability companies. A savings bank may be organized 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 rules promulgated by the Commissioner. A savings bank organized as a limited liability company shall be subject to the provisions of the Limited Liability Company Act in addition to this Act, provided that, if a provision of the Limited Liability Company Act conflicts with a provision of this Act, as determined by the

Commissioner, the provision of this Act shall apply.

(205 ILCS 205/8001) (from Ch. 17, par. 7308-1)

Sec. 8001. Amendment of articles and bylaws or operating agreement. A savings bank may amend its articles of incorporation or bylaws, or operating agreement if a limited liability company, in accordance with the procedure set forth in this Article, but those articles and bylaws or operating agreement shall conform to all legal requirements pertaining to savings banks. No amended article or bylaw or operating agreement shall affect any existing cause of action or pending action to which the savings bank may be a party or existing rights of persons other than the members or stockholders of the savings bank. Any number of amendments may be submitted and voted upon at any one meeting of the members, stockholders, or board of directors. (Source: P.A. 86-1213.)

Section 20. The Limited Liability Company Act is amended by changing Sections 1-25, 5-5, 5-55, 37-5, and 37-35 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.)

(805 ILCS 180/5-5)

Sec. 5-5. Articles of organization. (a) The articles of organization shall set forth all of the following:

(1) The name of the limited liability company and the address of its principal place of business which may, but need not be a place of business in this State.

(2) The purposes for which the limited liability company is organized, which may be stated to be, or to include, the transaction of any or all lawful businesses for which limited liability companies may be organized under this Act.

(3) The name of its registered agent and the address of its registered office.

(4) If the limited liability company is to be managed by a manager or managers, the names and business addresses of the initial manager or managers.

(5) If management of the limited liability company is to be vested in the members under Section 15-1, then the names and addresses of the initial member or members.

(6) The latest date, if any, upon which the limited liability company is to dissolve and other events of dissolution, if any, that may be agreed upon by the members under Section 35-1 hereof.

(7) The name and address of each organizer.

(8) Any other provision, not inconsistent with law, that the members elect to set out in the articles of organization for the regulation of the internal affairs of the limited liability company, including any provisions that, under this Act, are required or permitted to be set out in the operating agreement of the limited liability company.

(b) A limited liability company is organized at the time articles of organization are filed by the Secretary of State or at any later time, not more than 60 days after the filing of the articles of organization, specified in the articles of organization.

(c) Articles of organization for the organization of a limited liability company that is a bank, savings

bank, or savings and loan association, or for the organization of a limited liability company that is organized for the purpose of accepting and executing trusts shall not be filed by the Secretary of State until there is delivered to him or her a statement executed by the Commissioner of the Office of Banks and Real Estate or the appropriate federal regulator of the bank, savings bank, or savings and loan association, that the organizers of the limited liability company have made arrangements with the Commissioner of the Office of Banks and Real Estate or the appropriate federal regulator of the bank, savings bank, or savings and loan association, to comply with the applicable State or federal law pursuant to which a permit to organize or certificate of authority will be issued ~~Corporate Fiduciary Act~~.
(Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/5-55)

Sec. 5-55. Filing in Office of Secretary of State. (a) Whenever any provision of this Act requires a limited liability company to file any document with the Office of the Secretary of State, the requirement means that:

(1) the original document, executed as described in Section 5-45, and, if required by this Act to be filed in duplicate, one copy (which may be a signed carbon or photocopy) shall be delivered to the Office of the Secretary of State;

(2) all fees and charges authorized by law to be collected by the Secretary of State in connection with the filing of the document shall be tendered to the Secretary of State; and

(3) unless the Secretary of State finds that the document does not conform to law, he or she shall, when all fees have been paid:

(A) endorse on the original and on the copy the word "Filed" and the month, day, and year of the filing thereof;

(B) file in his or her office the original of the document; and

(C) return the copy to the person who filed it or to that person's representative.

(b) If another Section of this Act specifically prescribes a manner of filing or signing a specified document that differs from the corresponding provisions of this Section, then the provisions of the other Section shall govern.

(c) Whenever any provision of this Act requires a limited liability company that is a bank, savings bank, or savings and loan association, to file any document with the Office of the Secretary of State, a duplicate of such document shall be filed with the Office of Banks and Real Estate or the appropriate federal regulator of such bank, savings bank, or savings and loan association, at such time and in such manner as may be prescribed by the Office of Banks and Real Estate or the appropriate federal regulator of such bank, savings bank, or savings and loan association. (Source: P.A. 92-33, eff. 7-1-01.)

(805 ILCS 180/37-5)

Sec. 37-5. Definitions. In this Article:

"Corporation" means: (i) a corporation under the Business Corporation Act of 1983, a predecessor law, or comparable law of another jurisdiction or (ii) subject to Section 37-35 of this Article, a bank, savings bank, or savings and loan association.

"General partner" means a partner in a partnership and a general partner in a limited partnership.

"Limited partner" means a limited partner in a limited partnership.

"Limited partnership" means a limited partnership created under the Revised Uniform Limited Partnership Act, a predecessor law, or comparable law of another jurisdiction.

"Partner" includes a general partner and a limited partner.

"Partnership" means a general partnership under the Uniform Partnership Act, a predecessor law, or comparable law of another jurisdiction.

"Partnership agreement" means an agreement among the partners concerning the partnership or limited partnership.

"Shareholder" means a shareholder in a corporation. (Source: P.A. 90-424, eff. 1-1-98.)

(805 ILCS 180/37-35)

Sec. 37-35. Article not exclusive. This Article does not preclude an entity from being converted or merged under other law. A bank, savings bank, or savings and loan association that converts to or merges with and into a limited liability company shall comply with the provisions of this Article to the extent such provisions do not conflict with the provisions of the applicable state or federal law pursuant to which a charter has been issued to the bank, savings bank, or savings and loan association, as determined by the Office of Banks and Real Estate or the appropriate federal regulator of such bank, savings bank, or savings and loan association. (Source: P.A. 90-424, eff. 1-1-98.)

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 Cullerton, **Senate Bill No. 690** 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 690 on page 2, in line 26, by inserting after "fees" the following:
", unless the court finds that the fundamental purpose of the request is to further the commercial interests of the requestor. If the court finds that the fundamental purpose of the request was to further the commercial interests of the requestor, the court may award reasonable attorneys' fees if the court finds that the record or records in question were of clearly significant interest to the general public and that the public body lacked any reasonable basis in law for withholding the record. The court shall award fees and costs to a public body that prevails in litigation under this Act, but only upon the court's determination that the action is malicious or frivolous".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 690 by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 11 as follows:

(5 ILCS 140/11) (from Ch. 116, par. 211)

Sec. 11. (a) Any person denied access to inspect or copy any public record by the head of a public body may file suit for injunctive or declaratory relief.

(b) Where the denial is from the head of a public body of the State, suit may be filed in the circuit court for the county where the public body has its principal office or where the person denied access resides.

(c) Where the denial is from the head of a municipality or other public body, except as provided in subsection (b) of this Section, suit may be filed in the circuit court for the county where the public body is located.

(d) The circuit court shall have the jurisdiction to enjoin the public body from withholding public records and to order the production of any public records improperly withheld from the person seeking access. If the public body can show that exceptional circumstances exist, and that the body is exercising due diligence in responding to the request, the court may retain jurisdiction and allow the agency additional time to complete its review of the records.

(e) On motion of the plaintiff, prior to or after in camera inspection, the court shall order the public body to provide an index of the records to which access has been denied. The index shall include the following:

(i) A description of the nature or contents of each document withheld, or each deletion from a released document, provided, however, that the public body shall not be required to disclose the information which it asserts is exempt; and

(ii) A statement of the exemption or exemptions claimed for each such deletion or withheld document.

(f) In any action considered by the court, the court shall consider the matter de novo, and shall conduct such in camera examination of the requested records as it finds appropriate to determine if such records or any part thereof may be withheld under any provision of this Act. The burden shall be on the public body to establish that its refusal to permit public inspection or copying is in accordance with the provisions of this Act.

(g) In the event of noncompliance with an order of the court to disclose, the court may enforce its order against any public official or employee so ordered or primarily responsible for such noncompliance through the court's contempt powers.

(h) Except as to causes the court considers to be of greater importance, proceedings arising under this Section shall take precedence on the docket over all other causes and be assigned for hearing and trial at

the earliest practicable date and expedited in every way.

(i) If a person seeking the right to inspect or receive a copy of a public record substantially prevails in a proceeding under this Section, the court may award such person reasonable attorneys' fees unless the court finds that the fundamental purpose of the request is to further the commercial interests of the requestor. If the court finds that the fundamental purpose of the request was to further the commercial interests of the requestor, the court may award reasonable attorneys' fees and costs if the court finds that the record or records in question were of clearly significant interest to the general public and that the public body lacked any reasonable basis in law for withholding the record. (Source: P.A. 85-1357.)".

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 Demuzio, **Senate Bill No. 698** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 698 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 8, 12, 15, 20, 29, 45, and 49 as follows:

(225 ILCS 330/1) (from Ch. 111, par. 3251) (Section scheduled to be repealed on January 1, 2010)

Sec. 1. Declaration of public policy. The practice of land surveying in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared that the determination and physical protraction of land boundaries, together with the attendant preparation of legal descriptions and plats, which bear witness for posterity ~~and become part of the public record~~ to chronicle the acts and wishes of landowners throughout this State is a matter of public interest and concern. Therefore, it is in the public interest that the practice of land surveying, as defined in this Act, merit and receive the confidence of the public, and that only qualified persons be authorized to practice land surveying in the State of Illinois. This Act shall be liberally construed to best carry out this purpose. (Source: P.A. 86-987.)

(225 ILCS 330/3) (from Ch. 111, par. 3253) (Section scheduled to be repealed on January 1, 2010)

Sec. 3. Exceptions. This Act does not prohibit~~:~~ ~~(a)~~ any person licensed in this State under any other Act from engaging in the practice for which that person is licensed.~~;~~

~~(b) An individual, firm, or corporation engaged in any line of business other than the practice of land surveying from employing a licensed land surveyor to perform land surveying services directly incidental to the business of that individual, firm, or corporation.~~ (Source: P.A. 86-987.)

(225 ILCS 330/4) (from Ch. 111, par. 3254) (Section scheduled to be repealed on January 1, 2010)

Sec. 4. Definitions. As used in this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Land Surveyors Licensing Board.

(d) "Direct supervision and control" means the personal review by a Licensed Professional Land Surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the Professional Land Surveyor or the firm for which the Professional Land Surveyor is employed is the provider of the surveying services.

(e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the Professional Land Surveyor.

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer licensed ~~practicing~~ in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional Land Surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

(h) "Land Surveyor-in-Training" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveyor-in-training subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying. (Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 330/5) (from Ch. 111, par. 3255) (Section scheduled to be repealed on January 1, 2010)

Sec. 5. Practice of land surveying defined. Any one or combination of the following practices constitutes the practice of land surveying:

(a) ~~Surveying, preparation of boundary descriptions and measuring the area of any portion of the earth's surface, the lengths and directions of the boundary lines, or the contour of the surface for their determination and description for conveying or for recording, or for~~ Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or lines and the platting of lands and subdivisions;

(b) Establishing ~~Surveying and measuring~~ the area or volume of any portion of the earth's surface, subsurface, or ~~surveying and measuring an area of the~~ airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon ~~over the earth's surface, to determine the location of property rights~~;

(c) Preparing descriptions for the determination of title rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace ~~Preparing, and attesting to the accuracy of, a map or plat showing the land boundaries or lines and the marks and monuments of the boundaries, or of a map or plat showing the boundaries of subsurface or air rights~~;

~~(d) Executing and issuing certificates, endorsements, reports, or plats which portray the relationship between existing physical objects or structures and one or more corners or boundaries of any tract or lot of land or boundaries of a portion of the surface, subsurface, or airspace;~~

(d) ~~(e)~~ Labeling, designating, naming, or otherwise identifying legal lines~~, property lines~~ or land title lines of the United States Rectangular System or any subdivision thereof on any photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording the same in the Office of Recorder ~~or Registrar of Titles~~ in any county;

~~(f) Determining the position for any monument or reference point which marks a property line, boundary, or corner, or to set, reset, or replace any the monument or reference point on any property;~~

~~(g) Acting in direct supervision and control of land surveying activities or conducting as a manager in any place of business which solicits, performs, or practices land surveying;~~

(e) ~~(h)~~ Any act or combination of acts that ~~which~~ would be viewed as offering professional land surveying services including:

(1) setting monuments which have the appearance of or for the express purpose of marking land boundaries, either directly or as an accessory; or

(2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a Professional Land Surveyor, and if proper reference to that fact be made on that document;

(f) Determining the position for any monument or reference point that marks a title line, boundary, or corner, or to set, reset, or replace any monument or reference point on any property;

(g) Creating, preparing, or modifying electronic or computerized data relative to the performance of activities in items (a) through (f) of this Section;

(h) Establishing any control network or adjusting of cadastral data as it pertains to items (a) through (g) of this Section;

(i) Preparing and attesting to the accuracy of a map or plat showing the land boundaries or lines and marks and monuments of the boundaries or of a map or plat showing the boundaries of surface, subsurface, or air rights;

(j) Executing and issuing certificates, endorsements, reports, or plats that portray the relationship between existing physical objects or structures and one or more corners or boundaries of any portion of the earth's surface, subsurface, or airspace;

(k) Acting in direct supervision and control of land surveying activities or acting as a manager in any place of business that solicits, performs, or practices land surveying;

(l) ~~(i)~~ Offering or soliciting to perform any of the services set forth in this Section. (Source: P.A. 86-

987.)

(225 ILCS 330/6) (from Ch. 111, par. 3256) (Section scheduled to be repealed on January 1, 2010)

Sec. 6. Powers and duties of the Department. (a) The Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts. The Department shall also exercise, subject to the provisions of this Act, the following powers and duties:

(1) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.

(2) Prescribe rules for a method of examination.

(3) Conduct hearings on proceedings to revoke, suspend, or refuse to issue, renew, or restore a license, or other disciplinary actions.

(4) Promulgate rules and regulations required for the administration of this Act.

(5) License corporations and partnerships for the practice of professional surveying and issue a license to those who qualify.

(6) Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non-compliance with such rules.

(7) Maintain membership in the National Council of Engineering Examiners or a similar organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.

(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, promulgate and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of the Act.

(a-5) The Department may promulgate rules for a Code of Ethics and Standards of Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.

(b) The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and recommendations.

(c) The Department shall review the Board's recommendation of the applicants' qualifications. The Director shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the Director's written explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.

Whenever the Director is not satisfied that substantial justice has been done in the revocation or suspension of a license, or other disciplinary action the Director may order re-hearing by the same or other boards.

None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board. (Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/8) (from Ch. 111, par. 3258) (Section scheduled to be repealed on January 1, 2010)

Sec. 8. Powers and duties of the Board; quorum. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) Review education and experience qualifications of applicants to determine eligibility as a Professional Land Surveyor or Land Surveyor-in-Training and submit to the Director written recommendations on applicant qualifications for licensing;

(b) Conduct hearings regarding disciplinary actions and submit a written report to the Director as required by this Act and provide a Board member at informal conferences;

(c) Visit universities or colleges to evaluate surveying curricula and submit to the Director a written recommendation of acceptability of the curriculum;

(d) Submit a written recommendation to the Director concerning promulgation or amendment of rules for the administration of this Act;

(e) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(g) Hold at least 8 ~~3~~ regular meetings each year; and

(h) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed Illinois Professional Land Surveyors.

A quorum of the Board shall consist of a majority of Board members appointed. (Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/12) (from Ch. 111, par. 3262) (Section scheduled to be repealed on January 1, 2010)

Sec. 12. Qualifications for licensing. (a) A person is qualified to receive a license as a Professional Land Surveyor and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has been issued a license as a Land Surveyor-in-Training;

(5) who, subsequent to passing an examination for licensure as a Surveyor-In-Training, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities ~~has at least 4 years of responsible charge experience, subsequent to passage of an examination for licensure as a Land Surveyor-in-Training, verified by a Professional Land Surveyor in responsible charge of land surveying operations under the direct supervision and control of a Professional Land Surveyor~~; and

(6) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Professional Land Surveyor.

(b) A person is qualified to receive a license as a Land Surveyor-in-Training and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has the required education as set forth in this Act; and

(5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Land Surveyor-in-Training in accordance with this Act.

In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act. (Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/15) (from Ch. 111, par. 3265) (Section scheduled to be repealed on January 1, 2010)

Sec. 15. Seal. Every Professional Land Surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number, of the Professional Land Surveyor, and the words "Professional Land Surveyor, State of Illinois". Signatures generated by computer or rubber stamp shall not be permitted. A Professional Land Surveyor shall seal all documents prepared by or under the direct supervision and control of the Professional Land Surveyor. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by this Act. ~~Signatures generated by computer shall not be permitted.~~ The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal. (Source: P.A. 90-655, eff. 7-30-98; 91-132, eff. 1-1-00.)

(225 ILCS 330/20) (from Ch. 111, par. 3270) (Section scheduled to be repealed on January 1, 2010)

Sec. 20. Endorsement. Upon payment of the required fee, an applicant who is a Professional Land Surveyor, ~~registered,~~ licensed~~,~~ or otherwise legally recognized as a Land Surveyor under the laws of another state or territory of the United States may be granted a license as an Illinois Professional Land Surveyor by the Department with approval of the Board upon the following conditions:

(a) That the applicant meets the requirements for licensing in this State, and that the requirements for licensing or other legal recognition of Land Surveyors in the particular state or territory were, at the date of issuance of the license or certificate, equivalent to the requirements then in effect in the State of Illinois; and

(b) That the applicant passes a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.

(Source: P.A. 90-602, eff. 6-26-98; 91-132, eff. 1-1-00.)

(225 ILCS 330/29) (from Ch. 111, par. 3279) (Section scheduled to be repealed on January 1, 2010)

Sec. 29. Investigations; notice and hearing. A license or registration issued under the provisions of

this Act may be revoked, suspended, not renewed or restored, or otherwise disciplined, or applications for license or registration may be refused, in the manner set forth in this Act. The Department may, upon its own action, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for discipline, investigate the actions of any person or other entity holding, applying for or claiming to hold a license, or practicing or offering to practice land surveying. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, renew or restore, suspending or revoking any license or registration, or imposing any other disciplinary action, at least 30 days prior to the date set for the hearing, notify the person accused in writing of any charges made and shall direct the person or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the person or entity that if the person or entity fails to file an answer default will be taken and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. The Department shall afford the accused person or entity an opportunity to be heard in person or by counsel in reference to the charges ~~changes~~. This written notice may be served by personal delivery to the accused person or entity or certified mail to the last address specified by the accused person or entity in the last notification to the Department. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall hear the charges and the accused person or entity shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be relevant to the charges or their defense. The Board may continue the hearing from time to time.

The Board may from time to time and in co-operation with the Department's legal advisors employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative duties.

Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of their assistance, except upon proof of actual malice. The Attorney General shall defend these persons in any such action or proceeding. (Source: P.A. 87-1031; 88-428.)

(225 ILCS 330/45) (from Ch. 111, par. 3295) (Section scheduled to be repealed on January 1, 2010)

Sec. 45. Entry upon adjoining land; Liability for damages. A Professional Land Surveyor, or persons under his direct supervision, together with his survey party, who, in the course of making a survey, finds it necessary to go upon the land of a party or parties other than the one for whom the survey is being made is not liable for civil or criminal trespass ~~as a trespasser~~ and is liable only for any actual damage done to the land or property. (Source: P.A. 86-987.)

(225 ILCS 330/49) (from Ch. 111, par. 3299) (Section scheduled to be repealed on January 1, 2010)

Sec. 49. The provisions of this Act, insofar as they are the same or substantially the same as those of any prior law concerning the licensure of land surveyors, shall be construed as a continuation of such prior law and not as a new enactment.

Any existing injunction or temporary restraining order validly obtained under the Illinois Land Surveyors Act which prohibits the unlicensed ~~unregistered~~ practice of land surveying or prohibits or requires any other conduct in connection with the practice of land surveying, or any disciplinary action begun under the Illinois Land Surveyors Act are not invalidated by the enactment of this Act and shall continue to have full force and effect on and after the effective date of this Act. All certificates of registration and enrollments in effect on December 31, 1989 issued pursuant to the Illinois Land Surveyors Act are reinstated under this Act for the balance of the term for which last issued. All rules and regulations in effect on December 31, 1989 and promulgated pursuant to the Illinois Land Surveyors Act shall remain in full force and effect on and after the effective date of this Act without being promulgated again by the Department, except to the extent any such rule or regulation is inconsistent with any provision of this Act. (Source: P.A. 86-987.)".

Senator Demuzio moved that the foregoing amendment be ordered to lie on the table.

The motion to table prevailed.

Floor Amendment No. 2 was held in the Committee on Licensed Activities.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 698 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Professional Land Surveyor Act of 1989 is amended by changing Sections 1, 3, 4, 5, 6, 8, 12, 15, 20, 29, 45, and 49 as follows:

(225 ILCS 330/1) (from Ch. 111, par. 3251) (Section scheduled to be repealed on January 1, 2010)

Sec. 1. Declaration of public policy. The practice of land surveying in the State of Illinois is hereby declared to affect the public health, safety, and welfare and to be subject to regulation and control in the public interest. It is further declared that the determination and physical protraction of land boundaries, together with the attendant preparation of legal descriptions and plats, which bear witness for posterity ~~and become part of the public record~~ to chronicle the acts and wishes of landowners throughout this State is a matter of public interest and concern. Therefore, it is in the public interest that the practice of land surveying, as defined in this Act, merit and receive the confidence of the public, and that only qualified persons be authorized to practice land surveying in the State of Illinois. This Act shall be liberally construed to best carry out this purpose. (Source: P.A. 86-987.)

(225 ILCS 330/3) (from Ch. 111, par. 3253) (Section scheduled to be repealed on January 1, 2010)

Sec. 3. Exceptions. This Act does not prohibit~~:~~ ~~(a)~~ any person licensed in this State under any other Act from engaging in the practice for which that person is licensed.~~;~~

~~(b) An individual, firm, or corporation engaged in any line of business other than the practice of land surveying from employing a licensed land surveyor to perform land surveying services directly incidental to the business of that individual, firm, or corporation.~~ (Source: P.A. 86-987.)

(225 ILCS 330/4) (from Ch. 111, par. 3254) (Section scheduled to be repealed on January 1, 2010)

Sec. 4. Definitions. As used in this Act:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Land Surveyors Licensing Board.

(d) "Direct supervision and control" means the personal review by a Licensed Professional Land Surveyor of each survey, including, but not limited to, procurement, research, field work, calculations, preparation of legal descriptions and plats. The personal review shall be of such a nature as to assure the client that the Professional Land Surveyor or the firm for which the Professional Land Surveyor is employed is the provider of the surveying services.

(e) "Responsible charge" means an individual responsible for the various components of the land survey operations subject to the overall supervision and control of the Professional Land Surveyor.

(f) "Design professional" means a land surveyor, architect, structural engineer, or professional engineer <u>licensed</u> ~~practicing~~ in conformance with this Act, the Illinois Architecture Practice Act of 1989, the Structural Engineering Practice Act of 1989, or the Professional Engineering Practice Act of 1989.

(g) "Professional Land Surveyor" means any person licensed under the laws of the State of Illinois to practice land surveying, as defined by this Act or its rules.

(h) "Land Surveyor-in-Training" means any person licensed under the laws of the State of Illinois who has qualified for, taken, and passed an examination in the fundamental land surveyor-in-training subjects as provided by this Act or its rules.

(i) "Land surveying experience" means those activities enumerated in Section 5 of this Act, which, when exercised in combination, to the satisfaction of the Board, is proof of an applicant's broad range of training in and exposure to the prevailing practice of land surveying. (Source: P.A. 91-91, eff. 1-1-00; 91-132, eff. 1-1-00; 92-16, eff. 6-28-01.)

(225 ILCS 330/5) (from Ch. 111, par. 3255) (Section scheduled to be repealed on January 1, 2010)

Sec. 5. Practice of land surveying defined. Any one or combination of the following practices constitutes the practice of land surveying:

(a) ~~Surveying, preparation of boundary descriptions and measuring the area of any portion of the earth's surface, the lengths and directions of the boundary lines, or the contour of the surface for their determination and description for conveying or for recording, or for~~ Establishing or reestablishing, locating, defining, and making or monumenting land boundaries or lines and the platting of lands and subdivisions;

(b) Establishing ~~Surveying and measuring~~ the area or volume of any portion of the earth's surface, subsurface, or ~~surveying and measuring an area of the~~ airspace with respect to boundary lines, determining the configuration or contours of any portion of the earth's surface, subsurface, or airspace or the location of fixed objects thereon, except as performed by photogrammetric methods ~~over the earth's surface, to determine the location of property rights~~;

(c) Preparing descriptions for the determination of title rights to any portion or volume of the earth's surface, subsurface, or airspace involving the lengths and direction of boundary lines, areas, parts of platted parcels or the contours of the earth's surface, subsurface, or airspace ~~Preparing, and attesting to the accuracy of, a map or plat showing the land boundaries or lines and the marks and monuments of the boundaries, or of a map or plat showing the boundaries of subsurface or air rights~~;

~~(d) Executing and issuing certificates, endorsements, reports, or plats which portray the relationship between existing physical objects or structures and one or more corners or boundaries of any tract or lot of land or boundaries of a portion of the surface, subsurface, or airspace;~~

(d) ~~(e)~~ Labeling, designating, naming, or otherwise identifying legal lines~~, property lines~~ or land title lines of the United States Rectangular System or any subdivision thereof on any photograph, photographic composite, or mosaic or photogrammetric map of any portion of the earth's surface for the purpose of recording the same in the Office of Recorder ~~or Registrar of Titles~~ in any county;

~~(f) Determining the position for any monument or reference point which marks a property line, boundary, or corner, or to set, reset, or replace any the monument or reference point on any property;~~

~~(g) Acting in direct supervision and control of land surveying activities or conducting as a manager in any place of business which solicits, performs, or practices land surveying;~~

(e) ~~(h)~~ Any act or combination of acts that ~~which~~ would be viewed as offering professional land surveying services including:

(1) setting monuments which have the appearance of or for the express purpose of marking land boundaries, either directly or as an accessory; or

(2) providing any sketch, map, plat, report, monument record, or other document which indicates land boundaries and monuments, or accessory monuments thereto, except that if the sketch, map, plat, report, monument record, or other document is a copy of an original prepared by a Professional Land Surveyor, and if proper reference to that fact be made on that document;

(f) Determining the position for any monument or reference point that marks a title line, boundary, or corner, or to set, reset, or replace any monument or reference point on any property;

(g) Creating, preparing, or modifying electronic or computerized data relative to the performance of activities in items (a) through (f) of this Section;

(h) Establishing any control network or adjusting of cadastral data as it pertains to items (a) through (g) of this Section;

(i) Preparing and attesting to the accuracy of a map or plat showing the land boundaries or lines and marks and monuments of the boundaries or of a map or plat showing the boundaries of surface, subsurface, or air rights;

(j) Executing and issuing certificates, endorsements, reports, or plats that portray the relationship between existing physical objects or structures and one or more corners or boundaries of any portion of the earth's surface, subsurface, or airspace;

(k) Acting in direct supervision and control of land surveying activities or acting as a manager in any place of business that solicits, performs, or practices land surveying;

(l) ~~(i)~~ Offering or soliciting to perform any of the services set forth in this Section. (Source: P.A. 86-987.)

(225 ILCS 330/6) (from Ch. 111, par. 3256) (Section scheduled to be repealed on January 1, 2010)

Sec. 6. Powers and duties of the Department. (a) The Department shall exercise the powers and duties prescribed by The Illinois Administrative Procedure Act for the administration of licensing Acts. The Department shall also exercise, subject to the provisions of this Act, the following powers and duties:

(1) Conduct or authorize examinations to ascertain the fitness and qualifications of applicants for licensure and issue licenses to those who are found to be fit and qualified.

(2) Prescribe rules for a method of examination.

(3) Conduct hearings on proceedings to revoke, suspend, or refuse to issue, renew, or restore a license, or other disciplinary actions.

(4) Promulgate rules and regulations required for the administration of this Act.

(5) License corporations and partnerships for the practice of professional surveying and issue a license to those who qualify.

(6) Prescribe, adopt, and amend rules as to what shall constitute a surveying or related science curriculum, determine if a specific surveying curriculum is in compliance with the rules, and terminate the approval of a specific surveying curriculum for non-compliance with such rules.

(7) Maintain membership in the National Council of Engineering Examiners or a similar organization and participate in activities of the Council or organization by designating individuals for the various classifications of membership and appoint delegates for attendance at zone and national meetings of the Council or organization.

(8) Obtain written recommendations from the Board regarding qualification of individuals for licensing, definition of curriculum content and approval of surveying curriculums, standards of professional conduct and disciplinary actions, promulgate and amend the rules affecting these matters, and consult with the Board on other matters affecting administration of the Act.

(a-5) The Department may promulgate rules for a Code of Ethics and Standards of Practice to be followed by persons licensed under this Act. The Department shall consider the recommendations of the Board in establishing the Code of Ethics and Standards of Practice.

(b) The Department shall consult with the Board in promulgating rules. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the Board's response and recommendations.

(c) The Department shall review the Board's recommendation of the applicants' qualifications. The Director shall notify the Board in writing with an explanation of any deviation from the Board's recommendation. After review of the Director's written explanation of his or her reasons for deviation, the Board shall have the opportunity to comment upon the Director's decision.

Whenever the Director is not satisfied that substantial justice has been done in the revocation or suspension of a license, or other disciplinary action the Director may order re-hearing by the same or other boards.

None of the functions, powers or duties enumerated in this Section shall be exercised by the Department except upon the action and report in writing of the Board. (Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/8) (from Ch. 111, par. 3258) (Section scheduled to be repealed on January 1, 2010)

Sec. 8. Powers and duties of the Board; quorum. Subject to the provisions of this Act, the Board shall exercise the following functions, powers, and duties:

(a) Review education and experience qualifications of applicants to determine eligibility as a Professional Land Surveyor or Land Surveyor-in-Training and submit to the Director written recommendations on applicant qualifications for licensing;

(b) Conduct hearings regarding disciplinary actions and submit a written report to the Director as required by this Act and provide a Board member at informal conferences;

(c) Visit universities or colleges to evaluate surveying curricula and submit to the Director a written recommendation of acceptability of the curriculum;

(d) Submit a written recommendation to the Director concerning promulgation or amendment of rules for the administration of this Act;

(e) The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act;

(f) The Board may appoint a subcommittee to serve as a Complaint Committee to recommend the disposition of case files according to procedures established by rule;

(g) Hold at least 4 ~~3~~ regular meetings each year; and

(h) The Board shall annually elect a Chairperson and a Vice Chairperson who shall be licensed Illinois Professional Land Surveyors.

A quorum of the Board shall consist of a majority of Board members appointed. (Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/12) (from Ch. 111, par. 3262) (Section scheduled to be repealed on January 1, 2010)

Sec. 12. Qualifications for licensing. (a) A person is qualified to receive a license as a Professional Land Surveyor and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has been issued a license as a Land Surveyor-in-Training;

(5) who, subsequent to passing an examination for licensure as a Surveyor-In-Training, has at least 4 years of responsible charge experience verified by a professional land surveyor in direct supervision and control of his or her activities ~~has at least 4 years of responsible charge experience,~~

~~subsequent to passage of an examination for licensure as a Land Surveyor in Training, verified by a Professional Land Surveyor in responsible charge of land surveying operations under the direct supervision and control of a Professional Land Surveyor~~; and

(6) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Professional Land Surveyor.

(b) A person is qualified to receive a license as a Land Surveyor-in-Training and the Department shall issue a license to a person:

(1) who has applied in writing in the required form and substance to the Department;

(2) (blank);

(3) who is of good moral character;

(4) who has the required education as set forth in this Act; and

(5) who has passed an examination authorized by the Department to determine his or her fitness to receive a license as a Land Surveyor-in-Training in accordance with this Act.

In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or actions that would constitute grounds for discipline under this Act. (Source: P.A. 91-132, eff. 1-1-00.)

(225 ILCS 330/15) (from Ch. 111, par. 3265) (Section scheduled to be repealed on January 1, 2010)

Sec. 15. Seal. Every Professional Land Surveyor shall have a reproducible seal or facsimile, which may be computer generated, the impression of which shall contain the name of the land surveyor, his or her place of business, the license number, of the Professional Land Surveyor, and the words "Professional Land Surveyor, State of Illinois". Signatures generated by computer or rubber stamp shall not be permitted. A Professional Land Surveyor shall seal all documents prepared by or under the direct supervision and control of the Professional Land Surveyor. Any seal authorized or approved by the Department under the Illinois Land Surveyors Act shall serve the same purpose as the seal provided for by this Act. ~~Signatures generated by computer shall not be permitted.~~ The licensee's written signature and date of signing along with the date of license expiration shall be placed adjacent to the seal. (Source: P.A. 90-655, eff. 7-30-98; 91-132, eff. 1-1-00.)

(225 ILCS 330/20) (from Ch. 111, par. 3270) (Section scheduled to be repealed on January 1, 2010)

Sec. 20. Endorsement. Upon payment of the required fee, an applicant who is a Professional Land Surveyor, ~~registered,~~ licensed~~,~~ or otherwise legally recognized as a Land Surveyor under the laws of another state or territory of the United States may be granted a license as an Illinois Professional Land Surveyor by the Department with approval of the Board upon the following conditions:

(a) That the applicant meets the requirements for licensing in this State, and that the requirements for licensing or other legal recognition of Land Surveyors in the particular state or territory were, at the date of issuance of the license or certificate, equivalent to the requirements then in effect in the State of Illinois; and

(b) That the applicant passes a jurisdictional examination to determine the applicant's knowledge of the surveying tasks unique to the State of Illinois and the laws pertaining thereto.

(Source: P.A. 90-602, eff. 6-26-98; 91-132, eff. 1-1-00.)

(225 ILCS 330/29) (from Ch. 111, par. 3279) (Section scheduled to be repealed on January 1, 2010)

Sec. 29. Investigations; notice and hearing. A license or registration issued under the provisions of this Act may be revoked, suspended, not renewed or restored, or otherwise disciplined, or applications for license or registration may be refused, in the manner set forth in this Act. The Department may, upon its own action, and shall, upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for discipline, investigate the actions of any person or other entity holding, applying for or claiming to hold a license, or practicing or offering to practice land surveying. Before the initiation of an investigation, the matter shall be reviewed by a subcommittee of the Board according to procedures established by rule for the Complaint Committee. The Department shall, before refusing to issue, renew or restore, suspending or revoking any license or registration, or imposing any other disciplinary action, at least 30 days prior to the date set for the hearing, notify the person accused in writing of any charges made and shall direct the person or entity to file a written answer to the Board under oath within 20 days after the service of the notice and inform the person or entity that if the person or entity fails to file an answer default will be taken and that the license or certificate may be suspended, revoked, placed on probationary status, or other disciplinary action may be taken, including limiting the scope, nature or extent of practice, as the Director may deem proper. The Department shall afford the accused person or entity an opportunity to be heard in person or by counsel in reference to the charges

~~changes~~. This written notice may be served by personal delivery to the accused person or entity or certified mail to the last address specified by the accused person or entity in the last notification to the Department. In case the person or entity fails to file an answer after receiving notice, his or her license or certificate may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act. At the time and place fixed in the notice, the Board shall hear the charges and the accused person or entity shall be accorded ample opportunity to present any statements, testimony, evidence and argument as may be relevant to the charges or their defense. The Board may continue the hearing from time to time.

The Board may from time to time and in co-operation with the Department's legal advisors employ individual land surveyors possessing the same minimum qualifications as required for Board candidates to assist with its investigative duties.

Persons who assist the Department as consultants or expert witnesses in the investigation or prosecution of alleged violations of the Act, licensure matters, restoration proceedings, or criminal prosecutions, are not liable for damages in any civil action or proceeding as a result of their assistance, except upon proof of actual malice. The Attorney General shall defend these persons in any such action or proceeding. (Source: P.A. 87-1031; 88-428.)

(225 ILCS 330/45) (from Ch. 111, par. 3295) (Section scheduled to be repealed on January 1, 2010)

Sec. 45. Entry upon adjoining land; Liability for damages. A Professional Land Surveyor, or persons under his direct supervision, together with his survey party, who, in the course of making a survey, finds it necessary to go upon the land of a party or parties other than the one for whom the survey is being made is not liable for civil or criminal trespass ~~as a trespasser~~ and is liable only for any actual damage done to the land or property. (Source: P.A. 86-987.)

(225 ILCS 330/49) (from Ch. 111, par. 3299) (Section scheduled to be repealed on January 1, 2010)

Sec. 49. The provisions of this Act, insofar as they are the same or substantially the same as those of any prior law concerning the licensure of land surveyors, shall be construed as a continuation of such prior law and not as a new enactment.

Any existing injunction or temporary restraining order validly obtained under the Illinois Land Surveyors Act which prohibits the unlicensed ~~unregistered~~ practice of land surveying or prohibits or requires any other conduct in connection with the practice of land surveying, or any disciplinary action begun under the Illinois Land Surveyors Act are not invalidated by the enactment of this Act and shall continue to have full force and effect on and after the effective date of this Act. All certificates of registration and enrollments in effect on December 31, 1989 issued pursuant to the Illinois Land Surveyors Act are reinstated under this Act for the balance of the term for which last issued. All rules and regulations in effect on December 31, 1989 and promulgated pursuant to the Illinois Land Surveyors Act shall remain in full force and effect on and after the effective date of this Act without being promulgated again by the Department, except to the extent any such rule or regulation is inconsistent with any provision of this Act. (Source: P.A. 86-987.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Viverito, **Senate Bill No. 699** was recalled from the order of third reading to the order of second reading.

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 699 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Sections 1.02, 2.02, 2.05, and 2.06 and by adding Section 7 as follows:

(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

Sec. 1.02. For the purposes of this Act:

"Meeting" means any gathering of a majority of a quorum of the members of a public body held for

the purpose of discussing public business, whether present physically, by teleconference, video conference, or by other electronic means that enables identifiable voices or other transmissions to be received from any location and enables concurrent actual ability to communicate with the member who is not physically present.

"Public body" includes all legislative, executive, administrative or advisory bodies of the State, counties, townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees or commissions of this State, and any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees which are supported in whole or in part by tax revenue, or which expend tax revenue, except the General Assembly and committees or commissions thereof. "Public body" includes tourism boards and convention or civic center boards located in counties that are contiguous to the Mississippi River with populations of more than 250,000 but less than 300,000. "Public body" includes the Health Facilities Planning Board. "Public body" does not include a child death review team or the Illinois Child Death Review Teams Executive Council established under the Child Death Review Team Act or an ethics commission, ethics officer, or ultimate jurisdictional authority acting under the State Gift Ban Act as provided by Section 80 of that Act. (Source: P.A. 91-782, eff. 6-9-00; 92-468, eff. 8-22-01.)

(5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. For meetings at which one or more members are present by teleconference, video conference, or other electronic means, all locations at which the public may participate in the meeting must be disclosed in the agenda. An agenda for each regular meeting shall be posted at the principal office of the public body and at the location where the meeting is to be held at least 48 hours in advance of the holding of the meeting. The requirement of a regular meeting agenda shall not preclude the consideration of items not specifically set forth in the agenda. Public notice of any special meeting except a meeting held in the event of a bona fide emergency, or of any rescheduled regular meeting, or of any reconvened meeting, shall be given at least 48 hours before such meeting, which notice shall also include the agenda for the special, rescheduled, or reconvened meeting, but the validity of any action taken by the public body which is germane to a subject on the agenda shall not be affected by other errors or omissions in the agenda. The requirement of public notice of reconvened meetings does not apply to any case where the meeting was open to the public and (1) it is to be reconvened within 24 hours, or (2) an announcement of the time and place of the reconvened meeting was made at the original meeting and there is no change in the agenda. Notice of an emergency meeting shall be given as soon as practicable, but in any event prior to the holding of such meeting, to any news medium which has filed an annual request for notice under subsection (b) of this Section.

(b) Public notice shall be given by posting a copy of the notice at the principal office of the body holding the meeting or, if no such office exists, at the building in which the meeting is to be held. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. (Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

(5 ILCS 120/2.05) (from Ch. 102, par. 42.05)

Sec. 2.05. Recording meetings. (a) Subject to the provisions of Section 8-701 of the Code of Civil Procedure ~~"An Act in relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State which are televised or broadcast or at which motion pictures are taken", approved July 14, 1953, as amended~~, any person may record the proceedings at meetings required to be open by this Act by tape, film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.

If a witness at any meeting required to be open by this Act which is conducted by a commission, administrative agency or other tribunal, refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the authority holding the meeting shall prohibit such recording during the testimony of the witness. Nothing in this Section shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure ~~"An Act in~~

~~relation to the rights of witnesses at proceedings conducted by a court, commission, administrative agency or other tribunal in this State which are televised or broadcast or at which motion pictures are taken", approved July 14, 1953, as amended~~.

(b) In any contested case, as defined by the Illinois Administrative Procedure Act, no live testimony may be offered except upon the physical presence of the person testifying unless all parties to the contested case waive the requirement of physical presence. Affidavits, depositions, or other recorded evidence are otherwise admissible as provided by law. (Source: P.A. 82-378.)

(5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

Sec. 2.06. (a) All public bodies shall keep written minutes of all their meetings, whether open or closed. Such minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;

(2) the members of the public body recorded as either present or absent and whether the members were physically present or present by electronic means; and

(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public shall be available for public inspection within 7 days of the approval of such minutes by the public body. Minutes of meetings closed to the public shall be available only after the public body determines that it is no longer necessary to protect the public interest or the privacy of an individual by keeping them confidential.

(c) Each public body shall periodically, but no less than semi-annually, meet to review minutes of all closed meetings. At such meetings a determination shall be made, and reported in an open session that (1) the need for confidentiality still exists as to all or part of those minutes or (2) that the minutes or portions thereof no longer require confidential treatment and are available for public inspection. (Source: P.A. 88-621, eff. 1-1-95.)

(5 ILCS 120/7 new)

Sec. 7. Attendance by electronic means.

(a) At any regular, special, emergency, or reconvened meeting held pursuant to the public notice and agenda requirements of this Act, so long as a majority of a quorum of the members of the public body are present at the place designated in the notice of the meeting, a member of a public body may attend the meeting by electronic means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) absence from the district of the public body for personal reasons, for employment purposes, or for the business of the public body; or (iii) a family or other emergency. Unless a member presents a document from his or her physician attesting to the member's inability to physically attend a meeting or meetings, a member may not attend by electronic means more than half of the meetings of that public body held in a calendar year.

(b) If a member wishes to attend a meeting by electronic means, the member shall notify the public body at least 48 hours before the meeting unless impracticable. The public body shall determine if the notice requirement is impracticable on a case-by-case basis.

(c) A member shall be considered present for purposes of determining a quorum if the member is present by electronic means, except in the case of meetings to: (i) vote on the issuance of bonds; or (ii) hold any hearing required by law.

(d) If one or more members are present at a meeting by electronic means, the public body shall issue a written notice at the meeting stating the following: (i) the names of the members present by electronic means; (ii) the electronic means that the member will use to attend the meeting; and (iii) the location of the monitor or speakerphone receiving communications from the member present by electronic means.

(e) If one or more members of the public body attend a meeting by electronic means, then all votes of the body shall be by roll call.

(f) If a member is present by electronic means, then the member must identify himself or herself by name and be recognized by the presiding officer before communicating.

(g) Any voice, electronic, or other transmission by electronic means made during the meeting by a member who is attending a public meeting by electronic means shall be made available to the public concurrent with the transmission except for those meetings subject to the exceptions in subsection (c) of Section 2 of this Act.

(h) A public body may promulgate any rules, not inconsistent with this Act, concerning attendance at meetings by electronic means and may prescribe more stringent requirements, which shall be binding upon the public body, that would give further notice to the public and facilitate public access to meetings.".

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 Cronin, **Senate Bill No. 809** was recalled from the order of third reading to the order of second reading.

Senator Cronin offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 809 by replacing everything after the enacting clause with the following:

"Section 5. The Community-Integrated Living Arrangements Licensure and Certification Act is amended by changing Section 3 as follows:

(210 ILCS 135/3) (from Ch. 91 1/2, par. 1703)

Sec. 3. As used in this Act, unless the context requires otherwise:

(a) "Applicant" means a person, group of persons, association, partnership or corporation that applies for a license as a community mental health or developmental services agency under this Act.

(b) "Community mental health or developmental services agency" or "agency" means a public or private agency, association, partnership, corporation or organization which, pursuant to this Act, certifies community-integrated living arrangements for persons with mental illness or persons with a developmental disability.

(c) "Department" means the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities).

(d) "Community-integrated living arrangement" means a living arrangement certified by a community mental health or developmental services agency under this Act where 8 or fewer recipients with mental illness or recipients with a developmental disability who reside under the supervision of the agency. Examples of community integrated living arrangements include but are not limited to the following:

(1) "Adult foster care", a living arrangement for recipients in residences of families unrelated to them, for the purpose of providing family care for the recipients on a full-time basis;

(2) "Assisted residential care", an independent living arrangement where recipients are intermittently supervised by off-site staff;

(3) "Crisis residential care", a non-medical living arrangement where recipients in need of non-medical, crisis services are supervised by on-site staff 24 hours a day;

(4) "Home individual programs", living arrangements for 2 unrelated adults outside the family home;

(5) "Supported residential care", a living arrangement where recipients are supervised by on-site staff and such supervision is provided less than 24 hours a day; ~~and~~

(6) "Community residential alternatives", as defined in the Community Residential Alternatives Licensing Act; and~~.~~

(7) "Special needs trust-supported residential care", a living arrangement where recipients are supervised by on-site staff and that supervision is provided 24 hours per day or less, as dictated by the needs of the recipients, and determined by service providers. As used in this item (7), "special needs trust" means a trust for the benefit of a disabled beneficiary as described in Section 15.1 of the Trusts and Trustees Act.

(e) "Recipient" means a person who has received, is receiving, or is in need of treatment or habilitation as those terms are defined in the Mental Health and Developmental Disabilities Code.

(f) "Unrelated" means that persons residing together in programs or placements certified by a community mental health or developmental services agency under this Act do not have any of the following relationships by blood, marriage or adoption: parent, son, daughter, brother, sister, grandparent, uncle, aunt, nephew, niece, great grandparent, great uncle, great aunt, stepbrother, stepsister, stepson, stepdaughter, stepparent or first cousin. (Source: P.A. 88-380; 89-507, eff. 7-1-97.)".

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.

On motion of Senator Haine, **Senate Bill No. 714** was recalled from the order of third reading to the order of second reading.

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

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 714 by replacing the title with the following:

"AN ACT to create the Taxpayer Action Board."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Taxpayer Action Board Act.

Section 5. Purpose. The purpose of this Act is to promote the health, welfare, and prosperity of all citizens of this State who reside in the counties to which this Act applies (i) by ensuring effective and democratic representation of taxpayers before all units of local governmental that impose taxes in those counties and (ii) by providing for taxpayer education on taxing and spending by those units of local government. This purpose shall be deemed a statewide interest and not a private or special concern.

Section 10. Definitions. As used in this Act:

"Campaign contribution" means any money, good, service, credit, or other benefit provided or promised for the purpose of electing a candidate to the board of directors of a TAB. "Campaign contribution" does not include: (i) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee; (ii) the use of real or personal property voluntarily provided by an individual for candidate-related activities; or (iii) the cost of invitations, food, and beverages provided by an individual for candidate-related activities on the individual's residential premises, if the cumulative value of these items provided to any candidate by an individual does not exceed $100 for any election.

"Campaign expenditure" means any payment, use, distribution, or gift of money or anything of value made or promised for the purpose of electing a candidate to the board of directors of a TAB. "Campaign expenditure" does not include: (i) the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee; (ii) the use of real or personal property voluntarily provided by an individual for candidate-related activities; or (iii) the cost of invitations, food, and beverages provided by an individual for candidate-related activities on the individual's residential premises, if the cumulative value of these items provided to any candidate by an individual does not exceed $100 for any election.

"Director" means any person duly elected or appointed to a TAB board of directors under Section 80 or 85 of this Act.

"Member" means any person who meets the requirements for membership in the TAB set forth in Section 35 of this Act.

"Redistricting" means the redistricting of county board districts.

"TAB" means Taxpayer Action Board.

"Taxpayer" means any citizen of the county who pays taxes either directly or indirectly to any unit of local government within that county.

"The county", unless otherwise defined, means any county in which a TAB is established.

Section 15. Counties that may establish a TAB. Any county with a population of greater than 200,000 inhabitants that is contiguous to a county with a population of 2,000,000 or more inhabitants may establish a Taxpayer Action Board by initiative petition and referendum.

Section 20. Petition requirements; form.

(a) Any petition to establish a TAB shall be filed with the county clerk. The petition shall be signed by the number of voter in the county equal to at least 5% of the number of votes cast in that county at the last election for governor. The petition must be filed not less than 78 days prior to a regular election to be eligible for submission on the ballot of that election.

(b) The petition shall request the submission of the proposition at the next regular election for the purpose of voting for or against establishing a Taxpayer Action Board.

The question of establishing a Taxpayer Action Board shall be in substantially the following form:

Shall a Taxpayer Action Board be established in ..... County to represent the interests of taxpayers before all units of local government in ..... County?

Votes shall be recorded as "Yes" or "No".

Section 25. Passage of question. If a majority of all ballots cast on the proposition in a county are in favor of the proposition then a TAB shall be established in that county as provided in this Act.

Section 30. Applicability of Election Code. The referendum authorized by this Act shall be conducted in the manner provided by the Election Code.

Section 35. TAB membership; fees; dissolution.

(a) In each county that passes the question in Section 20, there is created a public body corporate and politic to be known as the Taxpayer Action Board of ..... County, or ..... County TAB.

(b) The membership of each TAB shall consist of all natural persons who are residents of the county and have contributed to the TAB the required annual membership fee in the preceding 12 months.

(c) Until 180 days after each TAB's first election of directors, the TAB's annual membership fee shall be $5. Thereafter, the TAB may, by vote of its board of directors, alter the annual membership fee and may create a sliding fee structure related to a member's income.

(d) A TAB shall not be an agency of the State or county government.

(e) If, after the TAB has been incorporated for a period of 3 years, the TAB's membership remains below 500 members for an entire year, the board of directors of the TAB shall dissolve the TAB.

Section 40. TAB duties and functions; rights and powers.

(a) Each TAB shall:

(1) inform, educate, and advise taxpayers and others on taxes and spending by all units of local government in its county;

(2) represent and promote the interests of taxpayers in local tax matters as individual taxpayers and collectively in terms of local community needs and broad public interest;

(3) take affirmative measures to encourage membership by low and moderate income and minority taxpayers, disseminate information and advice to these taxpayers, and represent their interests in local tax matters;

(4) inform, insofar as possible, taxpayers about the TAB, including the procedures for obtaining membership in the TAB; and

(5) refrain from interfering with collective bargaining rights of any employee of a local government.

(b) Each TAB shall have, in addition to the rights and powers provided by other provisions of this Act, the following rights and powers:

(1) To represent the interests of of taxpayers in local tax matters before units of State and local government, legislative bodies, and other public forums, at levy hearings and other proceedings of concern to taxpayers.

(2) To initiate, intervene as a party, or otherwise participate on behalf of taxpayers in any proceeding that the TAB reasonably determines may affect the interests of taxpayers.

(3) To represent the interest of taxpayers in the resolution of complaints involving a unit of local government.

(4) To negotiate on behalf of taxpayers with units of local government.

(5) To represent the interests of corporations, unincorporated businesses, and associations in tax matters before units of local government, legislative bodies, and other public forums where such representation is in the interests of taxpayers.

(6) To conduct, support, and assist research, surveys, and investigations in tax matters.

(7) To contract for services that cannot reasonably be performed by its employees.

(8) To make, amend, and repeal bylaws and rules for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter it at pleasure; to maintain an office; to sue and be sued in its own name, plead and be impleaded; and to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the TAB.

(9) To employ any agents, employees, and special advisors as it finds necessary and to fix their compensation.

(10) To solicit and accept gifts, loans, or other aid in order to support activities concerning the interests of taxpayers; except that the TAB may not accept gifts, loans, or other aid from any unit of local government or from any official, employee, or agent or member of the immediate family of an official, employee, or agent of any unit of local government. Under this paragraph, "aid" does not mean payment of membership dues.

(11) To implement solicitation for TAB funding and membership.

(12) To seek tax exempt status under State and federal law, including 501(c)(3) status under the United States Internal Revenue Code.

(13) To provide information and advice to taxpayers on any matter with respect to taxes.

The powers, duties, rights, and privileges conferred or imposed upon the TAB by this Act may not be transferred.

(c) The TAB shall make available to the public any of the following documents prepared by or filed with the TAB within the preceding 7 years:

(1) Minutes of the board of directors meetings.

(2) Director's or executive director's financial statements.
(3) Candidate's financial statements.
(4) Annual reports of the TAB.

Section 45. Board of directors. Each TAB shall be managed by, and its powers, functions and duties shall be exercised through, a board of directors to be composed as follows:

(a) Election and terms of directors. The TAB districts shall be divided into 2 groups for the purpose of establishing terms for which the directors shall be elected in each group. One group shall be comprised of the even numbered county board districts. The odd numbered county board Districts shall comprise the other group. A TAB board of directors shall consist of at least 10 directors. In a county with less than 10 districts, the total number of directors shall be twice the number of election districts of that county.

(1) The interim board, within 60 days after their appointment, shall meet and publicly determine by lot which group shall be the first group and which group shall be the second. The board members or their successors from the first group shall be elected for successive terms of 2 years, 2 years, and 4 years; and members or their successors from the second group shall be elected for successive terms of 4 years, 2 years, and 2 years.

(2) The first election of directors of the board is to be held no later than 8 months after the first meeting of the interim board. Subsequent elections of directors of the board shall be held every 2 years after the first election. The board, however, may change the election date for the second election to up to one month before or after the second anniversary of the first election. All subsequent elections shall occur every 2 years on the anniversary of the second election. This cycle shall begin anew in the year following each decennial redistricting. If the election day falls on a weekend or holiday, the election shall occur on the next business day. In the year following a decennial redistricting all directors terms shall end and elections for directors from the redrawn county board districts shall be held.

(3) Interim and elected board members shall serve until their successors are elected and have qualified.

(4) Within 45 days after the redistricted county board districts are enacted, the board shall publicly allocate terms by lot between the 2 groups of districts as provided in paragraph (1) of this subsection. Board members or their successors from the first group shall be elected for successive terms of 2 years, 4 years, and 4 years; and members or their successors from the second group shall be elected for successive terms of 4 years, 4 years, and 2 years. In the year following a decennial redistricting all directors' terms shall end and elections for directors from the redrawn county board districts and for statewide directors shall be held.

(b) Qualifications. A director shall be a resident of the district he or she represents and a member of the TAB. No person who is an employee in any managerial or supervisory capacity, director, officer, or agent or who is a member of the immediate family of any employee, director, officer, or agent of any unit of local government is eligible to be a director. No director may hold any elective position in federal, State, or local government.

(c) Employment of director's family member. No director nor member of his or her immediate family shall, either directly or indirectly, be employed for compensation as a staff member or consultant of the TAB.

(d) Meetings. The board shall hold regular meetings at least once every 3 months on the dates and at the places as it may determine. Special meetings may be called by the president or by a majority of the directors upon at least 7 days advance written notice. Unless otherwise provided in the bylaws, a majority of the board of directors shall constitute a quorum. In no event, however, shall a quorum consist of less than one-third of the board of directors. The act of the majority of the directors present at a meeting at which a quorum is present shall be the act of the board of directors unless the act of a greater number is required by this Act or its bylaws. A summary of the minutes of every board meeting shall be made available to each public library in the State upon request and to individuals upon request.

(e) Expenses. A director may not receive any compensation for his or her services, but shall be reimbursed for necessary expenses, including travel expenses incurred in the discharge of duties. The board shall establish standard allowances for mileage, room, and meals and the purposes for which allowances may be made. The board shall determine the reasonableness and necessity for reimbursements. The board shall include the schedule of standard allowances in the annual report under paragraph (4) of subsection (c) of Section 40.

(f) Bonding. Directors and employees eligible to disburse funds shall be bonded. The costs of the bonds shall be paid by the TAB.

Section 50. Duties of the board; executive director. The board shall have the following duties:

(a) To establish the policy of the TAB regarding appearances before units of local government, legislative bodies, and other public authorities and regarding other activities that the TAB has the authority to perform under this Act.

(b) To employ an executive director who shall have the following powers and duties, subject at all times to the direction and supervision of the board:

(1) To implement the policy established by the board under subsection (a).

(2) To employ and discharge employees of the TAB.

(3) To supervise the offices, facilities, and work of the employees of the TAB.

(4) To have custody of and maintain the books, records, and membership rolls of the TAB.

(5) To prepare and submit to the board annual and quarterly statements of the financial and substantive operations of the TAB and financial estimates for the future operations of the TAB.

(6) To attend and participate in meetings of the board, but without a vote.

(7) To file annually with the board a current financial statement that includes the information required under subsection (c) of Section 85.

(8) To exercise any other powers and perform any other duties as the board delegates.

(c) To hold an annual meeting of the membership on a date and at a place within the county to be determined by the board under Section 65.

(d) To assure preparation of:

(1) Up-to-date membership rolls.

(2) Quarterly statements of the financial and substantive operations of the TAB.

(3) An audit of the TAB's books at least once each fiscal year. The audit shall be by a certified public accountant.

(4) A report at the close of the TAB's fiscal year. This report shall be made available to each of the TAB's members, as well as to members of the news media who request it. Also, the report shall be made available to each library in the county that requests it, and to individuals upon request.

(e) To establish and make available to the public a written policy on the availability and distribution of all records required to be kept by the TAB under this Act.

(f) To prepare membership applications and distribute the applications in sufficient amounts or in machine copyable form, upon request, to every library system in the county, as defined in Section 2 of the Illinois Library System Act, for distribution of the applications to all of the public libraries throughout the county, so taxpayers may obtain the applications to submit to the TAB, with annual dues, for membership.

(g) To provide all candidates for election to the board as district directors a current list of members residing in the candidate's district upon certification of nomination under subsection (b) of Section 85 and within 5 days of a request by the candidate. The board may restrict a candidate's use of a list as it deems appropriate.

(h) To carry out all other duties and responsibilities imposed upon the TAB and the board under this Act.

Section 55. Director financial statement. Every director shall annually file with the board a current financial statement which includes the information required under subsection (c) of Section 85.

Section 60. Executive director; qualifications.

(a) The executive director hired by the board under Section 50 shall have the same qualifications as a director under Section 85, except that the executive director need not be a resident of the TAB's county nor a member of the TAB. The executive director may not be a candidate for director while serving as executive director.

(b) The board shall adhere to any applicable State or federal law prohibiting discrimination in employment in hiring the executive director under Section 50.

(c) The board shall require all applicants for the position of executive director of a TAB to file a financial statement that includes the information required under subsection (c) of Section 85. The board shall require the executive director to annually file a current statement.

Section 65. Annual membership meeting. All members shall be eligible to attend, participate in, and vote in the annual membership meeting called by the board under subsection (c) of Section 50. The meeting shall be open to the public and shall be held in different districts on a rotating basis to the extent feasible. Each year a meeting shall be held in each board district for the members of the district. The members shall receive notice of that meeting at least 14 days in advance.

Section 70. Mailing procedure.

(a) As used in this Section:

"Enclosure" means a card, leaflet, envelope, or combination thereof furnished by the TAB under this Section.

"County mailing" means any mailing by the county to 1000 or more citizens.

(b) To accomplish its powers and duties under Section 40 of this Act, the TAB, subject to the following limitations, may prepare and furnish, to the county official responsible for the county mailing in which the TAB seeks to have its enclosure included, an enclosure to be included with that county mailing.

(1) The county official furnished with an enclosure shall include the enclosure within the county mailing designated by the TAB.

(2) An enclosure furnished by the TAB under this Section shall be provided to the county official a reasonable period of time in advance of the mailing.

(3) An enclosure furnished by a TAB under this Section shall be limited to informing the reader of the purpose, nature, and activities of the TAB as set forth in this Act and stating that the reader may become a member in the TAB, maintain membership in the TAB, and contribute money directly to the TAB.

(c) The TAB shall reimburse the county for all reasonable incremental costs incurred by the county in complying with this Section above the county's normal mailing and handling costs, provided that:

(1) the county official responsible for the mailing in which the TAB enclosure was included shall first furnish the TAB with an itemized accounting of the additional cost; and

(2) the TAB shall not be required to reimburse the county for postage costs if the weight of the TAB's enclosure does not exceed 0.35 ounce avoirdupois. If the TAB's enclosure exceeds that weight, then it shall only be required to reimburse the county for postage cost over and above what the county's postage cost would have been had the enclosure weighed only 0.35 avoirdupois.

(d) The TAB shall seek authority from municipalities and other local governments within its county to include enclosures within mailings by the municipalities and local governments of tax bills, utility bills, vehicle sticker renewal notices, newsletters, and other mailings to 100 or more citizens. This authority shall be sought under terms similar to those in subsections (a), (b), and (c) of this Section, but the TAB may accept this authority under any terms it deems are in the best interest of the TAB.

Section 75. Prohibited acts.

(a) No person may penalize any person who contributes to the TAB or participates in any of its activities in retribution for any such contributions or participation.

(b) No person may act with intent to prevent, interfere with, or hinder the activities permitted under this Act.

(c) A person who violates this Section shall be fined not more than $1,000. Each violation shall constitute a separate offense. A person who knowingly and wilfully violates this Section may be imprisoned not more than 6 months.

Section 80. Interim board of directors.

(a) Within 90 days after this Act becomes effective in a county an interim board of directors shall be appointed. The Board shall consist of 9 members. The president of the county board shall appoint the members. The appointees shall reflect minority groups, low-income persons, labor organizations, business, women, senior citizens, and various geographical areas in the county. No interim director appointed under this Section may hold an elective position in, or be employed by, federal, State, or local government.

(b) The interim board appointed under this Section shall:

(1) As soon as possible after appointment, organize for the transaction of business.

(2) Inform taxpayers of the existence, nature, and purposes of the TAB, and encourage them to join the TAB, to participate in the TAB's activities, and to contribute to the TAB.

(3) Elect officers as provided under Section 95.

(4) Employ such staff as the interim directors deem necessary to carry out the purposes of this Section. The interim board appointed under this Section shall follow the procedures required under Section 60 if it hires an executive director.

(5) Make all necessary preparations for the first election of directors, oversee the election campaign, and tally the votes under Section 85.

(6) Solicit funds for the TAB.

(7) Carry out all other duties and exercise all other powers accorded to the board under this Act including the powers given to the TAB under Section 40.

Section 85. Nominations and elections.

(a) Eligibility. To be eligible for election to the board, a candidate must:

(1) Meet the qualifications for directors under Section 45.

(2) Have his or her nomination certified by the board under subsection (b) of this Section.

(3) Submit a statement of financial interests to the board as required by subsection (c) and a

statement of personal background and positions as required by subsection (d).

(4) Make the affirmation under paragraph (5) of subsection (c).

(b) Nomination. A candidate for election to the board shall circulate or have a member of the TAB circulate a petition for nomination on the candidate's behalf not sooner than 120 days preceding the election and shall file the petition with the TAB not later than 60 days before the election. The petition for nomination for a director shall be signed by at least 10 members residing in his or her district. The board shall verify the validity of the signatures by comparing them to the signatures on the membership applications and the current list of members maintained by the board. Within 14 days after the petition is due, the board shall determine whether a sufficient number of signatures are valid. If the board determines a sufficient number are valid, it shall certify the nomination of the candidate.

(c) Statement of financial interests. With his or her petition for nomination, a candidate for election to the board shall submit to the board a statement of financial interests upon a form provided by the board. The statement of financial interests shall include the following information:

(1) The occupation, employer, and position at place of employment of the candidate and his or her immediate family members.

(2) A list of all corporate directorships or other offices, and of all fiduciary relationships, held in the past 3 years by the candidate and by his or her immediate family members.

(3) The name of any creditor to whom the candidate or a member of the candidate's immediate family owes $10,000 or more.

(4) The name of any corporation in which the candidate holds a security with a current market value of $5,000 or more.

(5) An affirmation, subject to penalty of perjury, that the information contained in the statement of financial interest is true and complete.

(d) Statement of personal background and positions. A candidate for election to the board shall submit to the board with his or her petition for nomination, on a form to be provided by the board, a statement concerning his or her personal background and positions on issues relating to taxes or the operations of the TAB. The statement shall contain an affirmation, subject to penalty of perjury, that the candidate meets the qualifications prescribed for directors in subsection (b) of Section 45.

(e) Restrictions on, and reporting of, campaign contributions and expenditures.

(1) No candidate may accept more than $200 in campaign contributions from any person or political committee for a period beginning one year before the date of an election through the date of the election.

(2) Each candidate for election to the board shall keep complete records of all contributions to his or her campaign of $25 or more for a period beginning one year before the date of an election through the date of the election and, at the board's request, shall make these records available for inspection by the board.

(3) As a condition for receiving the benefits of the board's mailing under subsection (f), a candidate for election to the board shall agree in writing to incur no more than $1,500 in campaign expenditures from the time her or she commences circulation of petitions for nomination or from 4 months prior to the election, whichever is earlier, through date of election.

(4) Each candidate for election to the board shall keep complete records of his or her campaign expenditures and, at the board's request, shall make the records available for inspection by the board.

(5) No earlier than 14 days and no later than 8 days before the election, each candidate for election to the board shall submit to the board, on a form provided by the board, an accurate statement of his or her campaign contributions, swearing that he or she has fully complied with the requirements of this subsection.

(6) No candidate for election to the board may use any campaign contribution for any purpose except for campaign expenditures. Any campaign contribution not expended shall be donated no later than 90 days after the election to the TAB or to any charitable organization at the option of the candidate.

(f) Election procedures.

(1) Not sooner than 30 and not later than 10 days before the date fixed for the election, the board shall mail or distribute, to each member's address on file with the TAB, an official ballot listing all candidates for director from the member's district who satisfy the requirements of subsection (a). With the ballot, the board shall include each candidate's statement of financial interests submitted under subsection (c). With each ballot the board shall also include the statement by each candidate of personal background and positions as required under subsection (d), if the candidate has agreed in writing to limit his or her campaign expenditures under subsection (e).

(2) Each member may vote in the election by returning his or her official ballot in person or by

first class mail, properly marked, to the ballot return location designated by the TAB. Ballots returned to the location designated by the TAB must be postmarked on or before the date fixed for the election or must be received at the ballot return location designated by the TAB on or before the date fixed for the election.

(3) Voting shall be by secret ballot.

(4) The board shall tally votes with all reasonable speed and shall inform the membership promptly of the names of the candidates elected.

(5) Within 30 days after the election, the board for each district shall certify the candidate elected to the board if the candidate has the most votes in the district and if he or she has complied with this Section.

(6) If a vacancy in nomination occurs because no candidate has filed for nomination, the board, by a majority of those voting, shall appoint a member of the TAB who resides in the district to be the candidate.

(7) If the candidate with the most votes dies, declines, or resigns from candidacy before being certified under paragraph (5), the office for which the candidate ran shall be vacant and shall be filled by the board as provided in paragraph (8).

(8) If a vacancy on the board occurs with more than 12 months remaining in the term, the board shall set a date for a special election for the district for the purpose of electing a director to serve out the term of the vacant office and shall so notify every member in the district. The election may be not less than 2 months nor more than 4 months after the notification. An election under this Section shall be conducted in the same manner as other elections of directors. If less than 12 months remains in the term of a director, the board may appoint a member of the TAB who resides in the district where the vacancy exists to be the director from that district.

(g) Election rules. The board may prescribe rules for the conduct of elections and election campaigns consistent with this Act.

Section 90. Public inspection of statements. Statements filed with each TAB shall be available for public inspection at the office of the TAB during reasonable hours of the day. These records may be copied. The TAB may charge a reasonable fee for the cost of the copies.

Section 95. Board officers.

(a) Election. The interim board of directors and the board of directors, at the first regular meeting of each at which a quorum is present, shall elect by a majority vote of the directors present and voting a president, vice president, secretary, and treasurer. The board may elect other officers as it deems necessary.

(b) Term of office.

(1) Board officers shall begin serving immediately upon their election and their term of office shall be one year. After his or her term of office has expired, a board officer shall continue to serve until his or her successor is elected.

(2) If a board office is vacant, the board shall elect a successor to serve out the term of the office.

(c) Powers and duties. Board officers shall exercise powers and perform duties as prescribed by this Act or as delegated to them by the board.

Section 100. Gifts; solicitations.

(a) No person may offer or give anything of monetary value to any director, employee, or agent of a TAB if the offer or gift influences or is intended to influence the action or judgement of the director, employee, or agent of the TAB in his or her capacity as director, employee, or agent of the TAB.

(b) No director, employee, or agent of a TAB may solicit or accept anything of monetary value from any person if the solicitation or acceptance influences or is intended to influence the official action or judgement of the director, employee, or agent in his or her capacity as director, employee, or agent of a TAB.

(c) Any person who knowingly and wilfully violates this Section shall be fined not more than $1,000, imprisoned not more than 6 months, or both.

(d) The board shall remove from office any director convicted under this Section and shall fill that office as provided in Section 85.

Section 105. Endorsement of political party or candidate. A TAB may not sponsor, endorse, or otherwise support, nor may it oppose, any political party or the candidacy of any person for elected public office.

Section 110. Expenses; liabilities. All expenses of a TAB incurred in carrying out this Act shall be payable solely from the funding as provided under this Act and no liability may be incurred by a TAB beyond the extent to which moneys have been provided under this Act. For the purposes of meeting the necessary expenses of postage, preparing, and printing the enclosure, initial organization, and operation

of a TAB for the period commencing on the date this Act becomes effective in the county and continuing until the first election of the board of directors under Section 85, however, the TAB or any individual on behalf of the TAB may borrow money as it requires. Money so borrowed by the TAB or any individual shall subsequently be repaid with appropriate interest over a reasonable period of time.

Section 115. Dissolution. A TAB may dissolve or be dissolved under the General Not For Profit Corporation Act of 1986.

Section 117. Tax levy; pledge of credit; obligations. A TAB shall have no right or authority to levy any tax or special assessment, to pledge the credit of the State or any other subdivision or municipal corporation of the State, or to incur any obligation enforceable upon any property within or without the county in which the TAB operates.

Section 120. Construction.

(a) This Act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to effect its purposes.

(b) Nothing in this Act shall be construed to (i) limit the right of any person to initiate, intervene in, or otherwise participate in any regulatory agency proceeding or court action, (ii) require any petition or notification to a TAB as a condition precedent to the exercise of any right, or (iii) relieve any regulatory agency or court of any obligation, or to affect its discretion, to permit intervention or participation by any person in any proceeding or action.

Section 125. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Welch, **Senate Bill No. 715** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 715 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 3-5015 is as follows:

(55 ILCS 5/3-5015) (from Ch. 34, par. 3-5015)

Sec. 3-5015. Certificates of discharge or release from active duty. Certificates of discharge or MEMBER-4 copy of certificate of release or discharge from active duty of honorably discharged or separated members of the military, aviation and naval forces of the United States shall be recorded by each recorder, free of charge, in a separate book which shall be kept for the purpose. The recorder in counties of over 500,000 population shall as soon as practicable after the recording of the original discharge certificate or MEMBER-4 copy of certificate of release or discharge from active duty, deliver to each of the persons named in the discharge certificate or MEMBER-4 copy of certificate of release or discharge from active duty, or his agent, one certified copy of his discharge certificate or MEMBER-4 copy of certificate of release or discharge from active duty without charge. Additional certified copies shall be furnished by the recorder upon the payment to the recorder of a fee of $1.25, payable in advance, for each such additional certified copy.

Upon the delivery of the certificate of discharge or MEMBER-4 copy of certificate of release or discharge from active duty after the recordation thereof is completed, and the delivery of one certified copy thereof to the person named in the discharge certificate or MEMBER-4 copy of certificate of release or discharge from active duty or his agent, the receipt theretofore issued by the recorder, or a copy thereof shall be surrendered to the recorder, with a signed statement acknowledging the receipt of the discharge certificate or MEMBER-4 copy of certificate of release or discharge from active duty and the certified copy thereof.

Certified copies of the certificates of discharge or MEMBER-4 copy of certificate of release or discharge from active duty furnished by the recorder may vary from the size of the original, if in the judgment of the recorder, such certified copies are complete and legible.

A military discharge form (DD-214) or any other certificate of discharge or release from active duty document that was issued by the United States government or any state government in reference to those

who served with an active or inactive military reserve unit or National Guard force and that was recorded by a County Clerk or Recorder of Deeds is not subject to public inspection, enjoying all the protection covered by the federal Privacy Act of 1974 or any other privacy law. These documents shall be accessible only to the person named in the document, the named person's dependents, the county veterans' service officer, representatives of the Department of Veterans' Affairs, or any person with written authorization from the named person or the named person's dependents. (Source: P.A. 86-962.)".

Senator Haine moved its adoption of the foregoing amendment.
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 Syverson, **Senate Bill No. 810** was recalled from the order of third reading to the order of second reading.
Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 810 on page 1, line 10, by changing "Education," to "Education, subject to appropriation,".

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 Sandoval, **Senate Bill No. 812** was recalled from the order of third reading to the order of second reading.
Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 812 by replacing everything after the enacting clause with the following:
"Section 5. The Department of Human Services Act is amended by adding Article 15 as follows:
(20 ILCS 1305/Art. 15 heading new)

Article 15. State Surplus Vehicle
Program for TANF Recipients

(20 ILCS 1305/15-5 new)
Sec. 15-5. Pilot program.
(a) The Department of Human Services and the Department of Central Management Services shall establish a pilot program to make available surplus State vehicles for purchase to (i) persons receiving Temporary Assistance for Needy Families (TANF) under Article IV of the Illinois Public Aid Code who are working in unsubsidized employment and (ii) persons who formerly received cash assistance under Article IV of that Code but who have become ineligible for that assistance due to employment earnings. The departments shall begin implementing the pilot program on January 1, 2004 and shall terminate the program on December 31, 2004. The Department of Human Services shall develop eligibility criteria, identify eligible persons, and offer the pilot program at 5 locations in the State.
(b) The Department of Central Management Services shall identify 20 surplus State vehicles for the pilot program as provided in Section 7 of the State Property Control Act. No vehicle with an odometer reading of more than 150,000 miles may be identified for the pilot program.
(c) Pilot program participants must pay a nominal fee for vehicles provided under the program as follows:
(1) For a vehicle with an odometer reading of less than 100,000 miles, $500.
(2) For a vehicle with an odometer reading of at least 100,000 miles but not more than 150,000 miles, $300.
The Department of Central Management Services shall handle all vehicle sales and associated paperwork related to the sales.
(d) By July 31, 2004, the Department of Human Services shall report to the Department of Central Management Services the status of developing eligibility criteria and identification of eligible

participants. By January 31, 2005, the departments shall jointly report to the Governor and the General Assembly the pilot program's results concerning the number of vehicles purchased during the pilot program and the departments' recommendations concerning the continuation of the program.

(e) The Department of Human Services shall enter into an interagency agreement with the Director of Central Management Services to administratively implement the pilot program.

Section 10. The State Property Control Act is amended by changing Section 7 as follows:

(30 ILCS 605/7) (from Ch. 127, par. 133b10)

Sec. 7. Disposition of transferable property. (a) Except as provided in subsection (a-5) and subsection (c), whenever a responsible officer considers it advantageous to the State to dispose of transferable property by trading it in for credit on a replacement of like nature, the responsible officer shall report the trade-in and replacement to the administrator on forms furnished by the latter. The exchange, trade or transfer of "textbooks" as defined in Section 18-17 of the School Code between schools or school districts pursuant to regulations adopted by the State Board of Education under that Section shall not constitute a disposition of transferable property within the meaning of this Section, even though such exchange, trade or transfer occurs within 5 years after the textbooks are first provided for loan pursuant to Section 18-17 of the School Code.

(a-5) When the Department of Central Management Services administrator determines that a vehicle used by the Department of Human Services is to be disposed of, the administrator shall authorize use of the vehicle for the pilot program established under Article 15 of the Department of Human Services Act. The administrator shall authorize the disposition of 20 vehicles for use in the pilot program. If the administrator determines that there are not 20 vehicles used by the Department of Human Services to be disposed of but that vehicles used by other State agencies are to be disposed of, the administrator shall authorize other vehicles for the program so that a total of 20 vehicles are used in the program. A vehicle to be used in the pilot program must have an odometer reading of not more than 150,000 miles. The administrator may enter into an interagency agreement with the Department of Human Services as necessary for implementing this subsection.

(b) Except as provided in subsection (a-5) and subsection (c), whenever it is deemed necessary to dispose of any item of transferable property, the administrator shall proceed to dispose of the property by sale or scrapping as the case may be, in whatever manner he considers most advantageous and most profitable to the State. Items of transferable property which would ordinarily be scrapped and disposed of by burning or by burial in a landfill may be examined and a determination made whether the property should be recycled. This determination and any sale of recyclable property shall be in accordance with rules promulgated by the Administrator.

When the administrator determines that property is to be disposed of by sale, he shall offer it first to the municipalities, counties, and school districts of the State and to charitable, not-for-profit educational and public health organizations, including but not limited to medical institutions, clinics, hospitals, health centers, schools, colleges, universities, child care centers, museums, nursing homes, programs for the elderly, food banks, State Use Sheltered Workshops and the Boy and Girl Scouts of America, for purchase at an appraised value. Notice of inspection or viewing dates and property lists shall be distributed in the manner provided in rules and regulations promulgated by the Administrator for that purpose.

Electronic data processing equipment purchased and charged to appropriations may, at the discretion of the administrator, be sold, pursuant to contracts entered into by the Director of Central Management Services or the heads of agencies exempt from "The Illinois Purchasing Act". However such equipment shall not be sold at prices less than the purchase cost thereof or depreciated value as determined by the administrator. No sale of the electronic data processing equipment and lease to the State by the purchaser of such equipment shall be made under this Act unless the Director of Central Management Services finds that such contracts are financially advantageous to the State.

Disposition of other transferable property by sale, except sales directly to local governmental units, school districts, and not-for-profit educational, charitable and public health organizations, shall be subject to the following minimum conditions:

(1) The administrator shall cause the property to be advertised for sale to the highest responsible bidder, stating time, place, and terms of such sale at least 7 days prior to the time of sale and at least once in a newspaper having a general circulation in the county where the property is to be sold.

(2) If no acceptable bids are received, the administrator may then sell the property in whatever manner he considers most advantageous and most profitable to the State.

(c) Notwithstanding any other provision of this Act, an agency covered by this Act may transfer books, serial publications, or other library materials that are transferable property to any of the following entities located in Illinois:

(1) Another agency covered by this Act.
(2) A State supported university library.
(3) A tax-supported public library, including a library established by a public library district.
(4) A library system organized under the Illinois Library System Act or any library that is a member of such a system.

A transfer of property under this subsection is not subject to the requirements of subsection (a) or (b).

For purposes of this subsection (c), "library materials" means physical entities of any substance that serve as carriers of information, including, without limitation, books, serial publications, periodicals, microforms, graphics, audio or video recordings, and machine readable data files. (Source: P.A. 89-188, eff. 7-19-95.)".

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 del Valle, **Senate Bill No. 814** 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 814 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 10-21.3a and 34-18.24 and adding Section 2-3.131 as follows:

(105 ILCS 5/2-3.131 new)

Sec. 2-3.131. Persistently dangerous schools. The State Board of Education shall maintain data and publish a list of persistently dangerous schools on an annual basis.

(105 ILCS 5/10-21.3a)

Sec. 10-21.3a. Transfer of students. (a) Each school board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

(b) Each school board shall establish and implement a policy governing the transfer of students within a school district from a persistently dangerous school to another public school in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous school, the school must meet all of the following criteria for 2 consecutive years:

(1) Have greater than 3% of the students enrolled in the school expelled for violence-related conduct.

(2) Have one or more students expelled for bringing a weapon to school as defined in Section 10-22.6 of this Code.

(3) Have at least 3% of the students enrolled in the school exercise the individual option to transfer schools pursuant to subsection (c) of this Section.

(c) A student may transfer from one public school to another public school in that district if the

student is a victim of a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.

(d) Transfers made pursuant to subsections (b) and (c) of this Section shall be made in compliance with the federal No Child Left Behind Act of 2001 (Public Law 107-110). (Source: P.A. 92-604, eff. 7-1-02.)

(105 ILCS 5/34-18.24)

Sec. 34-18.24 ~~34-18.23~~. Transfer of students. (a) The board shall establish and implement a policy governing the transfer of a student from one attendance center to another within the school district upon the request of the student's parent or guardian. Any request by a parent or guardian to transfer his or her child from one attendance center to another within the school district pursuant to Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30 days after the parent or guardian receives notice of the right to transfer pursuant to that law. A student may not transfer to any of the following attendance centers, except by change in residence if the policy authorizes enrollment based on residence in an attendance area or unless approved by the board on an individual basis:

(1) An attendance center that exceeds or as a result of the transfer would exceed its attendance capacity.

(2) An attendance center for which the board has established academic criteria for enrollment if the student does not meet the criteria, provided that the transfer must be permitted if the attendance center is the only attendance center serving the student's grade that has not been identified for school improvement, corrective action, or restructuring under Section 1116 of the federal Elementary and Secondary Education Act of 1965 (20 U.S.C. Sec. 6317).

(3) Any attendance center if the transfer would prevent the school district from meeting its obligations under a State or federal law, court order, or consent decree applicable to the school district.

(b) The board shall establish and implement a policy governing the transfer of students within the school district from a persistently dangerous attendance center to another attendance center in that district that is not deemed to be persistently dangerous. In order to be considered a persistently dangerous attendance center, the attendance center must meet all of the following criteria for 2 consecutive years:

(1) Have greater than 3% of the students enrolled in the attendance center expelled for violence-related conduct.

(2) Have one or more students expelled for bringing a weapon to school as defined in Section 10-22.6 of this Code.

(3) Have at least 3% of the students enrolled in the attendance center exercise the individual option to transfer attendance centers pursuant to subsection (c) of this Section.

(c) A student may transfer from one attendance center to another attendance center within the district if the student is a victim of a violent crime as defined in Section 3 of the Rights of Crime Victims and Witnesses Act. The violent crime must have occurred on school grounds during regular school hours or during a school-sponsored event.

(d) Transfers made pursuant to subsections (b) and (c) of this Section shall be made in compliance with the federal No Child Left Behind Act of 2001 (Public Law 107-110). (Source: P.A. 92-604, eff. 7-1-02; revised 9-3-02.)

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator del Valle offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 814, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 33 and 34 with the following:

a firearm to school as defined in 18 U.S.C. 921."; and

on page 4, by replacing lines 25 and 26 with the following:
a firearm to school as defined in 18 U.S.C. 921.".

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. 884** 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 884, AS AMENDED, with reference herein to the page and line numbers of Senate Amendment No. 1, on page 1 by replacing lines 16 through 21 with the following:
"such services. Within 30 ~~business~~ days after executing any such agreement, the telecommunications carrier shall submit to the Commission written notice of a list of any such agreements (which list may be filed electronically). The notice shall identify the general"; and
on page 2, line 1, by changing "description" to "general description"; and
on page 2 by replacing line 5 with the following:
"within 10 business days after a request for review of the agreement is made by the Commission or is made to the Commission by another telecommunications carrier."; and
on page 2 by replacing line 31 with the following:
"Any agreement or notice ~~contract or memorandum~~ entered into or ~~and~~".

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.

On motion of Senator Obama, **Senate Bill No. 890** was recalled from the order of third reading to the order of second reading.
Floor Amendment No. 3 was tabled in the Committee on Education.
Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 890, AS AMENDED, by replacing everything after the enacting clause with the following:
"Section 5. The School Code is amended by changing Section 27-21 as follows:
(105 ILCS 5/27-21) (from Ch. 122, par. 27-21)
Sec. 27-21. History of United States. History of the United States shall be taught in all public schools and in all other educational institutions in this State supported or maintained, in whole or in part, by public funds. The teaching of history shall have as one of its objectives the imparting to pupils of a comprehensive idea of our democratic form of government and the principles for which our government stands as regards other nations, including the studying of the place of our government in world-wide movements and the leaders thereof, with particular stress upon the basic principles and ideals of our representative form of government. The teaching of history shall include a study of the role and contributions of African Americans and other ethnic groups including but not restricted to Polish, Lithuanian, German, Hungarian, Irish, Bohemian, Russian, Albanian, Italian, Czech, Slovak, French, Scots, Hispanics, Asian Americans, etc., in the history of this country and this State. The teaching of history also shall include a study of the role of labor unions and their interaction with government in achieving the goals of a mixed free enterprise system. No pupils shall be graduated from the eighth grade of any public school unless he has received such instruction in the history of the United States and gives evidence of having a comprehensive knowledge thereof. (Source: P.A. 92-27, eff. 7-1-01.)
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. 4 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Obama, **Senate Bill No. 891** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 891, AS AMENDED, in Section 5, Sec. 2-3.131, after the sentence beginning "The State Board of Education shall provide", by inserting "The State Board of Education shall notify all school districts about this information's availability on the State Board of Education's Internet web site.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 891, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, by replacing lines 7 through 10 with the following:

"Sec. 2-3.131. Homework assistance information for parents. The".

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 Jacobs, **Senate Bill No. 908** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 908 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by adding Section 352b as follows:

(215 ILCS 5/352b new)

Sec. 352b. Flexible health plans.

(a) The Illinois General Assembly finds that a significant proportion of the residents of this State are unable to obtain affordable health insurance coverage. The General Assembly recognizes the need for individuals and employers in this State to have the opportunity to choose health insurance plans that are more affordable and flexible than standard market policies of accident and health insurance and the need to increase the availability of health insurance coverage by authorizing the transaction of this type of plan or policy by carriers licensed to provide health insurance in this State. Therefore, it is the intent of the Illinois General Assembly to expand the availability of affordable and flexible health insurance options for individuals and employers by allowing health insurance carriers to develop alternative approaches to traditional accident and health insurance policies currently offered in this State. This Section shall in no way prevent carriers from offering or any individual or employer from choosing in whole or in part any health insurance coverages that are offered or mandated under this Code.

(b) As used in this Section:

"Carrier" means any entity authorized by the Department to provide a health insurance plan, including a licensed insurance company, a prepaid hospital or medical service plan, or a health maintenance organization.

"Health benefit plan" means any hospital or medical expense-incurred policy, hospital or medical service plan contract, or health maintenance organization subscriber contract.

"Health flex plan" means a health benefit plan offered by a carrier authorized to transact business in this State that, either in whole or in part, does not provide State mandated health benefits.

"State mandated health benefits" means coverage for specific health care services, benefits, or treatment required by State law or rule, limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts, or inclusion of a specific health care

provider to be provided to a person covered under a health benefit plan issued in the State of Illinois. "State mandated health benefits" does not mean standard provisions or rights required to be present in a health benefit plan pursuant to state law or regulations including, but not limited to, those contained in Article IV of the Health Maintenance Organization Act, Sections 356b through 356L, Sections 356n through 356z.2, Section 367b, Section 367e, Section 367i, Section 367.2, and Section 370c of the Illinois Insurance Code.

(c)In addition to offering within this State health benefit plans that must contain State mandated health benefits, any carrier authorized to transact business in this State shall be authorized to offer, as an option, a health flex plan beginning on January 1, 2004.

(d) In each sale of a health benefit plan in which the proposed group has chosen a health flex plan, the carrier shall:

(1) provide notice that identifies to the policyholder the State mandated benefits not included in the health flex plan. Such notice shall be provided by the employer to each employee participating in the health flex plan;

(2) provide to the policy holder a notice with the following language in bold type:

"This health flex plan, either in whole or in part, does not provide State mandated health benefits normally required in accident and health insurance policies in Illinois. This health flex plan may provide a more affordable health insurance policy for you, although, at the same time, it may provide you with fewer health benefits than those normally included as State mandated health benefits in policies in Illinois.";

(3) provide to the policyholder a statement to be signed acknowledging that the health flex plan being purchased does not provide the State mandated health benefits listed on the form; and

(4) maintain the signed notice to provide information as may be needed by the Director of Insurance.

(e) The Director may promulgate rules as necessary to implement the provisions of this Section.

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 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:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend Senate Bill 974, AS AMENDED, in Section 5, by replacing Sec. 292 with 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:

THOSE PARTS OF THE SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 9 AND THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 41 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN SITUATED IN COOK COUNTY, ILLINOIS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TOTAL AREA IS 31.6619 ACRES

PARCEL A:

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE WESTERLY ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, 498.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILWAY; THENCE WESTERLY ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 ON A BEARING OF S89º 19' 41"W, 601.78 FEET; THENCE N15º 39' 25"E, 1749.61 FEET; THENCE S82º 01' 38"E, 615.00 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE SOUTHERLY ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A

DISTANCE OF 525.00 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILWAY; THENCE S24º 30' 00"W, 1175.54 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9.
PARCEL B:
COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE NORTHERLY ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 1055.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILWAY; THENCE N24º 30' 00"E ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILWAY, A DISTANCE OF 540.00 FEET; THENCE N82º 01' 38"W, 233.65 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTH ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 9, A DISTANCE OF 525.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILWAY.
PARCEL C:
COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9 AND THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE WESTERLY ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, 498.00 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILWAY COMPANY; THENCE S24º 30' 00"W, 355.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF ILLINOIS ROUTE 58; THENCE S89º 37' 56"W, 529.26 FEET; THENCE N18º 26' 47"E, 338.28 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE EAST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 9, A DISTANCE OF 570.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE ELGIN JOLIET AND EASTERN RAILWAY.

PIN NOS. 60-09-400-009
06-16-102-001".

Senator W. Jones moved the adoption of the foregoing amendment.
The motion prevailed.
And the amendment was adopted and ordered printed.
Floor Amendment No. 5 was held in the Committee on Rules.
There being no further amendments, the foregoing Amendment No. 4 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 977** 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 977 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 Illinois Professional Golfers Association Foundation Junior Golf Fund.
Section 10. The Illinois Vehicle Code is amended by adding Section 3-663 as follows:
(625 ILCS 5/3-663 new)
Sec. 3-663. Illinois Professional Golfers Association Foundation Junior Golf license plates.
(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Illinois Professional Golfers Association Foundation Junior Golf license plates.
The special plates issued under this Section shall be affixed only to passenger vehicles of the first

division or motor vehicles of the second division weighing not more than 8,000 pounds.

Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary. Appropriate documentation, as determined by the Secretary, shall accompany each application.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Illinois Professional Golfers Association Foundation Junior Golf Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs.

For each registration renewal period, a $40 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $38 shall be deposited into the Illinois Professional Golfers Association Foundation Junior Golf Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Illinois Professional Golfers Association Foundation Junior Golf Fund is created as a special fund in the State treasury. All moneys in the Illinois Professional Golfers Association Foundation Junior Golf Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to the Illinois Professional Golfers Association Foundation to help Association members expose Illinois youngsters to the game of golf.

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 Clayborne, **Senate Bill No. 1001** 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 1001, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 9, below line 15, by inserting the following:

"(c) All moneys distributed by the Agency under this Section shall be used only for direct program management, education and promotion related to household hazardous waste, and collection and disposal of household hazardous waste.

(d) All materials collected in whole or in part with moneys distributed by the Agency under this Section shall be treated or disposed of in facilities that meet all applicable State and federal requirements for the treatment or disposal of household hazardous waste.".

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 3 was held in the Committee of Environment and Energy.

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 Link, **Senate Bill No. 1003** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 1003 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 9.11 as follows:

(415 ILCS 5/9.11 new)

Sec. 9.11. Great Lakes Areas of Concern; mercury.

(a) The General Assembly finds that:

(1) The government of the United States of America and the government of Canada have entered into agreements on Great Lakes water quality by signature of the Great Lakes Water Quality Agreement of 1978, which was amended by Protocol signed on November 18, 1987.

(2) The government of the United States of America and the government of Canada, in

cooperation with the state and provincial governments, were required to designate geographic areas, called Areas of Concern, that fail to meet the general or specific objectives of the Great Lakes Water Quality Agreement, and where such failure has caused or is likely to cause impairment of beneficial use or failure of the ability of the area to support aquatic life.

(3) The government of the United States of America and the government of Canada have identified 43 Areas of Concern, 26 of which are in waters of the United States of America and 17 of which are in the waters of Canada.

(4) Waukegan Harbor in Illinois was designated an Area of Concern in 1981 by the International Joint Commission, the United States Environmental Protection Agency, and the Illinois Environmental Protection Agency as a result of the discovery of 5 beneficial use impairments, as defined in Annex 2 of the Great Lakes Water Quality Agreement. Beneficial use impairments at the Waukegan Harbor Area of Concern were identified as the restrictions on fish consumption, degradation of benthos, restrictions on dredging activities, degradation of phytoplankton and zooplankton populations, and loss of fish and wildlife habitat.

(5) The government of the United States of America and the government of Canada cooperate with the state and provincial governments to ensure that remedial action plans are developed to restore all impaired uses to the Areas of Concern.

(6) Mercury has been identified as a persistent bioaccumulative contaminant of concern throughout the Great Lakes, including Lake Michigan, resulting in health advisories and restrictions on fish consumption.

(7) The thermal treatment of sludge creates mercury emissions.

(b) The Agency shall not issue any permit to develop, construct, or operate, within one mile of any portion of Lake Michigan that has been designated an Area of Concern under the Great Lakes Water Quality Agreement as of the effective date of this Section, any site or facility for the thermal treatment of sludge, unless the applicant submits to the Agency proof that the site or facility has received local siting approval from the governing body of the municipality in which the site or facility is proposed to be located (or from the county board if located in an unincorporated area), in accordance with Section 39.2 of this Act. For the purposes of this Section, "thermal treatment" includes, without limitation, drying, incinerating, and any other processing that subjects the sludge to an elevated temperature.".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1003, AS AMENDED, by inserting after the end of Section 5 the following:

"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 1 and 2 were ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 1035** was recalled from the order of third reading to the order of second reading.
Floor Amendment No. 3 was held in the Committee on Executive.
Floor Amendment No. 4 was held in the Committee on Rules.
Senator Collins offered the following amendment:

AMENDMENT NO. 5

AMENDMENT NO. 5. Amend Senate Bill 1035, AS AMENDED, 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.

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 within 20 years ~~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 Section 13-202.2 as follows:

(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) Notwithstanding any other provision of law, an action for damages for personal injury based on childhood sexual abuse must be commenced within 10 years of the date the limitation period begins to run under subsection (d) or within 5 ~~2~~ years of the date the person abused discovers or through the use of reasonable diligence should discover both (i) that the act of childhood sexual abuse occurred and (ii) that the injury was caused by the childhood sexual abuse. The fact that the person abused discovers or through the use of reasonable diligence should discover that the act of childhood sexual abuse occurred is not, by itself, sufficient to start the discovery period under this subsection (b). Knowledge of the abuse does not constitute discovery of the injury or the causal relationship between any later-discovered injury and the 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 both (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. The fact that the person abused discovers or through the use of reasonable diligence should discover that the last act of childhood sexual abuse in the continuing series occurred is not, by itself, sufficient to start the discovery period under subsection (b). Knowledge of the abuse does not constitute discovery of the injury or the causal relationship between any later-discovered injury and the abuse.

(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.

(d-1) The limitation periods in subsection (b) do not run during a time period when the person abused is subject to threats, intimidation, manipulation, or fraud perpetrated by the abuser or by any person acting in the interest of the abuser.

(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 apply to actions pending on the effective date of this amendatory Act of the 93rd General Assembly as well as actions commenced on or after that date. (Source: P.A. 88-127.)

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

Senator Cullerton moved the adoption of the foregoing amendment.

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 5 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Walsh, **Senate Bill No. 1049** 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 1049 on page 3, line 18; page 3, line 20; page 3, line 22; page 5, line 4; page 5, line 6; page 5, line 8; page 6, line 29; page 6, line 31; page 6, line 33; page 8, line 14; page 8, line 16; and page 8, line 18, after "made", each time it appears, by inserting "by a school district".

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 Cullerton, **Senate Bill No. 1053** 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 1053 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Article 16H as follows:

(720 ILCS 5/Art. 16H heading new) ARTICLE 16H. ILLINOIS FINANCIAL CRIME LAW

(720 ILCS 5/16H-1 new)

Sec. 16H-1. Short title. This Article may be cited as the Illinois Financial Crime Law.

(720 ILCS 5/16H-5 new)

Sec. 16H-5. Legislative declaration. It is the public policy of this State that the substantial burden placed upon the economy of this State resulting from the rising incidence of financial crime is a matter of grave concern to the people of this State who have a right to be protected in their health, safety, and welfare from the effects of this crime.

(720 ILCS 5/16H-10 new)

Sec. 16H-10. Definitions. In this Article unless the context otherwise requires:

(a) "Financial crime" means an offense described in this Article.

(b) "Financial institution" means any state or national bank with a main office or branch office located in this State, any state or federal savings and loan association or savings bank with a main office or branch office located in this State, or any state or federal credit union with a main office or branch office located in this State, and any parent company, affiliate, or subsidiary of any of the foregoing having an office located in this State.

(720 ILCS 5/16H-15 new)

Sec. 16H-15. Misappropriation of financial institution property. A person commits the offense of misappropriation of a financial institution's property whenever, being an officer, director, agent, or employee of, or being connected in any capacity with, any financial institution, the person knowingly misappropriates, embezzles, abstracts, purloins, or willfully misapplies any of the moneys, funds, or credits of the financial institution, or any moneys, funds, assets, or securities entrusted to the custody or care of the financial institution or to the custody or care of any agent, officer, director, or employee of such financial institution.

(720 ILCS 5/16H-20 new)

Sec. 16H-20. Commercial bribery involving a financial institution.

(a) A person commits the offense of commercial bribery involving a financial institution when the person confers, or offers or agrees to confer, any benefit upon any employee, agent, or fiduciary without the consent of the latter's employer or principal, with intent to influence his or her conduct in relation to his or her employer's or principal's affairs.

(b) An employee, agent, or fiduciary of a financial institution commits the offense of commercial bribery of a financial institution when, without the consent of his or her employer or principal, he or she solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his or her conduct in relation to his or her employer's or principal's affairs.

(720 ILCS 5/16H-25 new)

Sec. 16H-25. Financial institution fraud. A person commits the offense of financial institution fraud when the person knowingly executes, or attempts to execute, a scheme or artifice to defraud a financial institution or to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretense, representations, or promises.

(720 ILCS 5/16H-30 new)

Sec. 16H-30. Loan fraud. A person commits the offense of loan fraud when the person knowingly, with intent to defraud, makes any false statement or report, or willfully overvalues any land, property, or security, for the purpose of influencing in any way the action of a financial institution to act upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security.

(720 ILCS 5/16H-35 new)

Sec. 16H-35. Concealment of collateral. A person commits the offense of concealment of collateral when the person, with intent to defraud, knowingly conceals, removes, disposes of, or converts to the person's own use or to that of another, any property mortgaged or pledged to or held by a financial institution.

(720 ILCS 5/16H-40 new)

Sec. 16H-40. Financial institution robbery. A person commits the offense of financial institution robbery when the person, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, a financial institution.

(720 ILCS 5/16H-45 new)

Sec. 16H-45. Continuing financial crimes enterprise. A person commits the offense of a continuing financial crimes enterprise when the person knowingly:

(1) organizes, manages, supervises, or conducts a series of violations under this Article, and

(2) receives $1,000,000 or more in gross receipts from such enterprise during any 12-month period.

(720 ILCS 5/16H-50 new)

Sec. 16H-50. Sentence.

(a) A financial crime, the full value of which does not exceed $1,000, is a Class A misdemeanor.

(b) A person who has been convicted of a financial crime, the full value of which does not exceed $1,000, and who has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony. When a person has such a prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such 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 such trial.

(c) A financial crime, the full value of which exceeds $1,000 but does not exceed $10,000, is a Class 4 felony. When a charge of financial crime, the full value of which exceeds $1,000 but does not exceed $10,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $1,000.

(d) A financial crime, the full value of which exceeds $10,000 but does not exceed $100,000, is a Class 3 felony. When a charge of financial crime, the full value of which exceeds $10,000 but does not exceed $100,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $10,000.

(e) A financial crime which exceeds $100,000 is a Class 2 felony. When a charge of financial crime, the full value of which exceeds $100,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $100,000.

(f) A financial crime which is a financial institution robbery is a Class 1 felony.

(g) A financial crime which is a continuing financial crimes enterprise is a Class 1 felony.

(h) Notwithstanding any other provisions of this Section, a financial crime that is loan fraud in connection with a loan secured by residential real estate is a Class 4 felony.

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 filed earlier today and referred to the Committee on Rules.

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 Halvorson, **Senate Bill No. 1067** was recalled from the order of third reading to the order of second reading.

Floor Amendments numbered 1 and 2 were held in the Committee on Health and Human Services.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1067 on page 1, by replacing line 11 with the following: "in accordance with the provisions of the"; and

on page 2, line 22, after "Act" by inserting "of 1965, as now or hereafter amended, and Departmental policy"; and

on page 2, by replacing lines 29 and 30 with the following:

"by the Department in rules and in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended."; and

on page 3, line 3, by deleting "designated"; and

on page 3, by replacing lines 6 through 8 with the following:

"The Department, in consultation with the Office, shall promulgate administrative rules in accordance with the provisions of the Older Americans Act of 1965, as now or hereafter amended, to"; and
on page 3, by replacing line 24 with the following: "regulatory State agency. The Department, in consultation with the Office, shall"; and
on page 4, by replacing lines 18 through 20 with the following:
"Office appropriate access, as defined by the Department, in consultation with the Office, in administrative rules, to the resident's records."; and
on page 4, line 29, by changing "any designated" to "any"; and
on page 5, line 4, by changing "any designated" to "any"; and
on page 5, line 11 by changing "any designated" to "any"; and
on page 5, by replacing lines 15 and 16 with the following:
"(3) The Director of Aging, in consultation with the Office, shall notify the State's Attorney of the county in"; and
on page 5, by replacing lines 21 through 33 with the following:
"(g) Confidentiality of records and identities. The Department shall establish procedures for the disclosure by the State Ombudsman or the regional ombudsmen entities of files maintained by the program. The procedures shall provide that the files and records may be disclosed only at the discretion of the State Long Term Care Ombudsman or the person designated by the State Ombudsman to disclose the files and records, and the procedures shall prohibit the disclosure of the identity of any complainant, resident, witness, or employee of a long term care provider unless:
(1) the complainant, resident, witness, or employee of a long term care provider or his or her legal representative consents to the disclosure and the consent is in writing;
(2) the complainant, resident, witness, or employee of a long term care provider gives consent orally; and the consent is documented contemporaneously in writing in accordance with such requirements as the Department shall establish; or
(3) the disclosure is required by court order.
~~No files or records maintained by the Office of State Long Term Care Ombudsman shall be disclosed unless the State Ombudsman or the ombudsman having the authority over the disposition of such files authorizes the disclosure in writing. The ombudsman shall not disclose the identity of any complainant, resident, witness or employee of a long term care provider involved in a complaint or report unless such person or such person's guardian or legal representative consents in writing to the disclosure, or the disclosure is required by court order.~~
on page 6, line 1, by changing "any designated" to "any".

The motion prevailed.
And the amendment was adopted and ordered printed.
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 Lauzen, **Senate Bill No. 1069** was recalled from the order of third reading to the order of second reading.
Senator Lauzen offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1069 by replacing everything after the enacting clause with the following:
"Section 3. The Military Code of Illinois is amended by changing Section 22-9 as follows:
(20 ILCS 1805/22-9)
Sec. 22-9. Power to make grants from the Illinois Military Family Relief Fund. ~~Subject to appropriation,~~ The Department of Military Affairs shall have the power to make grants from the Illinois Military Family Relief Fund, a special fund created in the State treasury, to families of persons who are members of the Illinois National Guard or Illinois residents who are members of the reserves of the armed forces of the United States and who have been called to active duty as a result of the September 11, 2001 terrorist attacks. The Department of Military Affairs shall establish eligibility criteria for the grants by rule.
In addition to amounts transferred into the Fund under Section 510 of the Illinois Income Tax Act, the State Treasurer shall accept and deposit into the Fund all gifts, grants, transfers, appropriations, and other amounts from any legal source, public or private, that are designated for deposit into the Fund.
This Section constitutes an irrevocable and continuing appropriation of all amounts transferred under

Section 8h of the State Finance Act and all amounts derived from gifts and grants, including, without limitation, amounts from all private sources, in the Fund to the Department of Military Affairs for the purpose of making grants under this Section. All other amounts in the Fund are subject to appropriation by the General Assembly. (Source: P.A. 92-886, eff. 2-7-03.)

Section 5. the State Finance Act is amended by adding Section 8h as follows:

(30 ILCS 105/8h new)

Sec. 8h. Transfers between the Communications Revolving Fund and the Illinois Military Family Relief Fund. The State Comptroller shall order transferred and the Treasurer shall transfer, on March 31, 2003 or as soon as practicable thereafter, the amount of $300,000 from the Communications Revolving Fund to the Illinois Military Family Relief Fund. Beginning on July 1, 2004, the State Comptroller shall order transferred and the Treasurer shall transfer, on the last day of each month, an amount equal to 50% of that day's beginning balance in the Illinois Military Family Relief Fund from the Illinois Military Family Relief Fund to the Communications Revolving Fund. These transfers shall continue until the cumulative total of transfers executed from the Illinois Military Family Relief Fund to the Communications Revolving Fund equals $300,000.

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 Demuzio, **Senate Bill No. 1074** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 1074, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Sections 1A-4, 2-3.11, 10-21.9, 10-22.20a, 10-22.24a, 10-22.34, 14-1.09.1, 14-8.05, 14C-2, 21-1, 21-1a, 21-1b, 21-1c, 21-2, 21-2.1, 21-2b, 21-3, 21-4, 21-5, 21-5a, 21-5b, 21-5c, 21-5d, 21-7.1, 21-9, 21-10, 21-11.1, 21-11.2, 21-11.3, 21-11.4, 21-12, 21-14, 21-16, 21-17, 21-19, 21-21, 21-21.1, 21-23, 21-23b, 21-24, 21-25, 21-27, 34-18.5, and 34-83 and adding Section 21-0.05 as follows:

(105 ILCS 5/1A-4) (from Ch. 122, par. 1A-4)

Sec. 1A-4. Powers and duties of the Board. A. Upon the appointment of new Board members as provided in subsection (b) of Section 1A-1 and every 2 years thereafter, the chairperson of the Board shall be selected by the Governor, with the advice and consent of the Senate, from the membership of the Board to serve as chairperson for 2 years.

B. The Board shall determine the qualifications of and appoint a chief education officer to be known as the State Superintendent of Education who shall serve at the pleasure of the Board and pursuant to a performance-based contract linked to statewide student performance and academic improvement within Illinois schools. No performance-based contract issued for the employment of the State Superintendent of Education shall be for a term longer than 3 years and no contract shall be extended or renewed prior to its scheduled expiration unless the performance and improvement goals contained in the contract have been met. The State Superintendent of Education shall not serve as a member of the State Board of Education. The Board shall set the compensation of the State Superintendent of Education who shall serve as the Board's chief executive officer. The Board shall also establish the duties, powers and responsibilities of the State Superintendent, which shall be included in the State Superintendent's performance-based contract along with the goals and indicators of student performance and academic improvement used to measure the performance and effectiveness of the State Superintendent. The State Board of Education may delegate to the State Superintendent of Education the authority to act on the Board's behalf, provided such delegation is made pursuant to adopted board policy or the powers delegated are ministerial in nature. The State Board may not delegate authority under this Section to the State Superintendent to (1) nonrecognize school districts, (2) withhold State payments as a penalty, or (3) make final decisions under the contested case provisions of the Illinois Administrative Procedure Act unless otherwise provided by law.

C. The powers and duties of the State Board of Education shall encompass all duties delegated to the Office of Superintendent of Public Instruction on January 12, 1975, except as the law providing for such

powers and duties is thereafter amended, and such other powers and duties as the General Assembly shall designate. The Board shall be responsible for the educational policies and guidelines for public schools, pre-school through grade 12 and Vocational Education in the State of Illinois. The Board shall analyze the present and future aims, needs, and requirements of education in the State of Illinois and recommend to the General Assembly the powers which should be exercised by the Board. The Board shall recommend the passage and the legislation necessary to determine the appropriate relationship between the Board and local boards of education and the various State agencies and shall recommend desirable modifications in the laws which affect schools.

D. Two members of the Board shall be appointed by the chairperson to serve on a standing joint Education Committee, 2 others shall be appointed from the Board of Higher Education, 2 others shall be appointed by the chairperson of the Illinois Community College Board, and 2 others shall be appointed by the chairperson of the Human Resource Investment Council. The Executive Director and 2 members of the Professional Teacher Standards Board shall also be members of the Committee. The Committee shall be responsible for making recommendations concerning the submission of any workforce development plan or workforce training program required by federal law or under any block grant authority. The Committee will be responsible for developing policy on matters of mutual concern to elementary, secondary and higher education such as Occupational and Career Education, Teacher Preparation and Certification, Educational Finance, Articulation between Elementary, Secondary and Higher Education and Research and Planning. The joint Education Committee shall meet at least quarterly and submit an annual report of its findings, conclusions, and recommendations to the State Board of Education, the Board of Higher Education, the Illinois Community College Board, the Human Resource Investment Council, the Professional Teacher Standards Board, the Governor, and the General Assembly. All meetings of this Committee shall be official meetings for reimbursement under this Act.

E. Five members of the Board shall constitute a quorum. A majority vote of the members appointed, confirmed and serving on the Board is required to approve any action.

The Board shall prepare and submit to the General Assembly and the Governor on or before January 14, 1976 and annually thereafter a report or reports of its findings and recommendations. Such annual report shall contain a separate section which provides a critique and analysis of the status of education in Illinois and which identifies its specific problems and recommends express solutions therefor. Such annual report also shall contain the following information for the preceding year ending on June 30: each act or omission of a school district of which the State Board of Education has knowledge as a consequence of scheduled, approved visits and which constituted a failure by the district to comply with applicable State or federal laws or regulations relating to public education, the name of such district, the date or dates on which the State Board of Education notified the school district of such act or omission, and what action, if any, the school district took with respect thereto after being notified thereof by the State Board of Education. The report shall also include the statewide high school dropout rate by grade level, sex and race and the annual student dropout rate of and the number of students who graduate from, transfer from or otherwise leave bilingual programs. The Auditor General shall annually perform a compliance audit of the State Board of Education's performance of the reporting duty imposed by this amendatory Act of 1986. A regular system of communication with other directly related State agencies shall be implemented.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Council, as required by Section 3.1 of the General Assembly Organization Act, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act. (Source: P.A. 89-430, eff. 12-15-95; 89-610, eff. 8-6-96; 89-698, eff. 1-14-97; 90-548, eff. 1-1-98.)

(105 ILCS 5/2-3.11) (from Ch. 122, par. 2-3.11)

Sec. 2-3.11. Report to Governor and General Assembly. To report to the Governor and General Assembly annually on or before January 14 the condition of the schools of the State for the preceding year, ending on June 30.

Such annual report shall contain reports of ~~the State Teacher Certification Board;~~ the schools of the State charitable institutions; reports on driver education, special education, and transportation; and for such year the annual statistical reports of the State Board of Education, including the number and kinds of school districts; number of school attendance centers; number of men and women teachers; enrollment by grades; total enrollment; total days attendance; total days absence; average daily attendance; number of elementary and secondary school graduates; assessed valuation; tax levies and tax rates for various purposes; amount of teachers' orders, anticipation warrants, and bonds outstanding; and

number of men and women teachers and total enrollment of private schools. The report shall give for all school districts receipts from all sources and expenditures for all purposes for each fund; the total operating expense and the per capita cost; federal and state aids and reimbursements; new school buildings, and recognized schools; together with such other information and suggestions as the State Board of Education may deem important in relation to the schools and school laws and the means of promoting education throughout the state. (Source: P.A. 84-1308; 84-1424.)

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal background investigations. (a) After August 1, 1985, certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the school board for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the school district, the presidents of the appropriate school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the Professional Teacher Standards Board ~~State Teacher Certification Board~~ or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a

felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards. (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

(105 ILCS 5/10-22.20a) (from Ch. 122, par. 10-22.20a)

Sec. 10-22.20a. Advanced vocational training program, and career education. To enter into joint agreements with community college districts and other school districts for the purpose of providing career education or advanced vocational training of students in the 11th and higher grades who desire preparation for a trade. Transportation for students to any facility covered by a joint agreement as described in this Section shall be provided by the participating school district, or by the participating school district in conjunction with other school districts. Joint agreements entered into under this Section may include provisions for joint authority to acquire and improve sites, construct and equip facilities thereon and lease and equip facilities deemed necessary by the parties to the joint agreement, to maintain programs and to provide for financing of the foregoing jointly by the respective parties, all in accordance with the terms of the joint agreement.

Nothing herein contained shall be construed to restrict or prohibit the rights of community college districts or school districts to enter into joint agreements under the provisions of the Intergovernmental Cooperation Act, as now or hereinafter amended.

The duration of the career education or advanced vocational training program shall be such period as the school district may approve but it may not exceed 2 years for any school district pupil. Participation in the program is accorded the same credit toward a high school diploma as time spent in other courses.

The participating community college shall bill each participating student's school district for an amount equal to the per capita cost of operating the community college attended or a charge for participation may be made in accordance with the joint agreement between the community college district and the student's school district. Such agreement shall not provide for payments in excess of the actual cost of operating the course or courses in which the student is enrolled. Participating high schools may use State aid monies to pay the charges.

The community college instructors teaching in such programs need not be certified by the <u>Professional Teacher Standards Board</u> ~~State Teacher Certification Board~~. (Source: P.A. 79-76.)

(105 ILCS 5/10-22.24a) (from Ch. 122, par. 10-22.24a)

Sec. 10-22.24a. School counselor. To employ school counselors. A school counselor is a qualified guidance specialist who holds or is qualified for an elementary, secondary, or special K-12 certificate issued by the <u>Professional Teacher Standards Board</u> ~~State Teacher Certification Board~~ and a School Service Personnel certificate endorsed in guidance issued by the <u>Professional Teacher Standards Board</u> ~~State Teacher Certification Board~~. Individuals who have completed approved programs in other states may apply for a School Service Personnel certificate endorsed in guidance if a review of their credentials indicates that they hold or qualify for an elementary, high school, or special certificate in their own state. (Source: P.A. 91-70, eff. 7-9-99.)

(105 ILCS 5/10-22.34) (from Ch. 122, par. 10-22.34)

Sec. 10-22.34. Non-certificated personnel. (a) School Boards may employ non-teaching personnel or utilize volunteer personnel for: (1) non-teaching duties not requiring instructional judgment or evaluation of pupils; and (2) supervising study halls, long distance teaching reception areas used incident to instructional programs transmitted by electronic media such as computers, video, and audio, and detention and discipline areas, and school-sponsored extracurricular activities.

(b) School boards may further utilize volunteer non-certificated personnel or employ non-certificated personnel to assist in the instruction of pupils under the immediate supervision of a teacher, holding a valid certificate, directly engaged in teaching subject matter or conducting activities. The teacher shall be continuously aware of the non-certificated persons' activities and shall be able to control or modify them. The <u>Professional Teacher Standards Board</u> ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ shall determine qualifications of such personnel and shall prescribe rules for determining the duties and activities to be assigned to such personnel. In the determination of qualifications of such personnel, the State Board of Education shall accept coursework earned in a recognized institution or from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association.

(b-5) A school board may utilize volunteer personnel from a regional School Crisis Assistance Team (S.C.A.T.), created as part of the Safe to Learn Program established pursuant to Section 25 of the Illinois Violence Prevention Act of 1995, to provide assistance to schools in times of violence or other traumatic incidents within a school community by providing crisis intervention services to lessen the effects of emotional trauma on individuals and the community. The School Crisis Assistance Team Steering Committee shall determine the qualifications for volunteers.

(c) School boards may also employ students holding a bachelor's degree from a recognized institution of higher learning as teaching interns when such students are enrolled in a college or university internship program, which has prior approval by the <u>Professional Teacher Standards Board</u> ~~State Board of Education, in consultation with the State Teacher Certification Board~~, leading to a masters degree.

Regional offices of education have the authority to initiate and collaborate with institutions of higher learning to establish internship programs referenced in this subsection (c). ~~The State Board of Education has 90 days from receiving a written proposal to establish the internship program to seek the State Teacher Certification Board's consultation on the internship program. If the State Board of Education does not consult the State Teacher Certification Board within 90 days, the regional office of education may seek the State Teacher Certification Board's consultation without the State Board of Education's approval.~~

(d) Nothing in this Section shall require constant supervision of a student teacher enrolled in a student teaching course at a college or university, provided such activity has the prior approval of the representative of the higher education institution and teaching plans have previously been discussed with and approved by the supervising teacher and further provided that such teaching is within guidelines established by the <u>Professional Teacher Standards Board</u> ~~State Board of Education in consultation with the State Teacher Certification Board~~. (Source: P.A. 92-200, eff. 1-1-02; 92-724, eff. 7-25-02.)

(105 ILCS 5/14-1.09.1)

Sec. 14-1.09.1. School psychological services. In the public schools, school psychological services

provided by qualified specialists who hold Type 73 School Service Personnel Certificates endorsed for school psychology issued by the Professional Teacher Standards Board ~~State Teacher Certification Board~~ may include, but are not limited to: (i) administration and interpretation of psychological and educational evaluations; (ii) developing school-based prevention programs, including violence prevention programs; (iii) counseling with students, parents, and teachers on educational and mental health issues; (iv) acting as liaisons between public schools and community agencies; (v) evaluating program effectiveness; (vi) providing crisis intervention within the school setting; (vii) helping teachers, parents, and others involved in the educational process to provide optimum teaching and learning conditions for all students; (viii) supervising school psychologist interns enrolled in school psychology programs that meet the standards established by the State Board of Education; and (ix) screening of school enrollments to identify children who should be referred for individual study. Nothing in this Section prohibits other qualified professionals from providing those services listed for which they are appropriately trained. (Source: P.A. 89-339, eff. 8-17-95.)

(105 ILCS 5/14-8.05) (from Ch. 122, par. 14-8.05)

Sec. 14-8.05. Behavioral intervention. (a) The General Assembly finds and declares that principals and teachers of students with disabilities require training and guidance that provide ways for working successfully with children who have difficulties conforming to acceptable behavioral patterns in order to provide an environment in which learning can occur. It is the intent of the General Assembly:

(1) That when behavioral interventions are used, they be used in consideration of the pupil's physical freedom and social interaction, and be administered in a manner that respects human dignity and personal privacy and that ensures a pupil's right to placement in the least restrictive educational environment.

(2) That behavioral management plans be developed and used, to the extent possible, in a consistent manner when a local educational agency has placed the pupil in a day or residential setting for education purposes.

(3) That a statewide study be conducted of the use of behavioral interventions with students with disabilities receiving special education and related services.

(4) That training programs be developed and implemented in institutions of higher education that train teachers, and that in-service training programs be made available as necessary in school districts, in educational service centers, and by regional superintendents of schools to assure that adequately trained staff are available to work effectively with the behavioral intervention needs of students with disabilities.

(b) On or before September 30, 1993, the State Superintendent of Education shall conduct a statewide study of the use of behavioral interventions with students with disabilities receiving special education and related services. The study shall include, but not necessarily be limited to identification of the frequency in the use of behavioral interventions; the number of districts with policies in place for working with children exhibiting continuous serious behavioral problems; how policies, rules, or regulations within districts differ between emergency and routine behavioral interventions commonly practiced; the nature and extent of costs for training provided to personnel for implementing a program of nonaversive behavioral interventions; and the nature and extent of costs for training provided to parents of students with disabilities who would be receiving behavioral interventions. The scope of the study shall be developed by the State Board of Education, in consultation with individuals and groups representing parents, teachers, administrators, and advocates. On or before June 30, 1994, the State Board of Education shall issue guidelines based on the study's findings. The guidelines shall address, but not be limited to, the following: (i) appropriate behavioral interventions, and (ii) how to properly document the need for and use of behavioral interventions in the process of developing individualized education plans for students with disabilities. The guidelines shall be used as a reference to assist school boards in developing local policies and procedures in accordance with this Section. The State Board of Education, with the advice of parents of students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for persons with disabilities, shall review its behavioral intervention guidelines at least once every 3 years to determine their continuing appropriateness and effectiveness and shall make such modifications in the guidelines as it deems necessary.

(c) Each school board must establish and maintain a committee to develop policies and procedures on the use of behavioral interventions for students with disabilities who require behavioral intervention. The policies and procedures shall be adopted and implemented by school boards by January 1, 1996, shall be amended as necessary to comply with the rules established by the State Board of Education under Section 2-3.130 of this Code not later than one month after commencement of the school year

after the State Board of Education's rules are adopted, and shall: (i) be developed with the advice of parents with students with disabilities and other parents, teachers, administrators, advocates for persons with disabilities, and individuals with knowledge or expertise in the development and implementation of behavioral interventions for persons with disabilities; (ii) emphasize positive interventions that are designed to develop and strengthen desirable behaviors; (iii) incorporate procedures and methods consistent with generally accepted practice in the field of behavioral intervention; (iv) include criteria for determining when a student with disabilities may require a behavioral intervention plan; (v) reflect that the guidelines of the State Board of Education have been reviewed and considered and provide the address of the State Board of Education so that copies of the State Board of Education behavioral guidelines may be requested; and (vi) include procedures for monitoring the use of restrictive behavioral interventions. Each school board shall (i) furnish a copy of its local policies and procedures to parents and guardians of all students with individualized education plans within 15 days after the policies and procedures have been adopted by the school board, or within 15 days after the school board has amended its policies and procedures, or at the time an individualized education plan is first implemented for the student, and (ii) require that each school inform its students of the existence of the policies and procedures annually. Provided, at the annual individualized education plan review, the school board shall (1) explain the local policies and procedures, (2) furnish a copy of the local policies to parents and guardians, and (3) make available, upon request of any parents and guardians, a copy of local procedures.

(d) The Professional Teacher Standards Board ~~State Superintendent of Education~~ shall consult with representatives of institutions of higher education ~~and the State Teacher Certification Board~~ in regard to the current training requirements for teachers to ensure that sufficient training is available in appropriate behavioral interventions consistent with professionally accepted practices and standards for people entering the field of education. (Source: P.A. 91-600, eff. 8-14-99; 92-16, eff. 6-28-01.)

(105 ILCS 5/14C-2) (from Ch. 122, par. 14C-2)

Sec. 14C-2. Definitions. Unless the context indicates otherwise, the terms used in this Article have the following meanings:

(a) "State Board" means the State Board of Education.

(b) "Certification Board" means the Professional Teacher Standards Board ~~State Teacher Certification Board~~.

(c) "School District" means any school district established under this Code.

(d) "Children of limited English-speaking ability" means (1) children who were not born in the United States whose native tongue is a language other than English and who are incapable of performing ordinary classwork in English; and (2) children who were born in the United States of parents possessing no or limited English-speaking ability and who are incapable of performing ordinary classwork in English.

(e) "Teacher of transitional bilingual education" means a teacher with a speaking and reading ability in a language other than English in which transitional bilingual education is offered and with communicative skills in English.

(f) "Program in transitional bilingual education" means a full-time program of instruction (1) in all those courses or subjects which a child is required by law to receive and which are required by the child's school district which shall be given in the native language of the children of limited English-speaking ability who are enrolled in the program and also in English, (2) in the reading and writing of the native language of the children of limited English-speaking ability who are enrolled in the program and in the oral comprehension, speaking, reading and writing of English, and (3) in the history and culture of the country, territory or geographic area which is the native land of the parents of children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States; or a part-time program of instruction based on the educational needs of those children of limited English-speaking ability who do not need a full-time program of instruction. (Source: P.A. 86-1028.)

(105 ILCS 5/21-0.05 new)

Sec. 21-0.05. Professional Teacher Standards Board.

(a) The Professional Teacher Standards Board is hereby created. The Professional Teacher Standards Board shall consist of 11 members appointed by the Governor, with the advice and consent of the Senate. Of the members so appointed, one shall be a faculty member of a public university located in the State, one shall be a faculty member of a private college or university located in the State, 2 shall be school administrators employed in the public schools of the State who have been nominated by an administrator organization, one shall be a representative of the business community of the State who is a parent of a student attending a public school in the State and who has been nominated by a statewide

business organization, and 6 shall be classroom teachers employed in the public schools of the State (with 3 nominated by one professional teachers' organization and 3 nominated by another professional teachers' organization). At least one of the classroom teachers so appointed shall be an employee of a school district that is subject to the provisions of Article 34 of this Code. Whenever a vacancy in a classroom teacher position on the Professional Teacher Standards Board is to be filled as provided in this Section, the professional teachers' organization that nominated the member who vacated the office is entitled to nominate a candidate for the vacancy. The nominations of a professional teachers' organization shall be submitted by the organization to the Governor not less than 60 days prior to the expiration of the term of a person holding a classroom teacher position on the Professional Teacher Standards Board or not more than 60 days after a vacancy in such a position occurs for any other reason. The nominations shall be in writing and shall be signed by the president and secretary of the organization submitting the nominations. Of the members initially appointed to the Professional Teacher Standards Board: the faculty member of a public university shall be appointed to serve a term expiring on the third Monday of January, 2006; the faculty member of a private college or university shall be appointed to serve a term expiring on the third Monday of January, 2008; one of the 2 school administrators shall be appointed to serve a term expiring on the third Monday of January, 2006, and the other school administrator shall be appointed to serve a term expiring on the third Monday of January, 2008; the representative of the business community shall be appointed to serve a term expiring on the third Monday of January, 2006; and 3 of the 6 classroom teachers shall be appointed to serve terms expiring on the third Monday of January, 2006, with the remaining 3 classroom teachers being appointed to serve terms expiring on the third Monday of January, 2008. The successors in office of the members initially appointed under this subsection shall each serve terms of 4 years, commencing on the third Monday of January of the appropriate even-numbered year. All members shall serve until a successor is appointed, and any vacancy shall be filled for the balance of the unexpired term in the same manner as an appointment for a full term is made.

(b) The State Teacher Certification Board is abolished and the terms of its members are terminated when 6 of the initial members of the Professional Teacher Standards Board, which shall constitute a quorum of that Board, are appointed as provided in subsection (a). The members of the Professional Teacher Standards Board shall take office and assume, exercise, and perform the powers, duties, and responsibilities of that Board under this Article when a quorum of the initial members of that Board is appointed. Matters pending before the State Teacher Certification Board at the time of its abolition shall continue as matters before the Professional Teacher Standards Board. Until the State Teacher Certification Board is abolished upon the appointment of 6 persons to serve as initial members of the Professional Teacher Standards Board, but not thereafter, the State Teacher Certification Board shall exercise the powers and duties that it was authorized or required to exercise and perform under this Code or any other law prior to its abolition. Until a quorum of the initial members on the Professional Teacher Standards Board is appointed, but not thereafter, the State Board of Education and the State Superintendent of Education shall exercise the powers and duties that the State Board of Education and the State Superintendent of Education were authorized or required to exercise and perform under this Code prior to the giving of those powers and duties to the Professional Teacher Standards Board under this amendatory Act of the 93rd General Assembly.

(c) The chairperson of the Professional Teacher Standards Board shall be elected by the members of the Board from among their number to serve for a term of one year. A person elected to serve as chairperson of the Board may be reelected by the members of the Board to succeed himself or herself in that office. The members of the Professional Teacher Standards Board shall meet promptly upon the appointment of a quorum of the members to organize themselves, elect from their number a chairperson and such other officers as they deem necessary, and establish the dates of the regular meetings of the Board. The Board shall hold special meetings upon the call of the chairperson or a majority of its members. Members of the Professional Teacher Standards Board shall be reimbursed for all ordinary and necessary expenses incurred in performing their duties as members of the Board.

(d) The Professional Teacher Standards Board, as a State agency that is eligible for appropriations, shall comply with the provisions of the Bureau of the Budget Act applicable to State agencies.

(e) The Professional Teacher Standards Board, acting in accordance with the provisions of this Article and exercising the exclusive powers granted to it under Section 21-1c, shall have the power and authority to do all of the following:

(1) set standards for teaching, supervising, or holding other certificated employment in the public schools, and administer the certification process as provided in this Article;

(2) approve and evaluate teacher and administrator preparation programs;

(3) revoke and suspend certificates issued for teaching, supervising, or holding other certificated

employment in the public schools for immorality or other unprofessional conduct;

(4) enter into agreements with other states relative to reciprocal approval of teacher and administrator preparation programs;

(5) establish standards for the issuance of new types of certificates;

(6) employ and direct an Executive Director (who shall be responsible for negotiating contracts, hiring, and establishing payroll and who shall be responsible for non-bargaining employees) and such other staff as the Board deems necessary to exercise its powers and duties under this Article, subject to the following conditions: all employees of the State Board of Education who lose their employment with the State Board of Education as the result of the establishment of the Professional Teacher Standards Board and the attendant transfer of power and duties to the Professional Teacher Standards Board shall be afforded the right to transfer their employment without interruption from the State Board of Education to the Professional Teacher Standards Board, retaining their seniority status and salary as it then exists with the State Board of Education;

(7) establish standards for induction, mentoring, and professional development programs;

(8) take such other action relating to the improvement of instruction in the public schools through teacher education and professional development and that attracts qualified candidates into teacher training programs as is appropriate and consistent with applicable laws;

(9) subject to appropriation, provide financial assistance for programs that promote teacher education, professional development, and the mentoring and retention of teachers; and

(10) make and prescribe rules and regulations that are necessary for the administration of this Article.

With respect to subdivision (6) of this subsection (e), personnel employed by the State Board of Education on December 31, 2003 or on the date immediately before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, to perform duties pertaining to certification shall be transferred on January 1, 2004 or on the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, to the Professional Teacher Standards Board. The rights of State employees under applicable collective bargaining agreements and retirement plans are not affected by this amendatory Act of the 93rd General Assembly. All transferred employees shall remain in the same retirement system that they were in before the transfer. All transferred employees who are members of collective bargaining units shall retain their seniority, continuous service, salary, and accrued benefits. During the pendency of the existing collective bargaining agreement, the rights provided for under that agreement and memoranda and supplements to that agreement, including without limitation the rights of employees performing duties pertaining to certification under the State Board of Education, shall not be abridged. The Professional Teacher Standards Board shall continue to honor during their pendency all bargaining agreements in effect at the time of the transfer and to recognize all collective bargaining representatives for the employees who perform or will perform functions transferred by this amendatory Act of the 93rd General Assembly. For all purposes with respect to the management of the existing agreement and the negotiation and management of any successor agreements, the Professional Teacher Standards Board shall be deemed to be the employer of employees who perform or will perform functions transferred to the Professional Teacher Standards Board by this amendatory Act of the 93rd General Assembly.

(f) The Professional Teacher Standards Board shall create the administrator certification subcommittee, which shall be advisory. The administrator certification subcommittee shall consist of the 2 school administrator members of the Professional Teacher Standards Board and 4 members appointed by the Professional Teacher Standards Board as follows:

(1) Two school administrators nominated by an administrator organization.

(2) One administrator who is an employee of a school district that is subject to the provisions of Article 34 of this Code.

(3) One regional superintendent of schools.

The Professional Teacher Standards Board shall create the higher education program approval and evaluation subcommittee, which shall be advisory. The higher education program approval and evaluation subcommittee shall consist of the 2 university faculty members of the Professional Teacher Standards Board and 4 members appointed by the Professional Teacher Standards Board as follows:

(1) Three faculty members from a public university located in this State.

(2) One faculty member from a private college or university located in this State.

In addition the Professional Teacher Standard Board may establish advisory committees if the Board determines that such action may be necessary or appropriate.

(g) Decisions of the Professional Teacher Standards Board with regard to the approval and evaluation of teacher and administrator preparation programs may be appealed to a committee consisting

of members appointed by the Governor with the advice and consent of the Senate as follows:

(1) One member nominated by a professional teachers' organization.

(2) One member nominated by another professional teachers' organization.

(3) One member nominated by an administrator organization.

(105 ILCS 5/21-1) (from Ch. 122, par. 21-1)

Sec. 21-1. Qualification of teachers. No one may be certified to teach or supervise in the public schools of this State who is not of good character, good health, a citizen of the United States or legally present and authorized for employment, and at least 19 years of age. If the holder of a certificate under this Section is not a citizen of the United States 6 years after the date of the issuance of the original certificate, any certificate held by such person on that date shall be cancelled by the board of education and no other certificate to teach shall be issued to such person until such person is a citizen of the United States.

Citizenship is not required for the issuance of a temporary part-time certificate to participants in approved training programs for exchange students as described in Section 21-10.2. A certificate issued under this plan shall expire on June 30 following the date of issue. One renewal for one year is authorized if the holder remains as an official participant in an approved exchange program.

In determining good character under this Section, any felony conviction of the applicant may be taken into consideration, but such a conviction shall not operate as a bar to registration.

No person otherwise qualified shall be denied the right to be certified, to receive training for the purpose of becoming a teacher or to engage in practice teaching in any school because of a physical disability including but not limited to visual and hearing disabilities; nor shall any school district refuse to employ a teacher on such grounds, provided that the person is able to carry out the duties of the position for which he applies.

No person may be granted or continue to hold a teaching certificate who has knowingly altered or misrepresented his or her teaching qualifications in order to acquire the certificate. Any other certificate held by such person may be suspended or revoked by the Professional Teacher Standards Board ~~State Teacher Certification Board~~, depending upon the severity of the alteration or misrepresentation.

No one may teach or supervise in the public schools nor receive for teaching or supervising any part of any public school fund~~,~~ who does not hold a certificate of qualification granted, on or after January 1, 2004 or on or after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, by the Professional Teacher Standards Board, or granted prior to that date by the State Board of Education or by the State Teacher Certification Board and a regional superintendent of schools ~~as hereinafter provided,~~ or by the board of education of a city having a population exceeding 500,000 inhabitants, except as provided in Section 34-6 and in Section 10-22.34 or Section 10-22.34b. However, the provisions of this Article do not apply to a member of the armed forces who is employed as a teacher of subjects in the Reserve Officer's Training Corps of any school. Sections 21-2 through 21-24 ~~do not~~ apply to cities having a population exceeding 500,000 inhabitants, beginning ~~until~~ July 1, 1988.

Notwithstanding any other provision of this Act, the board of education of any school district may grant to a teacher of the district a leave of absence with full pay for a period of not more than one year to permit such teacher to teach in a foreign state under the provisions of the Exchange Teacher Program established under Public Law 584, 79th Congress, and Public Law 402, 80th Congress, as amended. The school board granting such leave of absence may employ with or without pay a national of the foreign state wherein the teacher on leave of absence will teach, if the national is qualified to teach in that foreign state, and if that national will teach in a grade level similar to the one which was taught in such foreign state. The Professional Teacher Standards Board ~~State Board of Education~~ shall promulgate and enforce such reasonable rules and regulations as may be necessary to effectuate the provisions of this Article or may adopt for such purposes any of the rules and regulations promulgated prior to January 1, 2004 or prior to the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, by the State Board of Education or by the State Teacher Certification Board prior to the abolition of that Board ~~paragraph~~. (Source: P.A. 88-189; 89-159, eff. 1-1-96; 89-397, eff. 8-20-95; 89-626, eff. 8-9-96.)

(105 ILCS 5/21-1a) (from Ch. 122, par. 21-1a)

Sec. 21-1a. Tests required for certification and teacher preparation. (a) After July 1, 1988, in addition to all other requirements, early childhood, elementary, special, high school, school service personnel, or, except as provided in Section 34-6, administrative certificates shall be issued to persons who have satisfactorily passed a test of basic skills and subject matter knowledge. The tests of basic skills and subject matter knowledge shall be the tests which from time to time are designated by the

Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~ and may be tests prepared by an educational testing organization or tests designed by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~. The areas to be covered by the test of basic skills shall include the basic skills of reading, writing, grammar and mathematics. The test of subject matter knowledge shall assess content knowledge in the specific subject field. The tests shall be designed to be racially neutral to assure that no person in taking the tests is thereby discriminated against on the basis of race, color, national origin or other factors unrelated to the person's ability to perform as a certificated employee. The score required to pass the tests of basic skills and subject matter knowledge shall be fixed by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~. The tests shall be held not fewer than 3 times a year at such time and place as may be designated by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~.

(b) Except as provided in Section 34-6, the provisions of subsection (a) of this Section shall apply equally in any school district subject to Article 34~~, provided that the State Board of Education shall determine which certificates issued under Sections 34-8.1 and 34-83 prior to July 1, 1988 are comparable to any early childhood certificate, elementary school certificate, special certificate, high school certificate, school service personnel certificate or administrative certificate issued under this Article as of July 1, 1988~~.

(c) A person who holds an early childhood, elementary, special, high school or school service personnel certificate issued under this Article on or at any time before July 1, 1988, including a person who has been issued any such certificate pursuant to Section 21-11.1 or in exchange for a comparable certificate theretofore issued under Section 34-8.1 or Section 34-83, shall not be required to take or pass the tests in order to thereafter have such certificate renewed.

(d) (Blank). ~~The State Board of Education in consultation with the State Teacher Certification Board shall conduct a pilot administration of the tests by administering the test to students completing teacher education programs in the 1986-87 school year for the purpose of determining the effect and impact of testing candidates for certification.~~

Beginning with the 2002-2003 academic year, a student may not enroll in a teacher preparation program at a recognized teacher training institution until he or she has passed the basic skills test.

Beginning with the 2004-2005 academic year, a preservice education teacher may not student teach until he or she has passed the subject matter test in the discipline in which he or she will student teach.

(e) The rules and regulations developed to implement the required test of basic skills and subject matter knowledge shall include the requirements of subsections (a), (b), and (c) and shall include specific regulations to govern test selection; test validation and determination of a passing score; administration of the tests; frequency of administration; applicant fees; frequency of applicants' taking the tests; the years for which a score is valid; and, waiving certain additional tests for additional certificates to individuals who have satisfactorily passed the test of basic skills and subject matter knowledge as required in subsection (a). The Professional Teacher Standards Board ~~State Board of Education~~ shall provide, by rule, specific policies that assure uniformity in the difficulty level of each form of the basic skills test and each subject matter knowledge test from test-to-test and year-to-year. The Professional Teacher Standards Board ~~State Board of Education~~ shall also set a passing score for the tests.

(f) (Blank). ~~The State Teacher Certification Board may issue a nonrenewable temporary certificate between July 1, 1988 and August 31, 1988 to individuals who have taken the tests of basic skills and subject matter knowledge prescribed by this Section but have not received such test scores by August 31, 1988. Such temporary certificates shall expire on December 31, 1988.~~

(g) Beginning February 15, 2000 and until January 1, 2004 or until a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, the State Board of Education, in consultation with the State Teacher Certification Board, shall implement and administer the ~~a new~~ system of certification for teachers in the State of Illinois. Beginning on January 1, 2004 or the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, the Professional Teachers Standards Board shall implement and administer this system of certification. The Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ shall design and implement a system of examinations and various other criteria which shall be required prior to the issuance of Initial Teaching Certificates and Standard Teaching Certificates. These examinations and indicators shall be based on national and State professional teaching standards, as determined by the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board~~. The

Professional Teacher Standards Board ~~State Board of Education~~ may adopt any and all regulations necessary to implement and administer this Section.

(h) The State Board of Education shall report to the Illinois General Assembly and the Governor with recommendations for further changes and improvements to the teacher certification system no later than July 1, 1999 and on an annual basis until July 1, 2001. (Source: P.A. 91-102, eff. 7-12-99; 92-734, eff. 7-25-02.)

(105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

Sec. 21-1b. Subject endorsement on certificates. All certificates initially issued under this Article after June 30, 1986, shall be specifically endorsed ~~by the State Board of Education~~ for each subject the holder of the certificate is legally qualified to teach, such endorsements to be made in accordance with standards promulgated by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~. All certificates which are issued under this Article prior to July 1, 1986 may, by application to the Professional Teacher Standards Board ~~State Board of Education~~, be specifically endorsed for each subject the holder is legally qualified to teach. All subject endorsements made on or after January 1, 2004 or on or after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, to new or existing certificates as provided in this Section shall be made by the Professional Teacher Standards Board. Endorsements issued under this Section shall not apply to substitute teacher's certificates issued under Section 21-9 of this Code.

Commencing July 1, 1999, each application for endorsement of an existing teaching certificate shall be accompanied by a $30 nonrefundable fee. There is hereby created a Teacher Certificate Fee Revolving Fund as a special fund within the State Treasury. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund; and the moneys in that Fund shall be appropriated to the Professional Teacher Standards Board and used by that Board to provide the technology and other resources necessary for the timely and efficient processing of certification requests. (Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-1c) (from Ch. 122, par. 21-1c)

Sec. 21-1c. Exclusive certificate authority. Only the Professional Teacher Standards Board ~~State Board of Education and State Teacher Certification Board~~, acting in accordance with the applicable provisions of this Act and the rules, regulations and standards promulgated thereunder, shall have the authority to issue or endorse any certificate required for teaching, supervising or holding certificated employment in the public schools; and no other State agency shall have any power or authority (i) to establish or prescribe any qualifications or other requirements applicable to teacher or administrator training and certification or to the issuance or endorsement of any ~~such~~ certificate, required for teaching, supervising, or holding certified employment in the public schools, or (ii) to establish or prescribe any licensure or equivalent requirement which must be satisfied in order to teach, supervise or hold certificated employment in the public schools. This Section does not prohibit the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ from delegating to regional superintendents of schools the authority to grant temporary employment authorizations to teacher applicants whose qualifications have been confirmed by the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board~~. (Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-2) (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 Professional Teacher Standards Board ~~State Teacher Certification Board~~ upon presentation to that ~~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 Professional Teacher Standards Board ~~State Board of Education~~, and (4) have met all other criteria established by the Professional Teacher Standards Board ~~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), and other areas designated by the Professional Teacher Standards Board ~~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 before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, (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, before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, 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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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), and other areas designated by the Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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 Professional Teacher Standards Board ~~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, before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later. 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.)

(105 ILCS 5/21-2.1) (from Ch. 122, par. 21-2.1)

Sec. 21-2.1. Early childhood certificate. (a) An early childhood certificate shall be valid for 4 years for teaching children up to 6 years of age, exclusive of children enrolled in kindergarten, in facilities approved by the Professional Teacher Standards Board ~~State Superintendent of Education~~. Beginning July 1, 1988, such certificate shall be valid for 4 years for Teaching children through grade 3 in facilities approved by the State Superintendent of Education before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later. Subject to the provisions of Section 21-1a, it shall be issued to persons who have graduated from a recognized institution of higher learning with a bachelor's degree and with not fewer than 120 semester hours including professional education or human development or, until July 1, 1992, to persons who have early childhood education instruction and practical experience involving supervised work with children under 6 years of age or with children through grade 3. Such persons shall be recommended for the early childhood certificate by a recognized institution as having completed an approved program of preparation which includes the requisite hours and academic and professional courses and practical experience approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~.

(b) Beginning February 15, 2000, Initial and Standard Early Childhood Education Certificates shall be issued to persons who meet the criteria established by the State Board of Education before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later. (Source: P.A. 90-548, eff. 1-1-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)

(105 ILCS 5/21-2b) (from Ch. 122, par. 21-2b)

Sec. 21-2b. Teacher education program entrance. ~~In consultation with the State Teacher Certification Board~~ The Professional Teacher Standards Board ~~State Board of Education~~ shall develop procedures which ensure that all students entering approved teacher education programs are proficient in the areas of reading, mathematics and language arts. Each institution of higher learning shall submit to the Professional Teacher Standards Board ~~State Teacher Certification Board~~ a plan which sets forth procedures for implementation of this Section. (Source: P.A. 84-126.)

(105 ILCS 5/21-3) (from Ch. 122, par. 21-3)

Sec. 21-3. Elementary certificate. (a) An elementary school certificate shall be valid for 4 years for teaching in the kindergarten and lower 9 grades of the common schools. Subject to the provisions of Section 21-1a, it shall be issued to persons who have graduated from a recognized institution of higher learning with a bachelor's degree and with not fewer than 120 semester hours and with a minimum of 16 semester hours in professional education, including 5 semester hours in student teaching under competent and close supervision. Such persons shall be recommended for the elementary certificate by a recognized institution as having completed an approved program of preparation which includes intensive preservice training in the humanities, natural sciences, mathematics, and the academic and professional courses approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~.

(b) Beginning February 15, 2000, Initial and Standard Elementary Certificates shall be issued to persons who meet all of the criteria established by the State Board of Education for elementary education before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later. (Source: P.A. 90-548, eff. 1-1-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)

(105 ILCS 5/21-4) (from Ch. 122, par. 21-4)

Sec. 21-4. Special certificate. (a) A special certificate shall be valid for 4 years for teaching the special subjects named therein in all grades of the common schools. Subject to the provisions of Section

21-1a, it shall be issued to persons who have graduated from a recognized institution of higher learning with a bachelor's degree and with not fewer than 120 semester hours including a minimum of 16 semester hours in professional education, 5 of which shall be in student teaching under competent and close supervision. When the holder of such certificate has earned a master's degree, including 8 ~~eight~~ semester hours of graduate professional education from a recognized institution of higher learning and with 2 ~~two~~ years' teaching experience, it may be endorsed for supervision.

Such persons shall be recommended for the special certificate by a recognized institution as having completed an approved program of preparation which includes academic and professional courses approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~.

(b) Those persons holding special certificates on February 15, 2000 shall be eligible for one of the following:

(1) The issuance of Standard Elementary and Standard Secondary Certificates with appropriate special certification designations as determined by the State Board of Education, in consultation with the State Teacher Certification Board, before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and consistent with rules adopted by the State Board of Education before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later. These certificates shall be renewed as provided in subsection (c) of Section 21-2.

(2) The issuance of Standard Special K-12 Certificates with appropriate special certification designations, which shall be renewed as provided in subsection (c) of Section 21-2. These certificates shall not be eligible for additional certification designations except as approved by the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board~~.

(c) Those persons eligible to receive K-12 certification after February 15, 2000 shall be issued Initial Elementary and Initial Secondary Certificates with appropriate special certification designations pursuant to this Section or Initial Special K-12 Certificates with appropriate special certification designations pursuant to this Section. These Initial K-12 Special Certificates shall not be eligible for additional certification designations except as approved by the State Board of Education, in consultation with the State Teacher Certification Board, before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later.

(d) All persons holding a special certificate with a special education endorsement are exempt from the provisions of Section 2-3.71 of this Code, provided they meet all the other requirements for teaching as established by the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board~~.

Beginning February 15, 2000, all persons exchanging a special certificate pursuant to subsection (b) of this Section with a special education endorsement or receiving a special education designation on either a special certificate or an elementary certificate issued pursuant to subsection (c) of this Section are exempt from the provisions of Section 2-3.71 of this Code, provided they meet all the other requirements for teaching as established by the State Board of Education, in consultation with the State Teacher Certification Board, before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later.

Certificates exchanged or issued pursuant to this subsection (d) shall be valid for teaching children with disabilities, as defined in Section 14-1.02 of this Code, and these special certificates shall be called Initial or Standard Special Preschool - Age 21 Certificates. Nothing in this subsection (d) shall be construed to adversely affect the rights of any person presently certificated, any person whose certification is currently pending, or any person who is currently enrolled or enrolls prior to February 15, 2000 in an approved Special K-12 certification program. (Source: P.A. 90-548, eff. 1-1-98; 90-653, eff.

7-29-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99; 91-765, eff. 6-9-00.)

(105 ILCS 5/21-5) (from Ch. 122, par. 21-5)

Sec. 21-5. High school certificate. (a) A high school certificate shall be valid for 4 years for teaching in grades 6 to 12 inclusive of the common schools. Subject to the provisions of Section 21-1a, it shall be issued to persons who have graduated from a recognized institution of higher learning with a bachelor's degree and with not fewer than 120 semester hours including 16 semester hours in professional education, 5 of which shall be in student teaching under competent and close supervision and with one or more teaching fields. Such persons shall be recommended for the high school certificate by a recognized institution as having completed an approved program of preparation which includes the academic and professional courses approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~.

(b) Beginning February 15, 2000, Initial and Standard Secondary Certificates shall be issued to persons who meet all of the criteria established by the State Board of Education before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, for secondary education. (Source: P.A. 90-548, eff. 1-1-98; 90-811, eff. 1-26-99; 91-102, eff. 7-12-99.)

(105 ILCS 5/21-5a) (from Ch. 122, par. 21-5a)

Sec. 21-5a. Alternative math-science certification. The Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ shall ~~establish and~~ implement and administer an alternative certification program under which persons who qualify for admission to, and who successfully complete the program and meet the additional requirements established by this Section shall be issued an initial teaching certificate for teaching mathematics, science or mathematics and science in grades 9 through 12 of the common schools. In establishing an alternative certification program under this Section, the Professional Teacher Standards Board ~~State Board of Education~~ shall designate an appropriate area within the State where the program shall be offered and made available to persons qualified for admission to the program. In addition, the Professional Teacher Standards Board ~~State Board of Education~~, in cooperation with one or more recognized institutions of higher learning, shall develop, evaluate, and revise as necessary a comprehensive course of study that persons admitted to the program must successfully complete in order to satisfy one criterion for issuance of an initial certificate under this Section. The comprehensive course of study so developed shall include one semester of practice teaching.

An initial teaching certificate, valid for 4 years for teaching mathematics, science, or mathematics and science in grades 9 through 12 of the common schools and renewable as provided in Section 21-14, shall be issued under this Section 21-5a to persons who qualify for admission to the alternative certification program and who at the time of applying for an initial teaching certificate under this Section:

(1) have graduated with a master's degree in mathematics or any science discipline from an institution of higher learning whose scholarship standards are approved by the Professional Teacher Standards Board ~~State Board of Education~~ for purposes of the alternative certification program;

(2) have been employed for at least 10 years in an area requiring knowledge and practical application of their academic background in mathematics or a science discipline;

(3) have successfully completed the alternative certification program and the course of comprehensive study, including one semester of practice teaching, developed as part of the program as provided in this Section and approved by the Professional Teacher Standards Board ~~State Board of Education~~; and

(4) have passed the examinations required by Section 21-1a.

The alternative certification program shall be implemented at the commencement of the 1992-1993 academic year.

The Professional Teacher Standards Board ~~State Board of Education~~ shall establish criteria for admission to the alternative certification program and shall adopt rules and regulations that are consistent with this Section and that the Professional Teacher Standards Board ~~State Board of Education~~ deems necessary to ~~establish and~~ implement and administer the program. (Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/21-5b)

Sec. 21-5b. Alternative certification. The Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ shall establish and implement an alternative certification program under which persons who meet the requirements of and successfully complete the program established by this Section shall be issued an alternative teaching certificate for teaching in the schools. The program shall be limited to not more than 260 new participants during each

year that the program is in effect. The Professional Teacher Standards Board ~~State Board of Education~~, in cooperation with a partnership formed with a university that offers 4-year baccalaureate and masters degree programs and that is a recognized institution as defined in Section 21-21 and one or more not-for-profit organizations in the State which support excellence in teaching, shall within 30 days after submission by the partnership approve a course of study developed by the partnership that persons in the program must successfully complete in order to satisfy one criterion for issuance of an alternative certificate under this Section. The Alternative Teacher Certification program course of study must include the current content and skills contained in the university's current courses for State certification which have been approved by the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ as the requirement for State teacher certification.

The alternative certification program established under this Section shall be known as the Alternative Teacher Certification program. The Alternative Teacher Certification Program shall be offered by the submitting partnership and may be offered in conjunction with one or more not-for-profit organizations in the State which support excellence in teaching. The program shall be comprised of the following 3 phases: (a) the first phase is the course of study offered on an intensive basis in education theory, instructional methods, and practice teaching; (b) the second phase is the person's assignment to a full-time teaching position for one school year; and (c) the third phase is a comprehensive assessment of the person's teaching performance by school officials and the partnership participants and a recommendation by the partner institution of higher education to the Professional Teacher Standards Board ~~State Board of Education~~ that the person be issued a standard alternative teaching certificate. Successful completion of the Alternative Teacher Certification program shall be deemed to satisfy any other practice or student teaching and subject matter requirements established by law.

A provisional alternative teaching certificate, valid for one year of teaching in the common schools and not renewable, shall be issued under this Section 21-5b to persons who at the time of applying for the provisional alternative teaching certificate under this Section:

(1) have graduated from an accredited college or university with a bachelor's degree;

(2) have successfully completed the first phase of the Alternative Teacher Certification program as provided in this Section;

(3) have passed the tests of basic skills and subject matter knowledge required by Section 21-1a; and

(4) have been employed for a period of at least 5 years in an area requiring application of the individual's education; however, this requirement does not apply with respect to a provisional alternative teaching certificate for teaching in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants.

A person possessing a provisional alternative certificate under this Section shall be treated as a regularly certified teacher for purposes of compensation, benefits, and other terms and conditions of employment afforded teachers in the school who are members of a bargaining unit represented by an exclusive bargaining representative, if any.

Until February 15, 2000, a standard alternative teaching certificate, valid for 4 years for teaching in the schools and renewable as provided in Section 21-14, shall be issued under this Section 21-5b to persons who first complete the requirements for the provisional alternative teaching certificate and who at the time of applying for a standard alternative teaching certificate under this Section have successfully completed the second and third phases of the Alternative Teacher Certification program as provided in this Section. Alternatively, beginning February 15, 2000, at the end of the 4-year validity period, persons who were issued a standard alternative teaching certificate shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate, provided they meet the requirements of subsection (c) of Section 21-2 of this Code and further provided that a person who does not apply for and receive a Standard Teaching Certificate shall be able to teach only in schools situated in a school district that is located in a city having a population in excess of 500,000 inhabitants.

Beginning February 15, 2000, persons who have completed the requirements for a standard alternative teaching certificate under this Section shall be issued an Initial Alternative Teaching Certificate valid for 4 years of teaching and not renewable. At the end of the 4-year validity period, these persons shall be eligible, on the same basis as holders of an Initial Teaching Certificate issued under subsection (b) of Section 21-2 of this Code, to apply for a Standard Teaching Certificate, provided they meet the requirements of subsection (c) of Section 21-2.

This alternative certification program shall be implemented so that the first provisional alternative teaching certificates issued under this Section are effective upon the commencement of the 1997-1998

academic year and the first standard alternative teaching certificates issued under this Section are effective upon the commencement of the 1998-1999 academic year.

The Professional Teacher Standards Board ~~State Board of Education~~, in cooperation with the partnership establishing the Alternative Teacher Certification program, shall adopt rules and regulations that are consistent with this Section and that the Professional Teacher Standards Board ~~State Board of Education~~ deems necessary to establish and implement the program. (Source: P.A. 91-609, eff. 1-1-00.)

(105 ILCS 5/21-5c)

Sec. 21-5c. Alternative route to teacher certification. The Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ shall establish and implement an alternative route to teacher certification program under which persons who meet the requirements of and successfully complete the program established by this Section shall be issued an initial teaching certificate for teaching in schools in this State. The Professional Teacher Standards Board ~~State Board of Education~~ shall approve a course of study that persons in the program must successfully complete in order to satisfy one criterion for issuance of a certificate under this Section. The Alternative Route to Teacher Certification program course of study must include the current content and skills contained in a university's current courses for State certification which have been approved by the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ as the requirement for State teacher certification.

The program established under this Section shall be known as the Alternative Route to Teacher Certification program. The program may be offered in conjunction with one or more not-for-profit organizations in the State. The program shall be comprised of the following 3 phases: (a) a course of study offered on an intensive basis in education theory, instructional methods, and practice teaching; (b) the person's assignment to a full-time teaching position for one school year, including the designation of a mentor teacher to advise and assist the person with that teaching assignment; and (c) a comprehensive assessment of the person's teaching performance by school officials and program participants and a recommendation by the institution of higher education to the Professional Teacher Standards Board ~~State Board of Education~~ that the person be issued an initial teaching certificate. Successful completion of the Alternative Route to Teacher Certification program shall be deemed to satisfy any other practice or student teaching and subject matter requirements established by law.

A provisional alternative teaching certificate, valid for one year of teaching in the common schools and not renewable, shall be issued under this Section 21-5c to persons who at the time of applying for the provisional alternative teaching certificate under this Section:

(1) have graduated from an accredited college or university with a bachelor's degree;

(2) have been employed for a period of at least 5 years in an area requiring application of the individual's education;

(3) have successfully completed the first phase of the Alternative Teacher Certification program as provided in this Section; and

(4) have passed the tests of basic skills and subject matter knowledge required by Section 21-1a.

An initial teaching certificate, valid for teaching in the common schools, shall be issued under Section 21-3 or 21-5 to persons who first complete the requirements for the provisional alternative teaching certificate and who at the time of applying for an initial teaching certificate have successfully completed the second and third phases of the Alternative Route to Teacher Certification program as provided in this Section.

A person possessing a provisional alternative certificate or an initial teaching certificate earned under this Section shall be treated as a regularly certified teacher for purposes of compensation, benefits, and other terms and conditions of employment afforded teachers in the school who are members of a bargaining unit represented by an exclusive bargaining representative, if any.

The Professional Teacher Standards Board ~~State Board of Education~~ may adopt rules and regulations that are consistent with this Section and that the Professional Teacher Standards Board ~~State Board~~ deems necessary to establish and implement the program. (Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/21-5d)

Sec. 21-5d. Alternative route to administrative certification. The Professional Teacher Standards Board ~~State Board of Education~~, in consultation with ~~the State Teacher Certification Board and~~ an advisory panel consisting of no less than 7 administrators appointed by the State Superintendent of Education, shall establish and implement an alternative route to administrative certification program under which persons who meet the requirements of and successfully complete the program established by this Section shall be issued a standard administrative certificate for serving as an administrator in schools in this State. For the purposes of this Section only, "administrator" means a person holding any administrative position for which a standard administrative certificate with a general administrative

endorsement, chief school business official endorsement, or superintendent endorsement is required, except a principal or an assistant principal. The Professional Teacher Standards Board ~~State Board of Education~~ shall approve a course of study that persons in the program must successfully complete in order to satisfy one criterion for issuance of a certificate under this Section. The Alternative Route to Administrative Certification program course of study must include the current content and skills contained in a university's current courses for State certification which have been approved by the Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ as the requirement for administrative certification.

The program established under this Section shall be known as the Alternative Route to Administrative Certification program. The program shall be comprised of the following 3 phases: (a) a course of study offered on an intensive basis in education management, governance, organization, and planning; (b) the person's assignment to a full-time position for one school year as an administrator; and (c) a comprehensive assessment of the person's performance by school officials and a recommendation to the Professional Teacher Standards Board ~~State Board of Education~~ that the person be issued a standard administrative certificate. Successful completion of the Alternative Route to Administrative Certification program shall be deemed to satisfy any other supervisory, administrative, or management experience requirements established by law.

A provisional alternative administrative certificate, valid for one year of serving as an administrator in the common schools and not renewable, shall be issued under this Section 21-5d to persons who at the time of applying for the provisional alternative administrative certificate under this Section:

(1) have graduated from an accredited college or university with a master's degree in a management field or with a bachelor's degree and the life experience equivalent of a master's degree in a management field as determined by the Professional Teacher Standards Board ~~State Board of Education~~;

(2) have been employed for a period of at least 5 years in a management level position;

(3) have successfully completed the first phase of the Alternative Route to Administrative Certification program as provided in this Section; and

(4) have passed any examination required by the Professional Teacher Standards Board ~~State Board of Education~~.

A standard administrative certificate with a general administrative endorsement, chief school business official endorsement, or superintendent endorsement, renewable as provided in Section 21-14, shall be issued under Section 21-7.1 to persons who first complete the requirements for the provisional alternative administrative certificate and who at the time of applying for a standard administrative certificate have successfully completed the second and third phases of the Alternative Route to Administrative Certification program as provided in this Section.

The Professional Teacher Standards Board ~~State Board of Education~~ may adopt rules and regulations that are consistent with this Section and that the Professional Teacher Standards Board ~~State Board~~ deems necessary to establish and implement the program. (Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/21-7.1) (from Ch. 122, par. 21-7.1)

Sec. 21-7.1. Administrative certificate. (a) After July 1, 1999, an administrative certificate valid for 5 years of supervising and administering in the public common schools (unless changed under subsection (a-5) of this Section) may be issued to persons who have graduated from a regionally accredited institution of higher learning with a master's degree and who have been recommended by a recognized institution of higher learning as having completed a program of preparation for one or more of these endorsements. Such programs of academic and professional preparation required for endorsement shall be administered by the institution in accordance with standards set forth by the State Superintendent of Education in consultation with the State Teacher Certification Board before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later.

(a-5) Beginning July 1, 2003, if an administrative certificate holder holds a Standard Teaching Certificate, the validity period of the administrative certificate shall be changed, if necessary, so that the validity period of the administrative certificate coincides with the validity period of the Standard Teaching Certificate. Beginning July 1, 2003, if an administrative certificate holder holds a Master Teaching Certificate, the validity period of the administrative certificate shall be changed so that the validity period of the administrative certificate coincides with the validity period of the Master Teaching Certificate.

(b) No administrative certificate shall be issued for the first time after June 30, 1987 and no

endorsement provided for by this Section shall be made or affixed to an administrative certificate for the first time after June 30, 1987 unless the person to whom such administrative certificate is to be issued or to whose administrative certificate such endorsement is to be affixed has been required to demonstrate as a part of a program of academic or professional preparation for such certification or endorsement: (i) an understanding of the knowledge called for in establishing productive parent-school relationships and of the procedures fostering the involvement which such relationships demand; and (ii) an understanding of the knowledge required for establishing a high quality school climate and promoting good classroom organization and management, including rules of conduct and instructional procedures appropriate to accomplishing the tasks of schooling; and (iii) a demonstration of the knowledge and skills called for in providing instructional leadership. The standards for demonstrating an understanding of such knowledge shall be set forth by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board,~~ and shall be administered by the recognized institutions of higher learning as part of the programs of academic and professional preparation required for certification and endorsement under this Section. As used in this subsection: "establishing productive parent-school relationships" means the ability to maintain effective communication between parents and school personnel, to encourage parental involvement in schooling, and to motivate school personnel to engage parents in encouraging student achievement, including the development of programs and policies which serve to accomplish this purpose; and "establishing a high quality school climate" means the ability to promote academic achievement, to maintain discipline, to recognize substance abuse problems among students and utilize appropriate law enforcement and other community resources to address these problems, to support teachers and students in their education endeavors, to establish learning objectives and to provide instructional leadership, including the development of policies and programs which serve to accomplish this purpose; and "providing instructional leadership" means the ability to effectively evaluate school personnel, to possess general communication and interpersonal skills, and to establish and maintain appropriate classroom learning environments. The provisions of this subsection shall not apply to or affect the initial issuance or making on or before June 30, 1987 of any administrative certificate or endorsement provided for under this Section, nor shall such provisions apply to or affect the renewal after June 30, 1987 of any such certificate or endorsement initially issued or made on or before June 30, 1987.

(c) Administrative certificates shall be renewed every 5 years with the first renewal being 5 years following the initial receipt of an administrative certificate, unless the validity period for the administrative certificate has been changed under subsection (a-5) of this Section, in which case the certificate shall be renewed at the same time that the Standard or Master Teaching Certificate is renewed.

(c-5) Before July 1, 2003, renewal requirements for administrators whose positions require certification shall be based upon evidence of continuing professional education which promotes the following goals: (1) improving administrators' knowledge of instructional practices and administrative procedures; (2) maintaining the basic level of competence required for initial certification; and (3) improving the mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in their schools. Evidence of continuing professional education must include verification of biennial attendance in a program developed by the Illinois Administrators' Academy and verification of annual participation in a school district approved activity which contributes to continuing professional education.

(c-10) Beginning July 1, 2003, except as otherwise provided in subsection (c-15) of this Section, persons holding administrative certificates must follow the certificate renewal procedure set forth in this subsection (c-10), provided that those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates valid for 5 years (unless changed under subsection (a-5) of this Section), which may be renewed thereafter as set forth in this subsection (c-10).

(1) A person holding an administrative certificate and employed in a position requiring administrative certification, including a regional superintendent of schools, must develop an administrative certificate renewal plan for satisfying the continuing professional development required to renew his or her administrative certificate. An administrative certificate renewal plan must include a minimum of 3 individual improvement goals developed by the certificate holder and must include without limitation the following continuing professional development purposes:

(A) To improve the administrator's knowledge of instructional practices and administrative procedures in accordance with the Illinois Professional School Leader Standards.

(B) To maintain the basic level of competence required for initial certification.

(C) To improve the administrator's mastery of skills and knowledge regarding the

improvement of teaching performance in clinical settings and assessment of the levels of student performance in the schools.

An administrative certificate renewal plan must include a description of how the improvement goals are to be achieved and an explanation of the selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (1).

(2) In addition to the requirements in paragraph (1) of this subsection (c-10), the administrative certificate renewal plan must include the following in order for the certificate to be renewed:

(A) Participation in continuing professional development activities, which must total a minimum of 100 hours of continuing professional development and which must meet all of the following requirements:

(i) The participation must consist of a minimum of 5 activities per validity period of the certificate.

(ii) The activities must address the goals in the certificate holder's professional development plan.

(iii) The activities must be aligned with the Illinois Professional School Leader Standards.

(iv) A portion of the activities must address the certificate holder's school improvement plan at either the district or school level.

(v) The participation must include a communication, dissemination, or application component.

(vi) There must be documentation of completion of each activity.

(B) Participation every year in an Illinois Administrators' Academy course, which participation must total a minimum of 36 continuing professional development hours during the period of the certificate's validity and which must include all of the following:

(i) Completion of applicable required coursework, as defined by the Professional Teacher Standards Board ~~State Board of Education~~.

(ii) Completion of a communication, dissemination, or application component.

(iii) Documentation of completion of each activity.

(3) Each administrator who is subject to the requirements of this subsection (c-10) but who is not serving as a district or regional superintendent, a director of a cooperative program or special education program, or a director of a State-operated school must submit his or her administrative certificate renewal plan for review to the superintendent of the employing school district or to the director of the cooperative or special education program or State-operated school (or to the superintendent's or director's designee). Each district or regional superintendent, director of a cooperative program or special education program, or director of a State-operated school must submit his or her administrative certificate renewal plan for review to a review panel comprised of peers established by the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator.

(4) If the certificate holder's plan does not conform to the requirements of this subsection (c-10), the reviewer or review panel must notify the certificate holder, who must revise the administrative certificate renewal plan. A certificate holder who is not a regional superintendent of schools may appeal that determination to the regional superintendent of schools for the geographic area where the certificate holder is employed as an administrator. A certificate holder who is a regional superintendent of schools may appeal that determination to the Professional Teacher Standards Board ~~State Superintendent of Education~~. The regional superintendent of schools (or his or her designee) or the Professional Teacher Standards Board ~~State Superintendent of Education (or the regional superintendent's or State Superintendent's designee)~~ shall facilitate any modification of the plan, if necessary, to make it acceptable.

(5) A certificate holder may modify his or her administrative certificate renewal plan at any time during the validity period of the administrative certificate through the process outlined in paragraphs (3) and (4) of this subsection (c-10).

(6) Evidence of completion of the activities in the administrative certificate renewal plan must be submitted to the responsible reviewer or review panel. Before the expiration of the administrative certificate, the certificate holder must request from the responsible reviewer or review panel a signed verification form developed by the Professional Teacher Standards Board ~~State Board of Education~~ confirming that the certificate holder has met the requirements for renewal contained in this Section. A certificate holder who is not a regional superintendent of schools must submit this form to the responsible regional superintendent of schools (or his or her designee) at the time of application for renewal of the certificate. A certificate holder who is a regional superintendent of schools must

submit this form for validation to the Professional Teacher Standards Board ~~State Superintendent of Education (or his or her designee)~~ at the time of application for renewal of the certificate.

(7) The regional superintendent of schools shall review and validate the verification form for a certificate holder. Based on compliance with all of the requirements for renewal, the regional superintendent of schools shall forward a recommendation for renewal or non-renewal to the Professional Teacher Standards Board ~~State Superintendent of Education~~ and shall notify the certificate holder of the recommendation. The Professional Teacher Standards Board ~~State Superintendent of Education~~ shall review the recommendation to renew or non-renew and shall notify, in writing, the certificate holder of a decision denying renewal of his or her certificate. ~~Any decision regarding non-renewal of an administrative certificate may be appealed to the State Teacher Certification Board.~~

The Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ shall adopt rules to implement this subsection (c-10).

The regional superintendent of schools shall monitor the process for renewal of administrative certificates established in this subsection (c-10).

(c-15) This subsection (c-15) applies to the first period of an administrative certificate's validity during which the holder becomes subject to the requirements of subsection (c-10) of this Section if the certificate has less than 5 years' validity or has less than 5 years' validity remaining when the certificate holder becomes subject to the requirements of subsection (c-10) of this Section. With respect to this period, the 100 hours of continuing professional development and 5 activities per validity period specified in clause (A) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean 20 hours of continuing professional development and one activity per year of the certificate's validity or remaining validity and the 36 continuing professional development hours specified in clause (B) of paragraph (2) of subsection (c-10) of this Section shall instead be deemed to mean completion of at least one course per year of the certificate's validity or remaining validity. If the certificate has 3 or fewer years of validity or 3 or fewer years of validity remaining, the certificate holder is not subject to the requirements for submission and approval of plans for continuing professional development described in paragraphs (1) through (4) of subsection (c-10) of this Section with respect to that period of the certificate's validity.

(c-20) The Professional Teacher Standards Board ~~State Board of Education, in consultation with the State Teacher Certification Board,~~ shall develop, evaluate, and revise as necessary procedures for implementing this Section and shall administer the renewal of administrative certificates. Failure to submit satisfactory evidence of continuing professional education which contributes to promoting the goals of this Section shall result in a loss of administrative certification.

(d) Any limited or life supervisory certificate issued prior to July 1, 1968 shall continue to be valid for all administrative and supervisory positions in the public schools for which it is valid as of that date as long as its holder meets the requirements for registration or renewal as set forth in the statutes or until revoked according to law.

(e) The administrative or supervisory positions for which the certificate shall be valid shall be determined by one or more of 3 endorsements: general supervisory, general administrative and superintendent.

Subject to the provisions of Section 21-1a, endorsements shall be made under conditions set forth in this Section. The Professional Teacher Standards Board ~~State Board of Education~~ shall~~, in consultation with the State Teacher Certification Board,~~ adopt rules pursuant to the Illinois Administrative Procedure Act, establishing requirements for obtaining administrative certificates where the minimum administrative or supervisory requirements surpass those set forth in this Section.

If the Professional Teacher Standards Board establishes ~~State Teacher Certification Board shall file with the State Board of Education a written recommendation when considering~~ additional administrative or supervisory requirements, those~~. All~~ additional requirements shall be based upon the requisite knowledge necessary to perform the ~~those~~ tasks required by the certificate. The Professional Teacher Standards Board ~~State Board of Education~~ shall ~~in consultation with the State Teacher Certification Board,~~ establish standards within its rules which shall include the academic and professional requirements necessary for certification. These standards shall at a minimum contain, but not be limited to, those used by the Professional Teacher Standards Board ~~State Board of Education~~ in determining whether additional knowledge will be required. Additionally, the Professional Teacher Standards Board ~~State Board of Education~~ shall ~~in consultation with the State Teacher Certification Board,~~ establish provisions within its rules whereby any member of the educational community or the public may file a formal written recommendation or inquiry regarding requirements.

(1) Until July 1, 2003, the general supervisory endorsement shall be affixed to the administrative

certificate of any holder who has at least 16 semester hours of graduate credit in professional education including 8 semester hours of graduate credit in curriculum and research and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for supervisors, curriculum directors and for such similar and related positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(2) The general administrative endorsement shall be affixed to the administrative certificate of any holder who has at least 20 semester hours of graduate credit in educational administration and supervision and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for principal, assistant principal, assistant or associate superintendent, junior college dean and for related or similar positions as determined by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~.

Notwithstanding any other provisions of this Act, after January 1, 1990 and until January 1, 1991, any teacher employed by a district subject to Article 34 shall be entitled to receive an administrative certificate with a general administrative endorsement affixed thereto if he or she: (i) had at least 3 years of experience as a certified teacher for such district prior to August 1, 1985; (ii) obtained a Master's degree prior to August 1, 1985; (iii) completed at least 20 hours of graduate credit in education courses (including at least 12 hours in educational administration and supervision) prior to September 1, 1987; and (iv) has received a rating of superior for at least each of the last 5 years. Any person who obtains an administrative certificate with a general administrative endorsement affixed thereto under this paragraph shall not be qualified to serve in any administrative position except assistant principal.

(3) The chief school business official endorsement shall be affixed to the administrative certificate of any holder who qualifies by having a Master's degree, two years of administrative experience in school business management, and a minimum of 20 semester hours of graduate credit in a program established by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~ for the preparation of school business administrators. Such endorsement shall also be affixed to the administrative certificate of any holder who qualifies by having a Master's Degree in Business Administration, Finance or Accounting from a regionally accredited institution of higher education.

After June 30, 1977, such endorsement shall be required for any individual first employed as a chief school business official.

(4) The superintendent endorsement shall be affixed to the administrative certificate of any holder who has completed 30 semester hours of graduate credit beyond the master's degree in a program for the preparation of superintendents of schools including 16 semester hours of graduate credit in professional education and who has at least 2 years experience as an administrator or supervisor in the public schools or the State Board of Education or education service regions or in nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education and holds general supervisory or general administrative endorsement, or who has had 2 years of experience as a supervisor or administrator while holding an all-grade supervisory certificate or a certificate comparable in validity and educational and experience requirements.

After June 30, 1968, such endorsement shall be required for a superintendent of schools, except as provided in the second paragraph of this Section and in Section 34-6.

Any person appointed to the position of superintendent between the effective date of this Act and June 30, 1993 in a school district organized pursuant to Article 32 with an enrollment of at least 20,000 pupils shall be exempt from the provisions of this paragraph (4) until June 30, 1996.

(f) All official interpretations or acts of issuing or denying administrative certificates or endorsements by the State Teacher's Certification Board, State Board of Education or the State Superintendent of Education, from the passage of P.A. 81-1208 on November 8, 1979 through

September 24, 1981 are hereby declared valid and legal acts in all respects and further that the purported repeal of the provisions of this Section by P.A. 81-1208 and P.A. 81-1509 is declared null and void. (Source: P.A. 91-102, eff. 7-12-99; 92-796, eff. 8-10-02.)

(105 ILCS 5/21-9) (from Ch. 122, par. 21-9)

Sec. 21-9. Substitute certificates and substitute teaching. (a) A substitute teacher's certificate may be issued by the Professional Teacher Standards Board for teaching in all grades of the common schools. Such certificate may be issued by the Professional Teacher Standards Board upon request of the regional superintendent of schools of any region in which the teacher is to teach. A substitute teacher's certificate is valid for teaching in the public schools of any county. Such certificate may be issued by the Professional Teacher Standards Board to persons who either (i) ~~(a)~~ hold a certificate valid for teaching in the common schools as shown on the face of the certificate, (ii) ~~(b)~~ hold a bachelor of arts degree from an institution of higher learning accredited by the North Central Association or other comparable regional accrediting association or have been graduated from a recognized institution of higher learning with a bachelor's degree, or (iii) ~~(c)~~ have had 2 years of teaching experience and meet such other rules and regulations as may be adopted by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~. Such certificate shall expire on June 30 in the fourth year from date of issue. Substitute teacher's certificates are not subject to endorsement as described in Section 21-1b of this Code.

(b) A teacher holding a substitute teacher's certificate may teach only in the place of a certified teacher who is under contract with the employing board and may teach only when no appropriate fully certified teacher is available to teach in a substitute capacity. A teacher holding an early childhood certificate, an elementary certificate, a high school certificate, or a special certificate may also substitute teach in grades K-12 but only in the place of a certified teacher who is under contract with the employing board. A substitute teacher may teach only for a period not to exceed 90 paid school days or 450 paid school hours in any one school district in any one school term. However, for the 2001-2002, 2002-2003, and 2003-2004 school years, a teacher holding an early childhood, elementary, high school, or special certificate may substitute teach for a period not to exceed 120 paid school days or 600 paid school hours in any one school district in any one school term. Where such teaching is partly on a daily and partly on an hourly basis, a school day shall be considered as 5 hours. The teaching limitations imposed by this subsection upon teachers holding substitute certificates shall not apply in any school district operating under Article 34. (Source: P.A. 91-102, eff. 7-12-99; 92-184, eff. 7-27-01.)

(105 ILCS 5/21-10) (from Ch. 122, par. 21-10)

Sec. 21-10. Provisional certificate. (A) (Blank). ~~Until July 1, 1972, the State Teacher Certification Board may issue a provisional certificate valid for teaching in elementary, high school or special subject fields subject to the following conditions:~~

~~A provisional certificate may be issued to a person who presents certified evidence of having earned a bachelor's degree from a recognized institution of higher learning. The academic and professional courses offered as a basis of the provisional certificate shall be courses approved by the State Board of Education in consultation with the State Teacher Certification Board.~~

~~A certificate earned under this plan may be renewed at the end of each two-year period upon evidence filed with the State Teacher Certification Board that the holder has earned 8 semester hours of credit within the period; provided the requirements for the certificate of the same type issued for the teaching position for which the teacher is employed shall be met by the end of the second renewal period. A second provisional certificate shall not be issued. The credits so earned must be approved by the State Board of Education in consultation with the State Teacher Certification Board and must meet the general pattern for a similar type of certificate issued on the basis of credit. No more than 4 semester hours shall be chosen from elective subjects.~~

(B) After July 1, 1972 and until January 1, 2004 or until the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, the State Teacher Certification Board may issue, and on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, the Professional Teacher Standards Board may issue, a provisional certificate valid for teaching in early childhood, elementary, high school or special subject fields, or for providing service as school service personnel or for administering schools subject to the following conditions: A provisional certificate may be issued to a person who meets the requirements for a regular teaching, school service personnel or administrative certificate in another State and who presents certified evidence of having earned a bachelor's degree from a recognized institution of higher learning. The academic and professional courses offered as a basis of the provisional certificate shall be courses approved by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher~~

~~Certification Board~~. A certificate earned under this plan is valid for a period of 2 years and shall not be renewed; however, the individual to whom this certificate is issued shall have passed or shall pass the examinations set forth by the Professional Teacher Standards Board ~~State Board of Education~~ within 9 months of the date of issuance of the provisional certificate. Failure to pass the tests, required in Section 21-1a, shall result in the cancellation of the provisional certificate.

(C) The Professional Teacher Standards Board ~~State Teacher Certification Board~~ may also issue a provisional vocational certificate and a temporary provisional vocational certificate.

(1) The requirements for a provisional vocational certificate shall be determined by the Professional Teacher Standards Board, ~~State Board of Education in consultation with the State Teacher Certification Board;~~ provided that, as a minimum requirement, the person to whom the certificate is to be issued has earned~~, the following minimum requirements are met: (a) after July 1, 1972, at least 30 semester hours of credit from a recognized institution of higher learning; and (b) after July 1, 1974,~~ at least 60 semester hours of credit from a recognized institution of higher learning.

(2) The requirements for a temporary provisional vocational certificate shall be determined by the Professional Teacher Standards Board, ~~State Board of Education in consultation with the State Teacher Certification Board;~~ provided that, as a minimum requirement, the person to whom the certificate is to be issued has~~, the following minimum requirements are met: (a) after July 1, 1973, at least 4,000 hours of work experience in the skill to be certified for teaching; and (b) after July 1, 1975,~~ at least 8,000 hours of work experience in the skill to be certified for teaching. Any certificate issued under the provisions of this paragraph shall expire on June 30 following the date of issue. Renewals may be granted on a yearly basis, but shall not be granted to any person who does not file with the Professional Teacher Standards Board ~~State Teacher Certification Board~~ a transcript showing at least 3 semester hours of credit earned during the previous year in a recognized institution of learning. No such certificate shall be issued except upon certification by the employing board, subject to the approval of the regional superintendent of schools, that no qualified teacher holding a regular certificate or a provisional vocational certificate is available and that actual circumstances and need require such issuance.

The courses or work experience offered as a basis for the issuance of the provisional vocational certificate or the temporary provisional vocational certificate shall be approved by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~.

(D) ~~Until July 1, 1972, the State Teacher Certification Board may also issue a provisional foreign language certificate valid for 4 years for teaching the foreign language named therein in all grades of the common schools and shall be issued to persons who have graduated from a recognized institution of higher learning with not fewer than 120 semester hours of credit and who have met other requirements as determined by the State Board of Education in consultation with the State Teacher Certification Board.~~ If the holder of a provisional foreign language certificate that was issued under this subsection before July 1, 1972 has been suspended because the holder of that provisional certificate did not become ~~is not~~ a citizen of the United States ~~within 6 years of the date of issuance of the original certificate~~, such certificate shall remain ~~be~~ suspended ~~by the regional superintendent of schools of the region in which the holder is engaged to teach~~ and shall not be reinstated by the Professional Teacher Standards Board until the holder is a citizen of the United States.

(E) Notwithstanding anything in this Act to the contrary, the Professional Teacher Standards ~~State Teacher Certification~~ Board shall issue part-time provisional certificates to eligible individuals who are professionals and craftsmen.

The requirements for a part-time provisional teachers certificate shall be determined by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~, provided the following minimum requirements are met: 60 semester hours of credit from a recognized institution of higher learning or 4000 hours of work experience in the skill to be certified for teaching.

A part-time provisional certificate may be issued for teaching no more than 2 courses of study for grades 6 through 12.

A part-time provisional teachers certificate shall be valid for 2 years and may be renewed at the end of each 2 year period. (Source: P.A. 90-548, eff. 1-1-98; 91-357, eff. 7-29-99.)

(105 ILCS 5/21-11.1) (from Ch. 122, par. 21-11.1)

Sec. 21-11.1. Certificates for equivalent qualifications. An applicant who holds or is eligible to hold a teacher's certificate or license under the laws of another state or territory of the United States may be granted a corresponding teacher's certificate in Illinois on the written authorization of the Professional

Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~ upon the following conditions:

(1) That the applicant is at least 19 years of age, is of good character, good health and a citizen of the United States; and

(2) That the requirements for a similar teacher's certificate in the particular state or territory were, at the date of issuance of the certificate, substantially equal to the requirements in force at the time the application is made for the certificate in this State.

After January 1, 1988, in addition to satisfying the foregoing conditions and requirements, an applicant for a corresponding teaching certificate in Illinois also shall be required to pass the examinations required under the provisions of Section 21-1a as directed by the Professional Teacher Standards Board ~~State Board of Education~~.

In determining good character under this Section, any felony conviction of the applicant may be taken into consideration, but the conviction shall not operate as a bar to registration.

The Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~ shall prescribe rules and regulations establishing the similarity of certificates in other states and the standards for determining the equivalence of requirements. (Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/21-11.2) (from Ch. 122, par. 21-11.2)

Sec. 21-11.2. Additional certificates; experienced employed teachers. Experienced certified teachers employed in Illinois public or private elementary and secondary schools seeking additional teaching certificates as provided in Sections 21-2.1, 21-3, 21-4, and 21-5 may submit an application for evaluation of credentials to the Professional Teacher Standards Board ~~State Teacher Certification Board~~. Individuals obtaining a certificate by transcript evaluation shall meet the minimum requirements for the certificate as approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~. (Source: P.A. 82-911.)

(105 ILCS 5/21-11.3) (from Ch. 122, par. 21-11.3)

Sec. 21-11.3. Resident teacher certificate. A resident teacher certificate shall be valid for 4 years for employment as a resident teacher in a public school. It shall be issued only to persons who have graduated from a regionally accredited institution of higher education with a bachelor's degree, who are enrolled in a program of preparation approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~, and who have passed the appropriate tests as required in Section 21-1a and as determined by the Professional Teacher Standards Board ~~State Board of Education~~. A resident teacher certificate may be issued for teaching children through grade 3 or for grades K-9, 6-12, or K-12 in a special subject area and may not be renewed. A resident teacher may teach only under the direction of a certified teacher as the resident teacher's mentor and shall not teach in place of a certified teacher. The holder of a resident teacher certificate shall be deemed to have satisfied the requirements for the issuance of a Standard Teaching Certificate if he or she has completed 4 years of successful teaching, has passed all appropriate tests, and has earned a master's degree in education. (Source: P.A. 91-102, eff. 7-12-99; 92-560, eff. 6-24-02.)

(105 ILCS 5/21-11.4)

Sec. 21-11.4. Illinois Teacher Corps. (a) The General Assembly finds and determines that (i) it is important to encourage the entry of qualified professionals into elementary and secondary teaching as a second career; and (ii) there are a number of individuals who have bachelors' degrees, experience in the work force, and an interest in serving youth that creates a special talent pool with great potential for enriching the lives of Illinois children as teachers. To provide this talent pool with the opportunity to serve children as teachers, school districts, colleges, and universities are encouraged, as part of the public policy of this State, to enter into collaborative programs to educate and induct these non-traditional candidates into the teaching profession. To facilitate the certification of such candidates, Professional Teacher Standards Board ~~the State Board of Education, in consultation with the State Teacher Certification Board,~~ shall assist institutions of higher education and school districts with the implementation of the Illinois Teacher Corps.

(b) Individuals who wish to become candidates for the Illinois Teacher Corps program must earn a resident teacher certificate as defined in Section 21-11.3, including:

(1) graduation from a regionally accredited institution of higher education with a bachelor's degree and at least a 3.00 out of a 4.00 grade point average;

(2) a minimum of 5 years of professional experience in the area the candidate wishes to teach;

(3) passing the examinations required by the Professional Teacher Standards Board ~~State Board of Education~~;

(4) enrollment in a Masters of Education Degree program approved by the Professional Teacher

Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~; and

(5) completion of a 6 week summer intensive teacher preparation course which is the first component of the Masters Degree program.

(c) School districts may hire an Illinois Teacher Corps candidate after the candidate has received his or her resident teacher certificate. The school district has the responsibility of ensuring that the candidates receive the supports necessary to become qualified, competent and productive teachers. To be eligible to participate in the Illinois Teacher Corps program, school districts must provide a minimum of the following supports to the candidates:

(1) a salary and benefits package as negotiated through the teacher contracts;

(2) a mentor certified teacher who will provide guidance to one or more candidates under a program developed collaboratively by the school district and university;

(3) at least quarterly evaluations performed of each candidate jointly by the mentor teacher and the principal of the school or the principal's designee; and

(4) a written and signed document from the school district outlining the support the district intends to provide to the candidates, for approval by the Professional Teacher Standards Board ~~State Teacher Certification Board~~.

(d) Illinois institutions of higher education shall work collaboratively with school districts and the Professional Teacher Standards Board ~~State Teacher Certification Board~~ to academically prepare the candidates for the teaching profession. To be eligible to participate, the College or School of Education of a participating Illinois institution of higher education must develop a curriculum that provides, upon completion, a Masters Degree in Education for the candidates. The Masters Degree program must:

(1) receive approval from the Professional Teacher Standards Board ~~State Teacher Certification Board~~; and

(2) take no longer than 3 summers and 2 academic years to complete, and balance the needs and time constraints of the candidates.

(e) Upon successful completion of the Masters Degree program, the candidate receives an Initial Teaching Certificate in the State of Illinois.

(f) If an individual wishes to become a candidate in the Illinois Teacher Corps program, but does not possess 5 years of professional experience, the individual may qualify for the program by participating in a one year internship teacher preparation program with a school district. The one year internship shall be developed collaboratively by the school district and the Illinois institution of higher education, and shall be approved by the Professional Teacher Standards Board ~~State Teacher Certification Board~~.

(g) The Professional Teacher Standards Board ~~State Board of Education~~ is authorized to award grants to school districts that seek to prepare candidates for the teaching profession who have bachelors' degrees and professional work experience in subjects relevant to teaching fields, but who do not have formal preparation for teaching. Grants may be made to school districts for up to $3,000 per candidate when the school district, in cooperation with a public or private university and the school district's teacher bargaining unit, develop a program designed to prepare teachers pursuant to the Illinois Teacher Corps program under this Section. (Source: P.A. 90-548, eff. 1-1-98; 91-102, eff. 7-12-99.)

(105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

Sec. 21-12. Printing; Seal; Signature; Credentials. All certificates shall be printed by and bear the signatures of the Executive Director ~~chairman~~ and of the secretary of the Professional Teacher Standards Board ~~State Teacher Certification Board~~. Each certificate shall show the integrally printed seal of the Professional Teacher Standards Board ~~State Teacher Certification Board~~. All college credentials offered as the basis of a certificate shall be presented to the secretary of the Professional Teacher Standards Board ~~State Teacher Certification Board~~ for inspection and approval.

Commencing July 1, 1999, each application for a certificate or evaluation of credentials shall be accompanied by an evaluation fee of $30 payable to the State Superintendent of Education before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and to the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, which is not refundable, except that no application or evaluation fee shall be required for a Master Certificate issued pursuant to subsection (d) of Section 21-2 of this Code. The proceeds of each $30 fee shall be paid into the Teacher Certificate Fee Revolving Fund, created under Section 21-1b of this Code; and the moneys in that Fund shall be appropriated to the Professional Teacher Standards Board and used by that Board to provide the technology and other resources necessary for the timely and efficient processing of certification requests.

When evaluation verifies the requirements for a valid certificate, the applicant shall be issued an

entitlement card that may be presented to a regional superintendent of schools for issuance of a certificate.

The applicant shall be notified of any deficiencies. (Source: P.A. 91-102, eff. 7-12-99; 91-357, eff. 7-29-99.)

(105 ILCS 5/21-14) (from Ch. 122, par. 21-14)

Sec. 21-14. Registration and renewal of certificates. (a) A limited four-year certificate or a certificate issued after July 1, 1955, shall be renewable at its expiration or within 60 days thereafter by the county superintendent of schools having supervision and control over the school where the teacher is teaching upon certified evidence of meeting the requirements for renewal as required by this Act and prescribed by the State Board of Education in consultation with the State Teacher Certification Board before January 1, 2004 or before the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later, and by the Professional Teacher Standards Board on and after January 1, 2004 or on and after the date that a quorum of the initial members on the Professional Teacher Standards Board is appointed, whichever occurs later. An elementary supervisory certificate shall not be renewed at the end of the first four-year period covered by the certificate unless the holder thereof has filed certified evidence with the Professional Teacher Standards Board ~~State Teacher Certification Board~~ that he has a master's degree or that he has earned 8 semester hours of credit in the field of educational administration and supervision in a recognized institution of higher learning. The holder shall continue to earn 8 semester hours of credit each four-year period until such time as he has earned a master's degree.

All certificates not renewed or registered as herein provided shall lapse after a period of 5 years from the expiration of the last year of registration. Such certificates may be reinstated for a one year period upon payment of all accumulated registration fees. Such reinstated certificates shall only be renewed: (1) by earning 5 semester hours of credit in a recognized institution of higher learning in the field of professional education or in courses related to the holder's contractual teaching duties; or (2) by presenting evidence of holding a valid regular certificate of some other type. Any certificate may be voluntarily surrendered by the certificate holder. A voluntarily surrendered certificate shall be treated as a revoked certificate.

(b) When those teaching certificates issued before February 15, 2000 are renewed for the first time after February 15, 2000, all such teaching certificates shall be exchanged for Standard Teaching Certificates as provided in subsection (c) of Section 21-2. All Initial and Standard Teaching Certificates, including those issued to persons who previously held teaching certificates issued before February 15, 2000, shall be renewable under the conditions set forth in this subsection (b).

Initial Teaching Certificates are nonrenewable and are valid for 4 years of teaching. Standard Teaching Certificates are renewable every 5 years as provided in subsection (c) of Section 21-2 and subsection (c) of this Section. For purposes of this Section, "teaching" is defined as employment and performance of services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, or a charter school operating in compliance with the Charter Schools Law.

(c) In compliance with subsection (c) of Section 21-2 of this Code, which provides that a Standard Teaching Certificate may be renewed by the Professional Teacher Standards Board ~~State Teacher Certification Board~~ based upon proof of continuing professional development, the Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~ shall ~~jointly~~:

(1) establish a procedure for renewing Standard Teaching Certificates, which shall include but not be limited to annual timelines for the renewal process and the components set forth in subsections (d) through (k) of this Section;

(2) establish the standards for certificate renewal;

(3) approve the providers of continuing professional development activities;

(4) determine the maximum credit for each category of continuing professional development activities, based upon recommendations submitted by a continuing professional development activity task force, which shall consist of 6 staff members from the State Board of Education, appointed by the State Superintendent of Education, and 6 teacher representatives, 3 of whom are selected by the Illinois Education Association and 3 of whom are selected by the Illinois Federation of Teachers;

(5) designate the type and amount of documentation required to show that continuing professional development activities have been completed; and

(6) provide, on a timely basis to all Illinois teachers, certificate holders, regional superintendents of schools, school districts, and others with an interest in continuing professional development, information about the standards and requirements established pursuant to this subsection (c).

(d) Any Standard Teaching Certificate held by an individual employed and performing services in an

Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school in compliance with the Charter Schools Law must be maintained Valid and Active through certificate renewal activities specified in the certificate renewal procedure established pursuant to subsection (c) of this Section, provided that a holder of a Valid and Active certificate who is only employed on either a part-time basis or day-to-day basis as a substitute teacher shall pay only the required registration fee to renew his or her certificate and maintain it as Valid and Active. All other Standard Teaching Certificates held may be maintained as Valid and Exempt through the registration process provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section. A Valid and Exempt certificate must be immediately activated, through procedures developed ~~jointly~~ by the Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~, upon the certificate holder becoming employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control in a certificated teaching position or a charter school operating in compliance with the Charter Schools Law. A holder of a Valid and Exempt certificate may activate his or her certificate through procedures provided for in the certificate renewal procedure established pursuant to subsection (c) of this Section.

(e)(1) A Standard Teaching Certificate that has been maintained as Valid and Active for the 5 years of the certificate's validity shall be renewed as Valid and Active upon the certificate holder: (i) completing an advanced degree from an approved institution in an education-related field; (ii) completing at least 8 semester hours of coursework as described in subdivision (B) of paragraph (3) of this subsection (e); (iii) earning at least 24 continuing education units as described in subdivision (C) of paragraph (3) of this subsection (e); (iv) completing the National Board for Professional Teaching Standards process as described in subdivision (D) of paragraph (3) of this subsection (e); or (v) earning 120 continuing professional development units ("CPDU") as described in subdivision (E) of paragraph (3) of this subsection (e). The maximum continuing professional development units for each continuing professional development activity identified in subdivisions (F) through (J) of paragraph (3) of this subsection (e) shall be ~~jointly~~ determined by the Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~. If, however, the certificate holder has maintained the certificate as Valid and Exempt for a portion of the 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be proportionately reduced by the amount of time the certificate was Valid and Exempt. Furthermore, if a certificate holder is employed and performs teaching services on a part-time basis for all or a portion of the certificate's 5-year period of validity, the number of continuing professional development units needed to renew the certificate as Valid and Active shall be reduced by 50% for the amount of time the certificate holder has been employed and performed teaching services on a part-time basis. Part-time shall be defined as less than 50% of the school day or school term.

(2) Each Valid and Active Standard Teaching Certificate holder shall develop a certificate renewal plan for satisfying the continuing professional development requirement provided for in subsection (c) of Section 21-2 of this Code. Certificate holders with multiple certificates shall develop a certificate renewal plan that addresses only that certificate or those certificates that are required of his or her certificated teaching position, if the certificate holder is employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, or that certificate or those certificates most closely related to his or her teaching position, if the certificate holder is employed in a charter school. Except as otherwise provided in this subsection (e), a certificate renewal plan shall include a minimum of 3 individual improvement goals developed by the certificate holder and shall reflect purposes (A), (B), and (C) and may reflect purpose (D) of the following continuing professional development purposes:

(A) Advance both the certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas.

(B) Develop the certificate holder's knowledge and skills in areas determined to be critical for all Illinois teachers, as defined by the Professional Teacher Standards Board ~~State Board of Education~~, known as "State priorities".

(C) Address the knowledge, skills, and goals of the certificate holder's local school improvement plan, if the teacher is employed in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control.

(D) Expand the certificate holder's knowledge and skills in an additional teaching field or toward

the acquisition of another teaching certificate, endorsement, or relevant education degree.

A certificate renewal plan must include a description of how these goals are to be achieved and an explanation of selected continuing professional development activities to be completed, each of which must meet one or more of the continuing professional development purposes specified in this paragraph (2). The plan shall identify potential activities and include projected timelines for those activities that will assure completion of the plan before the expiration of the 5-year validity of the Standard Teaching Certificate. Except as otherwise provided in this subsection (e), at least 50% of continuing professional development units must relate to purposes (A) and (B) set forth in this paragraph (2): the advancement of a certificate holder's knowledge and skills as a teacher consistent with the Illinois Professional Teaching Standards and the Illinois Content Area Standards in the certificate holder's areas of certification, endorsement, or teaching assignment in order to keep the certificate holder current in those areas and the development of a certificate holder's knowledge and skills in the State priorities that exist at the time the certificate renewal plan is developed.

A speech-language pathologist or audiologist who is licensed under the Illinois Speech-Language Pathology and Audiology Practice Act and who has met the continuing education requirements of that Act and the rules promulgated under that Act shall be deemed to have satisfied the continuing professional development requirements established by the Professional Teacher Standards Board ~~State Board of Education and the Teacher Certification Board~~ to renew a Standard Certificate.

(3) Continuing professional development activities included in a certificate renewal plan may include, but are not limited to, the following activities:

(A) completion of an advanced degree from an approved institution in an education-related field;

(B) at least 8 semester hours of coursework in an approved education-related program, of which at least 2 semester hours relate to the continuing professional development purpose set forth in purpose (A) of paragraph (2) of this subsection (e), provided that such a plan need not include any other continuing professional development activities nor reflect or contain activities related to the other continuing professional development purposes set forth in paragraph (2) of this subsection (e);

(C) continuing education units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e), with each continuing education unit equal to 5 clock hours, provided that a plan that includes at least 24 continuing education units (or 120 clock/contact hours) need not include any other continuing professional development activities;

(D) completion of the National Board of Professional Teaching Standards ("NBPTS") process, provided that a plan that includes completion of the NBPTS process need not include any other continuing professional development activities nor reflect or contain activities related to the continuing professional development purposes set forth in paragraph (2) of subsection (e) of this Section;

(E) completion of 120 continuing professional development units that satisfy the continuing professional development purposes set forth in paragraph (2) of this subsection (e) and may include without limitation the activities identified in subdivisions (F) through (J) of this paragraph (3);

(F) collaboration and partnership activities related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) participating on collaborative planning and professional improvement teams and committees;

(ii) peer review and coaching;

(iii) 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;

(iv) participating in site-based management or decision making teams, relevant committees, boards, or task forces directly related to school improvement plans;

(v) coordinating community resources in schools, if the project is a specific goal of the school improvement plan;

(vi) facilitating parent education programs for a school, school district, or regional office of education directly related to student achievement or school improvement plans;

(vii) participating in business, school, or community partnerships directly related to student achievement or school improvement plans; or

(viii) supervising a student teacher or teacher education candidate in clinical supervision, provided that the supervision may only be counted once during the course of 5 years;

(G) college or university coursework related to improving the teacher's knowledge and skills as a teacher as follows:

(i) completing undergraduate or graduate credit earned from a regionally accredited institution in coursework relevant to the certificate area being renewed, including coursework that

incorporates induction activities and development of a portfolio of both student and teacher work that provides experience in reflective practices, provided the coursework meets Illinois Professional Teaching Standards or Illinois Content Area Standards and supports the essential characteristics of quality professional development; or

(ii) teaching college or university courses in areas relevant to the certificate area being renewed, provided that the teaching may only be counted once during the course of 5 years;

(H) conferences, workshops, institutes, seminars, and symposiums related to improving the teacher's knowledge and skills as a teacher, including the following:

(i) completing non-university credit directly related to student achievement, school improvement plans, or State priorities;

(ii) participating in or presenting at workshops, seminars, conferences, institutes, and symposiums;

(iii) training as external reviewers for Quality Assurance; or

(iv) training as reviewers of university teacher preparation programs;

(I) other educational experiences related to improving the teacher's knowledge and skills as a teacher, including 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 certificate renewal;

(iii) traveling related to ones teaching assignment, directly related to student achievement or school improvement plans and approved at least 30 days prior to the travel experience, provided that the traveling shall not include time spent commuting to destinations where the learning experience will occur;

(iv) participating in study groups related to student achievement or school improvement plans;

(v) serving on a statewide education-related committee, including but not limited to the Professional Teacher Standards Board ~~State Teacher Certification Board~~, State Board of Education strategic agenda teams, or the State Advisory Council on Education of Children with Disabilities;

(vi) participating in work/learn programs or internships; or

(vii) developing a portfolio of student and teacher work;

(J) professional leadership experiences related to improving the teacher's knowledge and skills as a teacher, including 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 the certificate area being renewed; or

(v) participating in non-strike related professional association or labor organization service or activities related to professional development.

(4) A certificate renewal plan must initially be approved by the certificate holder's local professional development committee, as provided for in subsection (f) of this Section. If the local professional development committee does not approve the certificate renewal plan, the certificate holder may appeal that determination to the regional professional development review committee, as provided for in paragraph (2) of subsection (g) of this Section. If the regional professional development review committee disagrees with the local professional development committee's determination, the certificate renewal plan shall be deemed approved and the certificate holder may begin satisfying the continuing professional development activities set forth in the plan. If the regional professional development review committee agrees with the local professional development committee's determination, the certificate renewal plan shall be deemed disapproved and shall be returned to the certificate holder to develop a revised certificate renewal plan. In all cases, the regional professional development review committee shall immediately notify both the local professional development committee and the certificate holder of its determination.

(5) A certificate holder who wishes to modify the continuing professional development activities or goals in his or her certificate renewal plan must submit the proposed modifications to his or her local professional development committee for approval prior to engaging in the proposed activities. If the local professional development committee does not approve the proposed modification, the certificate holder may appeal that determination to the regional professional development review committee, as set forth in paragraph (4) of this subsection (e).

(6) When a certificate holder changes assignments or school districts during the course of completing

a certificate renewal plan, the professional development and continuing education credit earned pursuant to the plan shall transfer to the new assignment or school district and count toward the total requirements. This certificate renewal plan must be reviewed by the appropriate local professional development committee and may be modified to reflect the certificate holder's new work assignment or the school improvement plan of the new school district or school building.

(f) Notwithstanding any other provisions of this Code, each school district, charter school, and cooperative or joint agreement with a governing body or board of control that employs certificated staff, shall establish and implement, in conjunction with its exclusive representative, if any, one or more local professional development committees, as set forth in this subsection (f), which shall perform the following functions:

(1) review and approve certificate renewal plans and any modifications made to these plans, including transferred plans;

(2) maintain a file of approved certificate renewal plans;

(3) monitor certificate holders' progress in completing approved certificate renewal plans, provided that a local professional development committee shall not be required to maintain materials submitted by certificate holders to demonstrate their progress in completing their certificate renewal plans after the committee has reviewed the materials and the credits have been awarded;

(4) assist in the development of professional development plans based upon needs identified in certificate renewal plans;

(5) determine whether certificate holders have met the requirements of their certificate renewal plans and notify certificate holders of its determination;

(6) provide a certificate holder with the opportunity to address the committee when it has determined that the certificate holder has not met the requirements of his or her certificate renewal plan;

(7) issue and forward recommendations for renewal or nonrenewal of certificate holders' Standard Teaching Certificates to the appropriate regional superintendent of schools, based upon whether certificate holders have met the requirements of their approved certificate renewal plans, with 30-day written notice of its recommendation provided to the certificate holder prior to forwarding the recommendation to the regional superintendent of schools, provided that if the local professional development committee's recommendation is for certificate nonrenewal, the written notice provided to the certificate holder shall include a return receipt; and

(8) reconsider its recommendation of certificate nonrenewal, upon request of the certificate holder within 30 days of receipt of written notification that the local professional development committee will make such a recommendation, and forward to the regional superintendent of schools its recommendation within 30 days of receipt of the certificate holder's request.

Each local professional development committee shall consist of at least 3 classroom teachers; one superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee; and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. Except in a school district in a city having a population exceeding 500,000, a local professional development committee shall be responsible for no more than 200 certificate renewal plans annually unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. If mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, additional members may be added to a local professional development committee, provided that a majority of members are classroom teachers. Except in a school district in a city having a population exceeding 500,000, if additional members are added to a local professional development committee, the maximum number of certificate renewal plans for which the committee shall annually be responsible may be increased by 50 plans for each additional member, unless otherwise mutually agreed upon by the school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any. The school district, charter school, or governing body or board of control of a cooperative or joint agreement and its exclusive representative, if any, shall determine the term of service of the members of a local professional development committee. All individuals selected to serve on local professional development committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative, if any, shall select the classroom teacher members of the local professional development committee. If no exclusive representative exists, then the classroom teacher

members of a local professional development committee shall be selected by the classroom teachers that come within the local professional development committee's authority. The school district, charter school, or governing body or board of control of a cooperative or joint agreement shall select the 2 non-classroom teacher members (the superintendent or chief administrator of the school district, charter school, or cooperative or joint agreement or his or her designee and the at-large member) of a local professional development committee. Vacancies in positions on a local professional development committee shall be filled in the same manner as the original selections. The members of a local professional development committee shall select a chairperson. Local professional development committee meetings shall be scheduled so as not to interfere with committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee.

The board of education or governing board shall convene the first meeting of the local professional development committee. All actions taken by the local professional development committee shall require that a majority of committee members be present, and no committee action may be taken unless 50% or more of those present are teacher members.

The Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~ shall ~~jointly~~ provide local professional development committee members with a training manual, and the members shall certify that they have received and read the manual.

Notwithstanding any other provisions of this subsection (f), for a teacher employed and performing services in a nonpublic or State-operated elementary or secondary school, all references to a local professional development committee shall mean the regional superintendent of schools of the regional office of education for the geographic area where the teaching is done.

(g)(1) Each regional superintendent of schools shall review and concur or nonconcur with each recommendation for renewal or nonrenewal of a Standard Teaching Certificate he or she receives from a local professional development committee or, if a certificate holder appeals the recommendation to the regional professional development review committee, the recommendation for renewal or nonrenewal he or she receives from a regional professional development review committee and, within 14 days of receipt of the recommendation, shall provide the Professional Teacher Standards Board ~~State Teacher Certification Board~~ with verification of the following, if applicable:

(A) a certificate renewal plan was filed and approved by the appropriate local professional development committee;

(B) the professional development and continuing education activities set forth in the approved certificate renewal plan have been satisfactorily completed;

(C) the local professional development committee has recommended the renewal of the certificate holder's Standard Teaching Certificate and forwarded the recommendation, along with all supporting documentation as ~~jointly~~ required by the Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~, to the regional superintendent of schools;

(D) the certificate holder has appealed his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee and the result of that appeal;

(E) the regional superintendent of schools has concurred or nonconcurred with the local professional development committee's or regional professional development review committee's recommendation to renew or nonrenew the certificate holder's Standard Teaching Certificate and made a recommendation to that effect; and

(F) the established registration fee for the Standard Teaching Certificate has been paid.

At the same time the regional superintendent of schools provides the Professional Teacher Standards Board ~~State Teacher Certification Board~~ with the notice required by this subsection (g), he or she shall also notify the certificate holder in writing that this notice has been provided to the Professional Teacher Standards Board ~~State Teacher Certification Board~~, provided that if the notice provided by the regional superintendent of schools to the Professional Teacher Standards Board ~~State Teacher Certification Board~~ includes a recommendation of certificate nonrenewal, the written notice provided to the certificate holder shall be by certified mail, return receipt requested.

(2) Each certificate holder shall have the right to appeal his or her local professional development committee's recommendation of nonrenewal to the regional professional development review committee, within 14 days of receipt of notice that the recommendation has been sent to the regional superintendent of schools. Each regional superintendent of schools shall establish a regional professional development review committee or committees for the purpose of advising the regional superintendent of schools, upon request, and handling certificate holder appeals. This committee shall consist of at least 4

classroom teachers, one non-administrative certificated educational employee, 2 administrators, and one at-large member who shall be either (i) a parent, (ii) a member of the business community, (iii) a community member, or (iv) an administrator, with preference given to an individual chosen from among those persons listed in items (i), (ii), and (iii) in order to secure representation of an interest not already represented on the committee. The teacher and non-administrative certificated educational employee members of the review committee shall be selected by their exclusive representative, if any, and the administrators and at-large member shall be selected by the regional superintendent of schools. A regional superintendent of schools may add additional members to the committee, provided that the same proportion of teachers to administrators and at-large members on the committee is maintained. Any additional teacher and non-administrative certificated educational employee members shall be selected by their exclusive representative, if any. Vacancies in positions on a regional professional development review committee shall be filled in the same manner as the original selections. Committee members shall serve staggered 3-year terms. All individuals selected to serve on regional professional development review committees must be known to demonstrate the best practices in teaching or their respective field of practice.

The exclusive representative responsible for choosing the individuals that serve on a regional professional development review committee shall notify each school district, charter school, or governing body or board of control of a cooperative or joint agreement employing the individuals chosen to serve and provide their names to the appropriate regional superintendent of schools. Regional professional development review committee meetings shall be scheduled so as not to interfere with the committee members' regularly scheduled teaching duties, except when otherwise permitted by the policies of or agreed to or approved by the school district, charter school, or governing body or board of control of a cooperative or joint agreement, or its designee, provided that the school district, charter school, or governing body or board of control shall not unreasonably withhold permission for a committee member to attend regional professional development review committee meetings.

In a city having a population exceeding 500,000 that does not have a regional office of education, one or more separate regional professional development review committees shall be established as mutually agreed upon by the board of education of the school district organized under Article 34 of this Code and the exclusive representative. The composition of each committee shall be the same as for a regional professional development review committee, except that members of the committee shall be jointly appointed by the board of education and the exclusive representative. All other provisions of this Section concerning regional professional development review committees shall apply to these committees.

The regional professional development review committee may require information in addition to that received from a certificate holder's local professional development committee or request that the certificate holder appear before it, shall either concur or nonconcur with a local professional development committee's recommendation of nonrenewal, and shall forward to the regional superintendent of schools its recommendation of renewal or nonrenewal. All actions taken by the regional professional development review committee shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The committee shall have 45 days from receipt of a certificate holder's appeal to make its recommendation to the regional superintendent of schools.

The Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~ shall ~~jointly~~ provide regional professional development review committee members with a training manual, and the members shall be required to attend one training seminar sponsored ~~jointly~~ by the Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~.

(h)(1) The Professional Teacher Standards Board ~~State Teacher Certification Board~~ shall review the regional superintendent of schools' recommendations to renew or nonrenew Standard Teaching Certificates and notify certificate holders in writing whether their certificates have been renewed or nonrenewed within 90 days of receipt of the recommendations, unless a certificate holder has appealed a regional superintendent of schools' recommendation of nonrenewal, as provided in paragraph (2) of this subsection (h). The Professional Teacher Standards Board ~~State Teacher Certification Board~~ shall verify that the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section.

(2) Each certificate holder shall have the right to appeal a regional superintendent of school's recommendation to nonrenew his or her Standard Teaching Certificate to the Professional Teacher Standards Board ~~State Teacher Certification Board~~, within 14 days of receipt of notice that the decision has been sent to the Professional Teacher Standards Board ~~State Teacher Certification Board~~, which shall hold an appeal hearing within 60 days of receipt of the appeal. When such an appeal is taken, the

certificate holder's Standard Teaching Certificate shall continue to be valid until the appeal is finally determined. The Professional Teacher Standards Board ~~State Teacher Certification Board~~ shall review the regional superintendent of school's recommendation, the regional professional development review committee's recommendation, if any, and the local professional development committee's recommendation and all relevant documentation to verify whether the certificate holder has met the renewal criteria set forth in paragraph (1) of subsection (g) of this Section. The Professional Teacher Standards Board ~~State Teacher Certification Board~~ may request that the certificate holder appear before it. All actions taken by the Professional Teacher Standards Board ~~State Teacher Certification Board~~ shall require a quorum and be by a simple majority of those present and voting. A record of all votes shall be maintained. The Professional Teacher Standards Board ~~State Teacher Certification Board~~ shall notify the certificate holder in writing, within 7 days of completing the review, whether his or her Standard Teaching Certificate has been renewed or nonrenewed, provided that if the Professional Teacher Standards Board ~~State Teacher Certification Board~~ determines to nonrenew a certificate, the written notice provided to the certificate holder shall be by certified mail, return receipt requested. All certificate renewal or nonrenewal decisions of the Professional Teacher Standards Board ~~State Teacher Certification Board~~ are final and subject to administrative review, as set forth in Section 21-24 of this Code.

(i) Holders of Master Teaching Certificates shall meet the same requirements and follow the same procedures as holders of Standard Teaching Certificates, except that their renewal cycle shall be as set forth in subsection (d) of Section 21-2 of this Code.

A holder of a teaching certificate endorsed as a speech-language pathologist who has been granted the Certificate of Clinical Competence by the American Speech-Language Hearing Association may renew his or her Standard Teaching Certificate pursuant to the 10-year renewal cycle set forth in subsection (d) of Section 21-2 of this Code.

(j) Holders of Valid and Exempt Standard and Master Teaching Certificates who are not employed and performing services in an Illinois public or State-operated elementary school, secondary school, or cooperative or joint agreement with a governing body or board of control, in a certificated teaching position, may voluntarily activate their certificates by developing and submitting a certificate renewal plan to the regional superintendent of schools of the regional office of education for the geographic area where their teaching is done, who, or whose designee, shall approve the plan and serve as the certificate holder's local professional development committee. These certificate holders shall follow the same renewal criteria and procedures as all other Standard and Master Teaching Certificate holders, except that their continuing professional development plans shall not be required to reflect or address the knowledge, skills, and goals of a local school improvement plan.

(k) Each school district, charter school, or cooperative or joint agreement shall be paid an annual amount of not less than $1,000, as determined by a formula based on the number of Standard Teaching and Master Teaching Certificate holders, subject to renewal and established by rule, not to exceed $1,000,000 annually for all school districts, charter schools, and cooperatives or joint agreements, for administrative costs associated with conducting the meetings of the local professional development committee, as determined in consultation with the committee. Each regional office of education shall receive $2,000 annually to pay school districts, charter schools, or cooperatives or joint agreements for costs, as defined by rule, incurred in staff attendance at regional professional development review committee meetings and the training seminar required under paragraph (2) of subsection (g) of this Section.

(l) The Professional Teacher Standards Board ~~State Board of Education and the State Teacher Certification Board~~ shall ~~jointly~~ contract with an independent party to conduct a comprehensive evaluation of the certificate renewal system pursuant to this Section. The first report of this evaluation shall be presented to the General Assembly on January 1, 2005 and on January 1 of every third year thereafter.

(m) The Professional Teacher Standards Board has jurisdiction over and the responsibility for any and all committees created under this Section. The changes made in this subsection (m) by this amendatory Act of the 93rd General Assembly are declaratory of existing law. (Source: P.A. 91-102, eff. 7-12-99; 92-510, eff. 6-1-02; 92-796, eff. 8-10-02.)

(105 ILCS 5/21-16) (from Ch. 122, par. 21-16)

Sec. 21-16. Fees; requirement for registration. (a) Until February 15, 2000, every applicant when issued a certificate shall pay to the regional superintendent of schools a fee of $1, which shall be paid into the institute fund. Every certificate issued under the provisions of this Act shall be registered annually or, at the option of the holder of the certificate, once every 3 years. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the

certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois; and one fee of $4 per year for registration or renewal of one or more certificates which have been issued to the same holder shall be paid into the institute fund.

Until February 15, 2000, requirements for registration of any certificate limited in time shall include evidence of professional growth defined as successful teaching experience since last registration of certificate, attendance at professional meetings, membership in professional organizations, additional credits earned in recognized teacher-training institutions, travel specifically for educational experience, reading of professional books and periodicals, filing all reports as required by the regional superintendent of schools and the State Superintendent of Education or such other professional experience or combination of experiences as are presented by the teacher and are approved by the State Superintendent of Education in consultation with the State Teacher Certification Board. A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the State Superintendent of Education; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests such duplicate a fee of $4.

(b) Beginning February 15, 2000, all persons who are issued Standard Teaching Certificates pursuant to clause (ii) of paragraph (1) of subsection (c) of Section 21-2 and all persons who renew Standard Teaching Certificates shall pay a $25 fee for registration of all certificates held. All persons who are issued Standard Teaching Certificates under clause (i) of paragraph (1) of subsection (c) of Section 21-2 and all other applicants for Standard Teaching Certificates shall pay an original application fee, pursuant to Section 21-12, and a $25 fee for registration of all certificates held. These certificates shall be registered and the registration fee paid once every 5 years. Standard Teaching Certificate applicants and holders shall not be required to pay any other registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. Beginning February 15, 2000, Master Teaching Certificates shall be issued and renewed upon payment by the applicant or certificate holder of a $50 fee for registration of all certificates held. These certificates shall be registered and the fee paid once every 10 years. Master Teaching Certificate applicants and holders shall not be required to pay any other application or registration fees for issuance or renewal of their certificates, except as provided in Section 21-17 of this Code. All other certificates issued under the provisions of this Code shall be registered for the validity period of the certificate at the rate of $5 per year for the total number of years for which the certificate is valid for registration of all certificates held, or for a maximum of 5 years for life certificates. The regional superintendent of schools having supervision and control over the school where the teaching is done shall register the certificate before the holder begins to teach, otherwise it shall be registered in any county in the State of Illinois. Each holder shall pay the appropriate registration fee to the regional superintendent of schools. The regional superintendent of schools shall deposit the registration fees into the institute fund. Any certificate holder who teaches in more than one educational service region shall register the certificate or certificates in all regions where the teaching is done, but shall be required to pay one registration fee for all certificates held, provided holders of certificates issued pursuant to Section 21-9 of this Code shall be required to pay one registration fee, in each educational service region in which his or her certificate or certificates are registered, for all certificates held.

A duplicate certificate may be issued to the holder of a valid life certificate or valid certificate limited in time by the Professional Teacher Standards Board ~~State Superintendent of Education~~; however, it shall only be issued upon request of a regional superintendent of schools and upon payment to the regional superintendent of schools who requests the duplicate a fee of $4, which shall be deposited into the institute fund. (Source: P.A. 91-102, eff. 7-12-99; 92-796, eff. 8-10-02.)

(105 ILCS 5/21-17) (from Ch. 122, par. 21-17)

Sec. 21-17. Fee and duplicate certificate. A duplicate certificate shall be issued by the Professional Teacher Standards Board ~~State Superintendent of Education~~ when requested by the regional superintendent of schools as provided in Section 21-16. The request for a duplicate certificate shall be accompanied by a fee of $4, which shall be deposited into the Teacher Certificate Fee Revolving Fund. (Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-19) (from Ch. 122, par. 21-19)

Sec. 21-19. Annual report by certificate holder. The holder of any certificate, shall annually within 30 days after assuming the duties of any teaching position report to the regional superintendent having supervision and control over the school where the teacher is employed information relative to training, experience, salary and other data required by the Professional Teacher Standards Board ~~State Board of Education~~. The reports shall be collected in the office of the regional superintendent and filed with the Professional Teacher Standards Board ~~State Board of Education~~ . (Source: P.A. 81-1508.)

(105 ILCS 5/21-21) (from Ch. 122, par. 21-21)

Sec. 21-21. Definitions; granting of recognition; regional accreditation.

(a) "Recognized", as used in this Article in connection with the word "school" or "institution", means such school, college, university, private junior college, public community college or special or technical school as maintains a course of study, a standard of scholarship and other requirements set by the Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~. Application for recognition of such school or institution as a teacher education institution shall be made to the Professional Teacher Standards Board ~~State Board of Education~~. The Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~ shall set the criteria by which the school or institution shall be judged and through the Secretary of that ~~the~~ Board shall arrange for an official inspection and shall grant recognition of such school or institution as may meet the required standards. If such standards include requirements with regard to education in acquiring skills in working with culturally distinctive students, as defined by the Professional Teacher Standards Board ~~State Board of Education~~, then the rules of the Professional Teacher Standards Board ~~State Board of Education~~ shall include the criteria used to evaluate compliance with this requirement. No school or institution shall make assignments of student teachers or teachers for practice teaching so as to promote segregation on the basis of race, creed, color, religion, sex or national origin.

All recommendations for initial or standard certification shall be made by a recognized teacher training institution operating a program of preparation for the certificate approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~. The Professional Teacher Standards Board ~~State Board of Education in consultation with the State Teacher Certification Board~~ shall have the power to define a major or minor when used as a basis for recognition and certification purposes.

(b) "Regionally accredited" or "accredited" as used in this Article in connection with a university or institution shall mean an institution of higher education accredited by the North Central Association or other comparable regional accrediting association. (Source: P.A. 91-102, eff. 7-12-99.)

(105 ILCS 5/21-21.1) (from Ch. 122, par. 21-21.1)

Sec. 21-21.1. Denial of recommendation for certification. Each college or university providing a teacher education program approved and recognized pursuant to the provisions of this Article shall establish procedures and standards to assure that no student is denied the opportunity to receive the institutional recommendation for certification for reasons which are not directly related to the candidate's anticipated performance as a certificated employee. Such standards and procedures shall include the specific criteria used by the institution for admission, retention, and recommendation for certification, periodic evaluations of the candidate's progress toward an institutional recommendation, counseling and other supportive services to correct any deficiencies which are considered remedial, and provisions to assure that no person is discriminated against on the basis of race, color, national origin or a disability unrelated to the person's ability to perform as a certificated employee. Each institution shall also establish a grievance procedure for those candidates who are denied the institutional recommendation for certification. Within 10 days of notification of such denial, the college or university shall notify the candidate, in writing, of the reasons for the denial of recommendation for certification. Within 30 days of notification of the denial, the candidate may request the college or university to review the denial. If, after an additional 30 days to complete such review, the candidate is denied recommendation for certification, the candidate may appeal to the Professional Teacher Standards Board ~~State Teacher Certification Board~~ within 10 days of notification for a review of the institution's decision. The candidate shall have the right to be present at any such review, to present evidence, and to be represented by counsel. Upon such review the Professional Teacher Standards Board ~~State Teacher Certification Board~~ shall take ~~recommend~~ appropriate action ~~to the State Superintendent of Education~~. Each institution's standards and procedures, including the criteria for admission, retention, and the institutional recommendation for certification, and the institution's grievance procedures, shall be subject to approval by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~. Each applicant to the institution's teacher education program shall be provided with a copy of the procedures established pursuant to this Section. (Source: P.A. 89-397, eff. 8-20-95.)

(105 ILCS 5/21-23) (from Ch. 122, par. 21-23)

Sec. 21-23. Suspension or revocation of certificate.

(a) Any certificate issued pursuant to this Article, including but not limited to any administrative certificate or endorsement, may be suspended for a period not to exceed one calendar year by the regional superintendent or for a period not to exceed 5 calendar years by the Executive Director of the

Professional Teacher Standards Board ~~State Superintendent of Education~~ upon evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty, willful failure to report an instance of suspected child abuse or neglect as required by the Abused and Neglected Child Reporting Act, failure to establish satisfactory repayment on an educational loan guaranteed by the Illinois Student Assistance Commission, or other just cause. Unprofessional conduct shall include refusal to attend or participate in, institutes, teachers' meetings, professional readings, or to meet other reasonable requirements of the regional superintendent or Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~. Unprofessional conduct also includes conduct that violates the standards, ethics, or rules applicable to the security, administration, monitoring, or scoring of, or the reporting of scores from, any assessment test or the Prairie State Achievement Examination administered under Section 2-3.64 or that is known or intended to produce or report manipulated or artificial, rather than actual, assessment or achievement results or gains from the administration of those tests or examinations. It shall also include neglect or unnecessary delay in making of statistical and other reports required by school officers. The regional superintendent or Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ shall upon receipt of evidence of immorality, a condition of health detrimental to the welfare of pupils, incompetency, unprofessional conduct, the neglect of any professional duty or other just cause serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is requested within 10 days of notice of opportunity for hearing it shall act as a stay of proceedings not to exceed 30 days. No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended, the right of appeal shall lie to the Professional Teacher Standards Board ~~State Teacher Certification Board~~. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 60 days. If a certificate is suspended for a period greater than one year, the Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ shall review the suspension prior to the expiration of that period to determine whether the cause for the suspension has been remedied or continues to exist. Upon determining that the cause for suspension has not abated, the Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ may order that the suspension be continued for an appropriate period. Nothing in this Section prohibits the continuance of such a suspension for an indefinite period if the Executive Director of the Professional Teacher Standards Board ~~State Superintendent~~ determines that the cause for the suspension remains unabated. Any certificate may be revoked for the same reasons as for suspension by the Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~. No certificate shall be revoked until the teacher has an opportunity for a hearing before the Professional Teacher Standards Board ~~State Teacher Certification Board~~, which hearing must be held within 60 days from the date the appeal is taken.

The Professional Teacher Standards Board ~~State Board~~ may refuse to issue or may suspend the certificate of any person who fails to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(b) Any certificate issued pursuant to this Article may be suspended for an appropriate length of time as determined by either the regional superintendent or Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ upon evidence that the holder of the certificate has been named as a perpetrator in an indicated report filed pursuant to the Abused and Neglected Child Reporting Act~~, approved June 26, 1975, as amended,~~ and upon proof by clear and convincing evidence that the licensee has caused a child to be an abused child or neglected child as defined in that ~~the Abused and Neglected Child Reporting~~ Act.

The regional superintendent or Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ shall, upon receipt of evidence that the certificate holder has been named a perpetrator in any indicated report, serve written notice to the individual and afford the individual opportunity for a hearing prior to suspension. If a hearing is requested within 10 days of notice of opportunity for hearing, it shall act as a stay of proceedings not to exceed 30 days. No certificate shall be suspended until the teacher has an opportunity for a hearing at the educational service region. When a certificate is suspended, the right of appeal shall lie to the Professional Teacher Standards Board ~~State Teacher Certification Board~~. When an appeal is taken within 10 days after notice of suspension it shall act as a stay of proceedings not to exceed 60 days. The Executive Director of the Professional Teacher Standards Board ~~State Superintendent~~ may revoke any certificate upon proof at hearing by clear and convincing evidence that the certificate holder has caused a child to be an abused child or neglected

child as defined in the Abused and Neglected Child Reporting Act. No certificate shall be revoked until the teacher has an opportunity for a hearing before the Professional Teacher Standards Board ~~State Teacher Certification Board~~, which hearing must be held within 60 days from the date the appeal is taken.

(c) The Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ or a person designated by him or her shall have the power to administer oaths to witnesses at any hearing conducted before the Professional Teacher Standards Board ~~State Teacher Certification Board~~ pursuant to this Section. The Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ or a person designated by him or her is authorized to subpoena and bring before the Professional Teacher Standards Board ~~State Teacher Certification Board~~ any person in this State and to take testimony either orally or by deposition or by exhibit, with the same fees and mileage and in the same manner as prescribed by law in judicial proceedings in the civil cases in circuit courts of this State.

Any circuit court, upon the application of the Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~, may, by order duly entered, require the attendance of witnesses and the production of relevant books and papers at any hearing the Executive Director of the Professional Teacher Standards Board ~~State Superintendent of Education~~ is authorized to conduct pursuant to this Section, and the court may compel obedience to its orders by proceedings for contempt.

(d) As used in this Section, "teacher" means any school district employee regularly required to be certified, as provided in this Article, in order to teach or supervise in the public schools. (Source: P.A. 89-610, eff. 8-6-96.)

(105 ILCS 5/21-23b) (from Ch. 122, par. 21-23b)

Sec. 21-23b. Conviction of felony. (a) Whenever the holder of any certificate issued under this Article is employed by the school board of any school district, including a special charter district or school district organized under Article 34, and is convicted, either after a bench trial, trial by jury, or plea of guilty, of any offense for which a sentence to death or a term of imprisonment in a penitentiary for one year or more is provided, the school board shall promptly notify the Professional Teacher Standards Board ~~State Board of Education~~ in writing of the name of the certificate holder, the fact of the conviction, and the name and location of the court in which the conviction occurred.

(b) Whenever the Professional Teacher Standards Board ~~State Board of Education~~ receives notice of a conviction under subsection (a) or otherwise learns that any person who is a "teacher" as that term is defined in Section 16-106 of the Illinois Pension Code has been convicted, either after a bench trial, trial by jury, or plea of guilty, of any offense for which a sentence to death or a term of imprisonment in a penitentiary for one year or more is provided, the Professional Teacher Standards Board ~~State Board of Education~~ shall promptly notify in writing the board of trustees of the Teachers' Retirement System of the State of Illinois, ~~and~~ the board of trustees of the Public School Teachers' Pension and Retirement Fund of the City of Chicago, and the State Board of Education of the name of the certificate holder or teacher, the fact of the conviction, the name and location of the court in which the conviction occurred, and the number assigned in that court to the case in which the conviction occurred. (Source: P.A. 87-1001.)

(105 ILCS 5/21-24) (from Ch. 122, par. 21-24)

Sec. 21-24. Administrative Review Law. The provisions of the Administrative Review Law, and all amendments and modifications thereof and the rules adopted pursuant thereto, shall apply to and govern all proceedings instituted for the judicial review of final administrative decisions of the Professional Teacher Standards Board ~~State Board of Education, the State Teacher Certification Board,~~ and the regional superintendent of schools under this Article. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. The commencement of any action for review shall operate as a stay of enforcement and no action based on any decision of the Professional Teacher Standards Board ~~State Board of Education, State Teacher Certification Board~~ or the regional superintendent of schools shall be taken pending final disposition of such review. (Source: P.A. 84-551.)

(105 ILCS 5/21-25) (from Ch. 122, par. 21-25)

Sec. 21-25. School service personnel certificate. (a) Subject to the provisions of Section 21-1a, a school service personnel certificate shall be issued to those applicants of good character, good health, a citizen of the United States and at least 19 years of age who have a Bachelor's degree with not fewer than 120 semester hours from a regionally accredited institution of higher learning and who meets the requirements established by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~. A school service personnel certificate with a school nurse endorsement may be issued to a person who holds a bachelor of science degree from an institution of higher learning accredited by the North Central Association or other

comparable regional accrediting association. Persons seeking any other endorsement on the school service personnel certificate shall be recommended for the endorsement by a recognized teacher education institution as having completed a program of preparation approved by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~.

(b) Until August 30, 2002, a school service personnel certificate endorsed for school social work may be issued to a student who has completed a school social work program that has not been approved by the State Superintendent of Education, provided that each of the following conditions is met:

(1) The program was offered by a recognized, public teacher education institution that first enrolled students in its master's degree program in social work in 1998;

(2) The student applying for the school service personnel certificate was enrolled in the institution's master's degree program in social work on or after May 11, 1998;

(3) The State Superintendent verifies that the student has completed coursework that is substantially similar to that required in approved school social work programs, including (i) not fewer than 600 clock hours of a supervised internship in a school setting or (ii) if the student has completed part of a supervised internship in a school setting prior to the effective date of this amendatory Act of the 92nd General Assembly and receives the prior approval of the State Superintendent, not fewer than 300 additional clock hours of supervised work in a public school setting under the supervision of a certified school social worker who certifies that the supervised work was completed in a satisfactory manner; and

(4) The student has passed a test of basic skills and the test of subject matter knowledge required by Section 21-1a.

This subsection (b) does not apply after August 29, 2002.

(c) A school service personnel certificate shall be endorsed with the area of Service as determined by the Professional Teacher Standards Board ~~State Superintendent of Education in consultation with the State Teacher Certification Board~~.

The holder of such certificate shall be entitled to all of the rights and privileges granted holders of a valid teaching certificate, including teacher benefits, compensation and working conditions.

When the holder of such certificate has earned a master's degree, including 8 semester hours of graduate professional education from a recognized institution of higher learning, and has at least 2 years of successful school experience while holding such certificate, the certificate may be endorsed for supervision. (Source: P.A. 91-102, eff. 7-12-99; 92-254, eff. 1-1-02.)

(105 ILCS 5/21-27)

Sec. 21-27. The Illinois Teaching Excellence Program. The Illinois Teaching Excellence Program is hereby established to provide categorical funding for monetary incentives and bonuses for teachers who are employed by school districts and who hold a Master Certificate. The Professional Teacher Standards Board ~~State Board of Education~~ shall allocate and distribute to each school district an amount as annually appropriated by the General Assembly from federal funds for the Illinois Teaching Excellence Program. Fiscal year 2004 appropriations to the State Board of Education for this purpose may be expended by the Professional Teacher Standards Board. Unless otherwise provided by appropriation, each school district's annual allocation shall be the sum of the amounts earned for the following incentives and bonuses:

(1) An annual payment of $3,000 to be paid to each teacher who successfully completes the program leading to and who receives a Master Certificate and is employed as a teacher by a school district. The school district shall distribute this payment to each eligible teacher as a single payment or in not more than 3 payments.

(2) An annual incentive equal to $1,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers. This mentoring may include, either singly or in combination, (i) providing high quality professional development for new and experienced teachers, and (ii) assisting National Board for Professional Teaching Standards (NBPTS) candidates through the NBPTS certification process. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

(3) An annual incentive equal to $3,000 shall be paid to each teacher who holds a Master Certificate, who is employed as a teacher by a school district, and who agrees, in writing, to provide 60 hours of mentoring during that year to classroom teachers in schools on the Academic Early

Warning List or in schools in which 50% or more of the students receive free or reduced price lunches, or both. The school district shall distribute 50% of each annual incentive payment upon completion of 30 hours of the required mentoring and the remaining 50% of the incentive upon completion of the required 60 hours of mentoring. Credit may not be granted by a school district for mentoring or related services provided during a regular school day or during the total number of days of required service for the school year.

Each regional superintendent of schools shall provide information about the Master Certificate Program of the National Board for Professional Teaching Standards (NBPTS) and this amendatory Act of the 91st General Assembly to each individual seeking to register or renew a certificate under Section 21-14 of this Code. (Source: P.A. 91-606, eff. 8-16-99; 92-796, eff. 8-10-02.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal background investigations. (a) After August 1, 1985, certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct an investigation to ascertain if the applicant being considered for employment has been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) The Department shall furnish, pursuant to positive identification, records of convictions, until expunged, to the president of the board of education for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the Professional Teacher Standards Board ~~State Teacher Certification Board~~ or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police

upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards. (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

(105 ILCS 5/34-83) (from Ch. 122, par. 34-83)

Sec. 34-83. ~~Board of examiners~~ Certificates ~~Examinations~~. ~~A board of 3 examiners shall examine all applicants required to hold certificates to teach and the board of education shall issue gratuitously to those who pass a required test of character, scholarship and general fitness, such certificates to teach as they are found entitled to receive. No person may be granted or continue to hold a teaching certificate who has knowingly altered or misrepresented his or her teaching qualifications in order to acquire the certificate. Any other certificate held by such person may be suspended or revoked by the board of examiners, depending upon the severity of the alteration or misrepresentation. The board of examiners shall consist of the general superintendent of schools and 2 persons approved and appointed by the board of education upon the nomination of the general superintendent of schools. The board of examiners shall hold such examinations as the board of education may prescribe, upon the recommendation of the general superintendent of schools and shall prepare all necessary eligible lists, which shall be kept in the~~

~~office of the general superintendent of schools and be open to public inspection. Members of the board of examiners shall hold office for a term of 2 years.~~

The board of examiners ~~created herein~~ is abolished effective July 1, 1988. Commencing July 1, 1988, all new teachers employed by the board shall hold teaching certificates issued ~~by the State Teacher Certification Board~~ under Article 21. ~~The State Board of Education in consultation with the board of examiners and the State Teacher Certification Board shall develop procedures whereby~~ Teachers ~~currently~~ holding valid certificates issued by the board of examiners prior to its abolition, and all teachers employed by the board after August 1, 1985 and prior to July 1, 1988, shall no later than July 1, 1988 exchange certificates issued by the board of examiners for comparable certificates issued under Article 21 ~~by the State Teacher Certification Board~~. On the exchange of a certificate on or before July 1, 1988, ~~the State Teacher Certification Board shall not require any~~ additional qualifications for the issuance of the comparable certificate are not required. If prior to July 1, 1988 the board of examiners ~~has~~ issued types of teaching certificates which are not comparable to the types of certificates issued under Article 21 ~~by the State Teacher Certification Board~~, such certificates shall continue to be valid for and shall be renewable by the holders thereof, and no additional qualifications shall be required by the Professional Teacher Standards Board ~~State Teacher Certification Board~~ for any such renewal; however, no individual who received a letter of continuing eligibility shall be issued an Initial or Standard Teaching Certificate, as provided in Section 21-2 of this Code, unless that individual also holds such a valid and renewable certificate.

~~The State Board of Education shall report by July 1, 1986, to the Illinois General Assembly on the procedures for exchange it has developed in consultation with the board of examiners and the State Teacher Certification Board as required in this Section.~~ (Source: P.A. 91-102, eff. 7-12-99.)

Section 10. The Higher Education Student Assistance Act is amended by changing Section 65.20 as follows:

(110 ILCS 947/65.20)

Sec. 65.20. Science-mathematics teacher scholarships. (a) The Commission may annually award a number of scholarships, not to exceed 200, to persons holding valid teaching certificates issued under Article 21 of the School Code. Such scholarships shall be issued to teachers who make application to the Commission and who agree to take courses at qualified institutions of higher learning that will prepare them to teach science or mathematics at the secondary school level.

(b) Scholarships awarded under this Section shall be issued pursuant to regulations promulgated by the Commission; provided that no rule or regulation promulgated by the State Board of Education prior to the effective date of this amendatory Act of 1993 pursuant to the exercise of any right, power, duty, responsibility or matter of pending business transferred from the State Board of Education to the Commission under this Section shall be affected thereby, and all such rules and regulations shall become the rules and regulations of the Commission until modified or changed by the Commission in accordance with law. In awarding scholarships, the Commission shall give priority to those teachers with the greatest amount of seniority within school districts.

(c) Each scholarship shall be utilized by its holder for the payment of tuition at any qualified institution of higher learning. Such tuition shall be available only for courses that will enable the teacher to be certified to teach science or mathematics at the secondary school level. The Commission, in consultation with the Professional Teacher Standards Board ~~State Teacher Certification Board~~, shall determine which courses are eligible for tuition payments under this Section.

(d) The Commission shall make tuition payments directly to the qualified institution of higher learning which the teacher attends for the courses prescribed or may make payments to the teacher. Any teacher who receives payments and who fails to enroll in the courses prescribed shall refund the payments to the Commission.

(e) Following the completion of the program of study, the teacher must accept employment within 2 years in a secondary school in Illinois within 60 miles of the teacher's residence to teach science or mathematics; provided, however, that the teacher instead may elect to accept employment within such 2 year period to teach science or mathematics in a secondary school in Illinois which is more than 60 miles from the teacher's residence. Teachers who fail to comply with this provision shall refund all of the scholarship awarded to the Commission, whether payments were made directly to the institutions of higher learning or to the teachers, and this condition shall be agreed to in writing by all scholarship recipients at the time the scholarship is awarded. No teacher shall be required to refund tuition payments if his or her failure to obtain employment as a mathematics or science teacher in a secondary school is the result of financial conditions within school districts. The rules and regulations promulgated as provided in this Section shall include provisions regarding the waiving and deferral of such payments.

(f) The Commission, with the cooperation of the State Board of Education, shall assist teachers who

have participated in the scholarship program established by this Section in finding employment to teach science or mathematics at the secondary level.

(g) This Section is substantially the same as Section 30-4b of the School Code, which Section is repealed by this amendatory Act of 1993, and shall be construed as a continuation of the science-mathematics teacher scholarship program established by that prior law, and not as a new or different science-mathematics teacher scholarship program. The State Board of Education shall transfer to the Commission, as the successor to the State Board of Education for all purposes of administering and implementing the provisions of this Section, all books, accounts, records, papers, documents, contracts, agreements, and pending business in any way relating to the science-mathematics teacher scholarship program continued under this Section; and all scholarships at any time awarded under that program by, and all applications for any such scholarships at any time made to, the State Board of Education shall be unaffected by the transfer to the Commission of all responsibility for the administration and implementation of the science-mathematics teacher scholarship program continued under this Section. The State Board of Education shall furnish to the Commission such other information as the Commission may request to assist it in administering this Section.

(h) Appropriations for the scholarships outlined in this Section shall be made to the Commission from funds appropriated by the General Assembly.

(i) For the purposes of this Section:

"Qualified institution of higher learning" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, and the public community colleges subject to the Public Community College Act.

"Secondary school level" means grades 9 through 12 or a portion of such grades. (Source: P.A. 88-228; 88-670, eff. 12-2-94; 89-4, eff. 1-1-96.)

Section 15. The Clinical Psychologist Licensing Act is amended by changing Section 4 as follows:

(225 ILCS 15/4) (from Ch. 111, par. 5354)

Sec. 4. Application of Act. (a) Nothing in this Act shall be construed to limit the activities of and services of a student, intern or resident in psychology seeking to fulfill educational requirements or the experience requirements in order to qualify for a license under this Act, or an individual seeking to fulfill the postdoctoral experience requirements in order to qualify for licensure under this Act provided that such activities and services are under the direct supervision, order, control and full professional responsibility of a licensed clinical psychologist and provided that such student, intern, or resident be designated by a title "intern" or "resident" or other designation of trainee status. Supervised experience in which the supervisor receives monetary payment or other considerations from the supervisee or in which the supervisor is hired by or otherwise employed by the supervisee shall not be accepted by the Department as fulfilling the practicum, internship or 2 years of satisfactory supervised experience requirements for licensure. Nothing contained in this Section shall be construed as permitting such students, interns, or residents to offer their services as clinical psychologists to any other person or persons and to accept remuneration for such clinical psychological services other than as specifically excepted herein, unless they have been licensed under the provisions of this Act.

(b) Nothing in this Act shall be construed as permitting persons licensed as clinical psychologists to engage in any manner in the practice of medicine as defined in the laws of this State. Persons licensed as clinical psychologists who render services to persons in need of mental treatment or who are mentally ill shall as appropriate initiate genuine collaboration with a physician licensed in Illinois to practice medicine in all its branches.

(c) Nothing in this Act shall be construed as restricting an individual certified as a school psychologist by the State Board of Education, who is at least 21 years of age and has had at least 3 years of full-time experience as a certified school psychologist, from using the title school psychologist and offering school psychological services limited to those services set forth in the rules and regulations that govern the administration and operation of special education pertaining to children and youth ages 0-21 prepared by the State Board of Education. Anyone offering such services under the provisions of this paragraph shall use the term school psychologist and describe such services as "School Psychological Services". This exemption shall be limited to the practice of school psychology only as manifested through psychoeducational problems, and shall not be construed to allow a school psychologist to function as a general practitioner of clinical psychology, unless otherwise licensed under this Act. However, nothing in this paragraph prohibits a school psychologist from making evaluations, recommendations or interventions regarding the placement of children in educational programs or special education classes, nor shall it prohibit school psychologists from providing clinical psychological services under the supervision of a licensed clinical psychologist. This paragraph shall not be construed

to mandate insurance companies to reimburse school psychologists directly for the services of school psychologists. Nothing in this paragraph shall be construed to exclude anyone duly licensed under this Act from offering psychological services in the school setting. School psychologists providing services under the provisions of this paragraph shall not provide such services outside their employment to any child who is a student in the district or districts which employ such school psychologist. School psychologists, as described in this paragraph, shall be under the regulatory authority of the State Board of Education and the Professional Teacher Standards Board ~~State Teacher Certification Board~~.

(d) Nothing in this Act shall be construed to limit the activities and use of the official title of "psychologist" on the part of a person not licensed under this Act who possesses a doctoral degree earned in a program concentrated primarily on the study of psychology and is an academic employee of a duly chartered institution of higher education insofar as such person engages in public speaking with or without remuneration, provided that such person is not in any manner held out to the public as practicing clinical psychology as defined in paragraph 5 of Section 2 of this Act, unless he or she has been licensed under the provisions of this Act.

(e) Nothing in this Act shall be construed to regulate, control, or restrict the clinical practice of any person licensed, registered, or certified in this State under any other Act, provided that such person is not in any manner held out to the public as rendering clinical psychological services as defined in paragraph 7 of Section 2 of this Act.

(f) Nothing in this Act shall be construed to limit the activities and use of the title "psychologist" on the part of a person who practices psychology and (i) who possesses a doctoral degree earned in a program concentrated primarily on the study of psychology; and (ii) whose services involve the development and application of psychological theory and methodology to problems of organizations and problems of individuals and groups in organizational settings; and provided further that such person is not in any manner held out to the public as practicing clinical psychology and is not held out to the public by any title, description or designation stating or implying that he or she is a clinical psychologist unless he or she has been licensed under the provisions of this Act. (Source: P.A. 89-702, eff. 7-1-97.)

Section 20. The Professional Counselor and Clinical Professional Counselor Licensing Act is amended by changing Section 15 as follows:

(225 ILCS 107/15) (Section scheduled to be repealed on January 1, 2013)

Sec. 15. Exemptions. (a) This Act does not prohibit any persons legally regulated in this State by any other Act from engaging in the practice for which they are authorized as long as they do not represent themselves by the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor". This Act does not prohibit the practice of nonregulated professions whose practitioners are engaged in the delivery of human services as long as these practitioners do not represent themselves as or use the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor".

(b) Nothing in this Act shall be construed to limit the activities and services of a student, intern, or resident in professional counseling or clinical professional counseling seeking to fulfill educational requirements in order to qualify for a license under this Act if these activities and services constitute a part of the student's supervised course of study, or an individual seeking to fulfill the post-degree experience requirements in order to qualify for licensing under this Act, as long as the activities and services are not conducted in an independent practice, as defined in this Act, if the activities and services are supervised as specified in this Act, and that the student, intern, or resident is designated by a title "intern" or "resident" or other designation of trainee status. Nothing contained in this Section shall be construed to permit students, interns, or residents to offer their services as professional counselors or clinical professional counselors to any other person and to accept remuneration for such professional counseling or clinical professional counseling services other than as specifically excepted in this Section, unless they have been licensed under this Act.

(c) Corporations, partnerships, and associations may employ practicum students, interns, or post-degree candidates seeking to fulfill educational requirements or the professional experience requirements needed to qualify for a license under this Act if their activities and services constitute a part of the student's supervised course of study or post-degree professional experience requirements. Nothing in this paragraph shall prohibit a corporation, partnership, or association from contracting with a licensed health care professional to provide services that they are licensed to provide.

(d) Nothing in this Act shall prevent the employment, by a professional counselor or clinical professional counselor, person, association, partnership, or a corporation furnishing professional counseling or clinical professional counseling services for remuneration, of persons not licensed as professional counselors or clinical professional counselors under this Act to perform services in various

capacities as needed if these persons are not in any manner held out to the public or do not hold themselves out to the public by any title or designation stating or implying that they are professional counselors or clinical professional counselors.

(e) Nothing in this Act shall be construed to limit the services of a person, not licensed under the provisions of this Act, in the employ of a federal, State, county, or municipal agency or other political subdivision or not-for-profit corporation providing human services if (1) the services are a part of the duties in his or her salaried position, (2) the services are performed solely on behalf of his or her employer, and (3) that person does not in any manner represent himself or herself as or use the title of "professional counselor", "licensed professional counselor", "clinical professional counselor", or "licensed clinical professional counselor".

(f) Duly recognized members of any religious organization shall not be restricted from functioning in their ministerial capacity provided they do not represent themselves as being professional counselors or clinical professional counselors, or as providing "professional counseling" or "clinical professional counseling". This Act shall not apply or be construed so as to apply to the employees or agents of a church or religious organization or an organization owned, controlled, or affiliated with a church or religious organization, unless the church, religious organization, or owned, controlled, or affiliated organization designates or holds these employees or agents out to the public as professional counselors or clinical professional counselors or holds out their services as being "professional counseling" or "clinical professional counseling".

(g) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations, as long as those persons are not in any manner held out to the public as practicing professional counseling or clinical professional counseling, or do not hold themselves out to the public by any title or designation stating or implying that they are professional counselors or clinical professional counselors.

(h) Nothing in this Act shall be construed to limit the activities and use of the official title of "professional counselor" or "clinical professional counselor" on the part of a person not licensed under this Act who is an academic employee of a duly chartered institution of higher education and who holds educational and professional qualifications equivalent to those required for licensing under this Act, insofar as such activities are performed in the person's role as an academic employee, or insofar as such person engages in public speaking with or without remuneration.

(i) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a school counselor certified by the <u>Professional Teacher Standards Board</u> ~~State Teacher Certification Board~~ and employed as authorized by Section 10-22-24a or any other provision of the School Code as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(j) Nothing in this Act shall be construed to require any hospital, clinic, home health agency, hospice, or other entity that provides health care to employ or to contract with a person licensed under this Act to provide professional counseling or clinical professional counseling services. These persons may not hold themselves out or represent themselves to the public as being licensed under this Act.

(k) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a person employed by a private elementary or secondary school who provides counseling within the scope of his or her employment as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(l) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a rape crisis counselor who is an employee or volunteer of a rape crisis organization as defined in Section 8-802.1 of the Code of Civil Procedure as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(m) Nothing in this Act shall be construed to prevent any licensed social worker, licensed clinical social worker, or licensed clinical psychologist from practicing professional counseling as long as that person is not in any manner held out to the public as a "professional counselor" or "clinical professional counselor" or does not hold out his or her services as being "professional counseling" or "clinical professional counseling".

(n) Nothing in this Act shall be construed to limit the activities and use of the official title of "professional counselor" or "clinical professional counselor" on the part of a person not licensed under this Act who is a physician licensed to practice medicine in all of its branches under the Medical Practice

Act of 1987.

(o) Nothing in this Act shall be construed to require licensure under this Act or limit the services of a domestic violence counselor who is an employee or volunteer of a domestic violence program as defined in Section 227 of the Illinois Domestic Violence Act of 1986. (Source: P.A. 92-719, eff. 7-25-02.)

(105 ILCS 5/2-3.9 rep.)

(105 ILCS 5/21-0.01 rep.)

(105 ILCS 5/21-13 rep.)

(105 ILCS 5/21-26 rep.)

Section 25. The School Code is amended by repealing Sections 2-3. 9, 21-0.01, 21-13, and 21-26.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1074, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 2, on page 141, lines 6 and 7, by replacing "the State Board of Education and" with "~~the State Board of Education and~~".

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 Martinez, **Senate Bill No. 1079** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Committee on Health and Human Services.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1079, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Child Care Act of 1969 is amended by adding Section 5.6 as follows:

(225 ILCS 10/5.6 new)

Sec. 5.6. Pesticide application at day care centers.

(a) Licensed day care centers shall abide by the requirements of Sections 10.2 and 10.3 of the Structural Pest Control Act.

(b) Notification required pursuant to Section 10.3 of the Structural Pest Control Act may not be given more than 30 days before the application of the pesticide.

(c) Each licensed day care center, subject to the requirements of Section 10.3 of the Structural Pest Control Act, must ensure that pesticides will not be applied when children are present at the center. Toys and other items mouthed or handled by the children must be removed from the area before pesticides are applied. Children must not return to the treated area within 2 hours after a pesticide application or as specified on the pesticide label, whichever time is greater.

Section 10. The Structural Pest Control Act is amended by changing Sections 2, 3, 10.2, and 10.3 and adding Section 3.27 as follows:

(225 ILCS 235/2) (from Ch. 111 1/2, par. 2202) (Section scheduled to be repealed on January 1, 2007)

Sec. 2. Legislative intent. It is declared that there exists and may in the future exist within the State of Illinois locations where pesticides are received, stored, formulated or prepared and subsequently used for the control of structural pests, and improper selection, formulation and application of pesticides may adversely affect the public health and general welfare.

It is further established that the use of certain pesticides is restricted or may in the future be restricted to use only by or under the supervision of persons certified in accordance with this Act.

It is recognized that pests can best be controlled through an integrated pest management program that combines preventive techniques, nonchemical pest control methods, and the appropriate use of pesticides with preference for products that are the least harmful to human health and the environment. Integrated pest management is a good practice in the management of pest populations, and it is prudent to employ

pest control strategies that are the least hazardous to human health and the environment.

Therefore, the purpose of this Act is to protect, promote and preserve the public health and general welfare by providing for the establishment of minimum standards for selection, formulation and application of restricted pesticides and to provide for the licensure of commercial structural pest control businesses, the registration of persons who own or operate non-commercial structural pest control locations where restricted pesticides are used, and the certification of pest control technicians.

It is also the purpose of this Act to reduce economic, health, and environmental risks by promoting the use of integrated pest management for structural pest control in schools and day care centers, by making guidelines on integrated pest management available to schools and day care centers. (Source: P.A. 91-525, eff. 8-1-00.)

(225 ILCS 235/3) (from Ch. 111 1/2, par. 2203) (Section scheduled to be repealed on January 1, 2007)

Sec. 3. Definitions. ~~)~~ As used in this Act, unless the context otherwise requires, the terms specified in Sections 3.01 through 3.27 ~~3.26~~ have the meanings ascribed to them in those Sections. (Source: P.A. 91-525, eff. 8-1-00.)

(225 ILCS 235/3.27 new) (Section scheduled to be repealed on January 1, 2007)

Sec. 3.27. "Day care center" means any structure used as a licensed day care center in this State.

(225 ILCS 235/10.2) (from Ch. 111 1/2, par. 2210.2) (Section scheduled to be repealed on January 1, 2007)

Sec. 10.2. Integrated pest management guidelines. (a) The Department shall prepare guidelines for an integrated pest management program for structural pest control practices at school buildings and other school facilities and day care centers. Such guidelines shall be made available to schools, day care centers and the public upon request.

(b) When economically feasible, each school and day care center is required to adopt an integrated pest management program that incorporates the guidelines developed by the Department. If adopting an integrated pest management program would not be economically feasible because it would result in an increase in the school's or day care center's pest control cost, the school district or day care center must provide written notification to the Department. The notification must include projected pest control costs for the term of the pest control program and projected costs for implementing integrated pest management for that same time period. The Department shall make this notification available to the general public upon request. In implementing an integrated pest management program, a school or day care center employee should be designated to assume responsibility for the oversight of pest management practices in that school or day care center and for recordkeeping requirements.

(c) The Structural Pest Control Advisory Council shall assist the Department in developing the guidelines for integrated pest management programs. In developing the guidelines, the Council shall consult with individuals knowledgeable in the area of integrated pest management.

(d) The Department, with the assistance of the Cooperative Extension Service and other relevant agencies, may prepare a training program for school or day care center pest control specialists. (Source: P.A. 91-525, eff. 8-1-00.)

(225 ILCS 235/10.3) (Section scheduled to be repealed on January 1, 2007)

Sec. 10.3. Notification. School districts and day care centers must maintain a registry of parents and guardians of students and employees who have registered to receive written notification prior to application of pesticides to school property or day care centers or provide written notification to all parents and guardians of students before such pesticide application. Written notification may be included in newsletters, bulletins, calendars, or other correspondence currently published by the school district or day care center. The written notification must be given at least 2 business days before application of the pesticide application and should identify the intended date of the application of the pesticide and the name and telephone contact number for the school or day care center personnel responsible for the pesticide application program. Prior written notice shall not be required if there is an imminent threat to health or property. If such a situation arises, the appropriate school or day care center personnel must sign a statement describing the circumstances that gave rise to the health threat and ensure that written notice is provided as soon as practicable. For purposes of this Section, pesticides subject to notification requirements shall not include (i) an antimicrobial agent, such as disinfectant, sanitizer, or deodorizer, or (ii) insecticide baits and rodenticide baits. (Source: P.A. 91-525, eff. 8-1-00.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Jacobs, **Senate Bill No. 1098** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 1098 on page 1, by replacing line 5 as follows:
"is amended by changing Sections 10 and 17 and by adding Section 70 as follows:"; and
on page 1, immediately below line 8, by inserting the following:

""Active prepaid wireless telephone" means a prepaid wireless telephone that has been used or activated by the customer during the month to complete a telephone call for which the customer's card or account was decremented."; and
on page 1, immediately below line 16, by inserting the following:

""Mobile telephone number" or "MTN" shall mean the telephone number assigned to a wireless telephone at the time of initial activation.

"Prepaid wireless telephone service" means wireless telephone service which is activated by payment in advance of a finite dollar amount or for a finite set of minutes and which, unless an additional finite dollar amount or finite set of minutes is paid in advance, terminates either (i) upon use by a customer and delivery by the wireless carrier of an agreed-upon amount of service corresponding to the total dollar amount paid in advance, or within a certain period of time following initial purchase or activation."; and
on page 2, immediately below line 33, by inserting the following:

""Wireless telephone service" includes prepaid wireless telephone service and means all "commercial mobile service", as that term is defined in 47 CFR 20.3, including all personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent wide area specialized mobile radio licensees that offer real time, two-way service that is interconnected with the public switched telephone network."; and
on page 2, immediately below line 34, by inserting the following:

"(50 ILCS 751/17)

Sec. 17. Wireless carrier surcharge. (a) Except as provided in Section 45, each wireless carrier shall impose a monthly wireless carrier surcharge per CMRS connection that either has a telephone number within an area code assigned to Illinois by the North American Numbering Plan Administrator or has a billing address in this State. In the case of prepaid wireless telephone service, this surcharge shall be remitted based upon the address associated with the point of purchase, the customer billing address or the location associated with the MTN for all active prepaid wireless telephones. No wireless carrier shall impose the surcharge authorized by this Section upon any subscriber who is subject to the surcharge imposed by a unit of local government pursuant to Section 45. The wireless carrier that provides wireless service to the subscriber shall collect the surcharge set by the Wireless Enhanced 9-1-1 Board from the subscriber. For mobile telecommunications services provided on and after August 1, 2002, any surcharge imposed under this Act shall be imposed based upon the municipality or county that encompasses the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. The surcharge shall be stated as a separate item on the subscriber's monthly bill. The wireless carrier shall begin collecting the surcharge on bills issued within 90 days after the Wireless Enhanced 9-1-1 Board sets the monthly wireless surcharge. State and local taxes shall not apply to the wireless carrier surcharge.

(b) Except as provided in Section 45, a wireless carrier shall, within 45 days of collection, remit, either by check or by electronic funds transfer, to the State Treasurer the amount of the wireless carrier surcharge collected from each subscriber. Of the amounts remitted under this subsection, the State Treasurer shall deposit one-third into the Wireless Carrier Reimbursement Fund and two-thirds into the Wireless Service Emergency Fund.

(c) The first such remittance by wireless carriers shall include the number of customers by zip code, and the 9-digit zip code if currently being used or later implemented by the carrier, that shall be the means by which the Department of Central Management Services shall determine distributions from the Wireless Service Emergency Fund. This information shall be updated no less often than every year. Wireless carriers are not required to remit surcharge moneys that are billed to subscribers but not yet collected. (Source: P.A. 91-660, eff. 12-22-99; 92-526, eff. 7-1-02.)

(50 ILCS 751/70) (Section scheduled to be repealed on April 1, 2005)

Sec. 70. Repealer. This Act is repealed on April 1, 2008 ~~2005~~. (Source: P.A. 91-660, eff. 12-22-

99.)".

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** 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 1102 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Telecommunications Excise Tax Act is amended by changing Section 2 as follows:

(35 ILCS 630/2) (from Ch. 120, par. 2002) (Text of Section before amendment by P.A. 92-878)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:

(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to (i) the tax imposed by this Article; (ii) charges added to customers' bills pursuant to the provisions of Sections 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; (iii) the tax imposed by Section 4251 of the Internal Revenue Code; (iv) 911 surcharges; or (v) the tax imposed by the Simplified Municipal Telecommunications Tax Act;

(2) charges for a sent collect telecommunication received outside of the State;

(3) charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(7) bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which

gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made;

(8) charges paid by inserting coins in coin-operated telecommunication devices;

(9) amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(b) "Amount paid" means the amount charged to the taxpayer's service address in this State regardless of where such amount is billed or paid.

(c) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two way radio; paging service; or any other form of mobile and portable one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service shall be non-taxable as sales for resale.

(d) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(g) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution

facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. "Prepaid telephone calling arrangement" does not include an arrangement whereby a customer purchases a payment card and pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice issued to that customer under an existing subscription plan. (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03.)

(Text of Section after amendment by P.A. 92-878)

Sec. 2. As used in this Article, unless the context clearly requires otherwise:

(a) "Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in this State and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; or (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located. Prior to January 1, 2004 June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within Illinois for that period. However, "gross charges" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to (i) the tax imposed by this Article; (ii) charges added to customers' bills pursuant to the provisions of Sections 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in such provisions of such Act; (iii) the tax imposed by Section 4251 of the Internal Revenue Code; (iv) 911 surcharges; or (v) the tax imposed by the Simplified Municipal Telecommunications Tax Act.

(2) Charges for a sent collect telecommunication received outside of the State.

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing

equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act, as amended, to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Article has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) Bad debts. Bad debt means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectable, as determined under applicable federal income tax standards. If the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made.

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Amounts paid by telecommunications retailers under the Telecommunications Municipal Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(b) "Amount paid" means the amount charged to the taxpayer's service address in this State regardless of where such amount is billed or paid.

(c) "Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll and wide area telephone service; private line services; channel services; telegraph services; teletypewriter; computer exchange services; cellular mobile telecommunications service; specialized mobile radio; stationary two way radio; paging service; or any other form of mobile and portable one-way or two-way communications; or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber-optics, laser, microwave, radio, satellite or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by him to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into end-to-end telecommunications service shall be non-taxable as sales for resale.

(d) "Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

(e) "Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

(f) "Department" means the Department of Revenue of the State of Illinois.

(g) "Director" means the Director of Revenue for the Department of Revenue of the State of Illinois.

(h) "Taxpayer" means a person who individually or through his agents, employees or permittees engages in the act or privilege of originating or receiving telecommunications in this State and who incurs a tax liability under this Article.

(i) "Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute or any city, town, county or other political subdivision of this State.

(j) "Purchase at retail" means the acquisition, consumption or use of telecommunication through a sale at retail.

(k) "Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

(l) "Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Article. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

(m) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(n) "Service address" means the location of telecommunications equipment from which the telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, service address shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

(o) "Prepaid telephone calling arrangements" mean the right to exclusively purchase telephone or telecommunications services that must be paid for in advance and enable the origination of one or more intrastate, interstate, or international telephone calls or other telecommunications using an access number, an authorization code, or both, whether manually or electronically dialed, for which payment to a retailer must be made in advance, provided that, unless recharged, no further service is provided once that prepaid amount of service has been consumed. Prepaid telephone calling arrangements include the recharge of a prepaid calling arrangement. For purposes of this subsection, "recharge" means the purchase of additional prepaid telephone or telecommunications services whether or not the purchaser acquires a different access number or authorization code. "Prepaid telephone calling arrangement" does not include an arrangement whereby a customer purchases a payment card and pursuant to which the service provider reflects the amount of such purchase as a credit on an invoice issued to that customer under an existing subscription plan. (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878, eff. 1-1-04.)

Section 10. The Telecommunications Infrastructure Maintenance Fee Act is amended by changing Section 10 as follows:

(35 ILCS 635/10) (Text of Section before amendment by P.A. 92-878)

Sec. 10. Definitions. (a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without

any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charges" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) the tax imposed by the Telecommunications Excise Tax Act, (iv) 911 surcharges, (v) the tax imposed by Section 4251 of the Internal Revenue Code, or (vi) the tax imposed by the Simplified Municipal Telecommunications Tax Act;

(2) charges for a sent collect telecommunication received outside of this State;

(3) charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made); or

(8) charges paid by inserting coins in coin-operated telecommunication devices.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or

hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Department may, in its discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State.

(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(f) "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(g) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent. (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03.)

(Text of Section after amendment by P.A. 92-878)

Sec. 10. Definitions.

(a) "Gross charges" means the amount paid to a telecommunications retailer for the act or privilege of originating or receiving telecommunications in this State and for all services rendered in connection therewith, valued in money whether paid in money or otherwise, including cash, credits, services, and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs, or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; or (iii) any other method that reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located. Prior to January 1, 2004 June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within Illinois for that period. However, "gross charges" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made under: (i) the fee imposed

by this Section, (ii) additional charges added to a purchaser's bill under Section 9-221 or 9-222 of the Public Utilities Act, (iii) the tax imposed by the Telecommunications Excise Tax Act, (iv) 911 surcharges, (v) the tax imposed by Section 4251 of the Internal Revenue Code, or (vi) the tax imposed by the Simplified Municipal Telecommunications Tax Act.

(2) Charges for a sent collect telecommunication received outside of this State.

(3) Charges for leased time on equipment or charges for the storage of data or information or subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment, or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) Charges to business enterprises certified under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit other than a regulatory required profit for the corporation rendering such services.

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

(a-5) "Department" means the Illinois Department of Revenue.

(b) "Telecommunications" includes, but is not limited to, messages or information transmitted through use of local, toll, and wide area telephone service, channel services, telegraph services, teletypewriter service, computer exchange services, private line services, specialized mobile radio services, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. Unless the context clearly requires otherwise, "telecommunications" shall also include wireless telecommunications as hereinafter defined. "Telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchase of telecommunications by a telecommunications service provider for use as a component part of the service provided by him or her to the ultimate retail consumer who originates or terminates the end-to-end communications. Retailer access charges, right of access charges, charges for use of intercompany facilities, and all telecommunications resold in the subsequent provision and used as a component of, or integrated into, end-to-end telecommunications service shall not be included in gross charges as sales for

resale. "Telecommunications" shall not include the provision of cable services through a cable system as defined in the Cable Communications Act of 1984 (47 U.S.C. Sections 521 and following) as now or hereafter amended or through an open video system as defined in the Rules of the Federal Communications Commission (47 C.D.F. 76.1550 and following) as now or hereafter amended. Beginning January 1, 2001, prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act.

(c) "Wireless telecommunications" includes cellular mobile telephone services, personal wireless services as defined in Section 704(C) of the Telecommunications Act of 1996 (Public Law No. 104-104) as now or hereafter amended, including all commercial mobile radio services, and paging services.

(d) "Telecommunications retailer" or "retailer" or "carrier" means and includes every person engaged in the business of making sales of telecommunications at retail as defined in this Section. The Department may, in its discretion, upon applications, authorize the collection of the fee hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the fee. When so authorized, it shall be the duty of such retailer to pay the fee upon all of the gross charges for telecommunications in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State.

(e) "Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse, or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

(f) "Sale of telecommunications at retail" means the transmitting, supplying, or furnishing of telecommunications and all services rendered in connection therewith for a consideration, other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries, when the gross charge made by one such corporation to another such corporation is not greater than the gross charge paid to the retailer for their use or consumption and not for sale.

(g) "Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received. If this is not a defined location, as in the case of wireless telecommunications, paging systems, maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems, and the like, "service address" shall mean the location of the customer's primary use of the telecommunications equipment as defined by the location in Illinois where bills are sent. (Source: P.A. 91-870, eff. 6-22-00; 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-878, eff. 1-1-04.)

Section 15. The Simplified Municipal Telecommunications Tax Act is amended by changing Sections 5-7 and 5-20 as follows:

(35 ILCS 636/5-7) (Text of Section before amendment by P.A. 92-878)

Sec. 5-7. Definitions. For purposes of the taxes authorized by this Act:

"Amount paid" means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

"Department" means the Illinois Department of Revenue.

"Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. However, "gross charge" shall not include:

(1) any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Act, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as

amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act;

(2) charges for a sent collect telecommunication received outside of such municipality;

(3) charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement;

(4) charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges;

(5) charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs;

(6) charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service;

(7) bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made);

(8) charges paid by inserting coins in coin-operated telecommunication devices; or

(9) amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

"Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

"Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

"Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

"Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective

of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

"Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

"Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

"Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this Act.

"Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupations Tax Act. (Source: P.A. 92-526, eff. 7-1-02.)

(Text of Section after amendment by P.A. 92-878)

Sec. 5-7. Definitions. For purposes of the taxes authorized by this Act:

"Amount paid" means the amount charged to the taxpayer's service address in such municipality regardless of where such amount is billed or paid.

"Department" means the Illinois Department of Revenue.

"Gross charge" means the amount paid for the act or privilege of originating or receiving telecommunications in such municipality and for all services and equipment provided in connection therewith by a retailer, valued in money whether paid in money or otherwise, including cash, credits, services and property of every kind or nature, and shall be determined without any deduction on account of the cost of such telecommunications, the cost of the materials used, labor or service costs or any other expense whatsoever. In case credit is extended, the amount thereof shall be included only as and when paid. "Gross charges" for private line service shall include charges imposed at each channel point within this State, charges for the channel mileage between each channel point within this State, and charges for that portion of the interstate inter-office channel provided within Illinois. Charges for that portion of the interstate inter-office channel provided in Illinois shall be determined by the retailer as follows: (i) for interstate inter-office channels having 2 channel termination points, only one of which is in Illinois, 50% of the total charge imposed; (ii) for interstate inter-office channels having more than 2 channel termination points, one or more of which are in Illinois, an amount equal to the total charge multiplied by a fraction, the numerator of which is the number of channel termination points within Illinois and the denominator of which is the total number of channel termination points; or (iii) any other method that

reasonably apportions the total charges for interstate inter-office channels among the states in which channel termination points are located. Prior to January 1, 2004 June 1, 2003, any apportionment method consistent with this paragraph shall be accepted as a reasonable method to determine the charges for that portion of the interstate inter-office channel provided within Illinois for that period. However, "gross charge" shall not include any of the following:

(1) Any amounts added to a purchaser's bill because of a charge made pursuant to: (i) the tax imposed by this Act, (ii) the tax imposed by the Telecommunications Excise Tax Act, (iii) the tax imposed by Section 4251 of the Internal Revenue Code, (iv) 911 surcharges, or (v) charges added to customers' bills pursuant to the provisions of Section 9-221 or 9-222 of the Public Utilities Act, as amended, or any similar charges added to customers' bills by retailers who are not subject to rate regulation by the Illinois Commerce Commission for the purpose of recovering any of the tax liabilities or other amounts specified in those provisions of the Public Utilities Act.

(2) Charges for a sent collect telecommunication received outside of such municipality.

(3) Charges for leased time on equipment or charges for the storage of data or information for subsequent retrieval or the processing of data or information intended to change its form or content. Such equipment includes, but is not limited to, the use of calculators, computers, data processing equipment, tabulating equipment or accounting equipment and also includes the usage of computers under a time-sharing agreement.

(4) Charges for customer equipment, including such equipment that is leased or rented by the customer from any source, wherein such charges are disaggregated and separately identified from other charges.

(5) Charges to business enterprises certified as exempt under Section 9-222.1 of the Public Utilities Act to the extent of such exemption and during the period of time specified by the Department of Commerce and Community Affairs.

(6) Charges for telecommunications and all services and equipment provided in connection therewith between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries when the tax imposed under this Act has already been paid to a retailer and only to the extent that the charges between the parent corporation and wholly owned subsidiaries or between wholly owned subsidiaries represent expense allocation between the corporations and not the generation of profit for the corporation rendering such service.

(7) Bad debts ("bad debt" means any portion of a debt that is related to a sale at retail for which gross charges are not otherwise deductible or excludable that has become worthless or uncollectible, as determined under applicable federal income tax standards; if the portion of the debt deemed to be bad is subsequently paid, the retailer shall report and pay the tax on that portion during the reporting period in which the payment is made).

(8) Charges paid by inserting coins in coin-operated telecommunication devices.

(9) Amounts paid by telecommunications retailers under the Telecommunications Infrastructure Maintenance Fee Act.

(10) Charges for nontaxable services or telecommunications if (i) those charges are aggregated with other charges for telecommunications that are taxable, (ii) those charges are not separately stated on the customer bill or invoice, and (iii) the retailer can reasonably identify the nontaxable charges on the retailer's books and records kept in the regular course of business. If the nontaxable charges cannot reasonably be identified, the gross charge from the sale of both taxable and nontaxable services or telecommunications billed on a combined basis shall be attributed to the taxable services or telecommunications. The burden of proving nontaxable charges shall be on the retailer of the telecommunications.

"Interstate telecommunications" means all telecommunications that either originate or terminate outside this State.

"Intrastate telecommunications" means all telecommunications that originate and terminate within this State.

"Person" means any natural individual, firm, trust, estate, partnership, association, joint stock company, joint venture, corporation, limited liability company, or a receiver, trustee, guardian, or other representative appointed by order of any court, the Federal and State governments, including State universities created by statute, or any city, town, county, or other political subdivision of this State.

"Purchase at retail" means the acquisition, consumption or use of telecommunications through a sale at retail.

"Retailer" means and includes every person engaged in the business of making sales at retail as defined in this Section. The Department may, in its discretion, upon application, authorize the collection of the tax hereby imposed by any retailer not maintaining a place of business within this State, who, to the satisfaction of the Department, furnishes adequate security to insure collection and payment of the tax. Such retailer shall be issued, without charge, a permit to collect such tax. When so authorized, it shall be the duty of such retailer to collect the tax upon all of the gross charges for telecommunications in this State in the same manner and subject to the same requirements as a retailer maintaining a place of business within this State. The permit may be revoked by the Department at its discretion.

"Retailer maintaining a place of business in this State", or any like term, means and includes any retailer having or maintaining within this State, directly or by a subsidiary, an office, distribution facilities, transmission facilities, sales office, warehouse or other place of business, or any agent or other representative operating within this State under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent or other representative is located here permanently or temporarily, or whether such retailer or subsidiary is licensed to do business in this State.

"Sale at retail" means the transmitting, supplying or furnishing of telecommunications and all services and equipment provided in connection therewith for a consideration, to persons other than the Federal and State governments, and State universities created by statute and other than between a parent corporation and its wholly owned subsidiaries or between wholly owned subsidiaries for their use or consumption and not for resale.

"Service address" means the location of telecommunications equipment from which telecommunications services are originated or at which telecommunications services are received by a taxpayer. In the event this may not be a defined location, as in the case of mobile phones, paging systems, and maritime systems, service address means the customer's place of primary use as defined in the Mobile Telecommunications Sourcing Conformity Act. For air-to-ground systems and the like, "service address" shall mean the location of a taxpayer's primary use of the telecommunications equipment as defined by telephone number, authorization code, or location in Illinois where bills are sent.

"Taxpayer" means a person who individually or through his or her agents, employees, or permittees engages in the act or privilege of originating or receiving telecommunications in a municipality and who incurs a tax liability as authorized by this Act.

"Telecommunications", in addition to the meaning ordinarily and popularly ascribed to it, includes, without limitation, messages or information transmitted through use of local, toll, and wide area telephone service, private line services, channel services, telegraph services, teletypewriter, computer exchange services, cellular mobile telecommunications service, specialized mobile radio, stationary two-way radio, paging service, or any other form of mobile and portable one-way or two-way communications, or any other transmission of messages or information by electronic or similar means, between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or similar facilities. As used in this Act, "private line" means a dedicated non-traffic sensitive service for a single customer, that entitles the customer to exclusive or priority use of a communications channel or group of channels, from one or more specified locations to one or more other specified locations. The definition of "telecommunications" shall not include value added services in which computer processing applications are used to act on the form, content, code, and protocol of the information for purposes other than transmission. "Telecommunications" shall not include purchases of telecommunications by a telecommunications service provider for use as a component part of the service provided by such provider to the ultimate retail consumer who originates or terminates the taxable end-to-end communications. Carrier access charges, right of access charges, charges for use of inter-company facilities, and all telecommunications resold in the subsequent provision of, used as a component of, or integrated into, end-to-end telecommunications service shall be non-taxable as sales for resale. Prepaid telephone calling arrangements shall not be considered "telecommunications" subject to the tax imposed under this Act. For purposes of this Section, "prepaid telephone calling arrangements" means that term as defined in Section 2-27 of the Retailers' Occupation Tax Act. (Source: P.A. 92-526, eff. 7-1-02; 92-878, eff. 1-1-04.)
"; and

on page 2, immediately below line 16, by inserting the following:
"Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.
Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed; and the bill, as amended was ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 1105** was recalled from the order of third reading to the order of second reading.
Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1105 on page 1, line 23, after "reimbursed", by inserting "by the Town of Cicero".

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 Silverstein, **Senate Bill No. 1126** was recalled from the order of third reading to the order of second reading.
Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1126 as follows:
on page 1, line 4, by inserting "changing Section 27.3b and", after "by"; and
on page 1, by inserting below line 17 the following:
"(705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)
Sec. 27.3b. The clerk of court may accept payment of fines, penalties, or costs by credit card or debit card approved by the clerk from an offender who has been convicted of or placed on court supervision for a traffic offense, petty offense, ordinance offense, or misdemeanor or who has been convicted of a felony offense. The clerk of the court may also accept payment of statutory fees by a credit card or debit card. The clerk of the court may also accept the credit card or debit card for the cash deposit of bail bond fees up to $300.
The clerk of the circuit court is authorized to enter into contracts with credit card or debit card companies approved by the clerk and to negotiate the payment of convenience and administrative fees ~~pay those companies fees~~ normally charged by those companies for allowing the clerk of the circuit court to accept their credit cards or debit cards in payment as authorized herein. The clerk of the circuit court is authorized to enter into contracts with third party fund guarantors, facilitators, and service providers under which those entities may contract directly with customers of the clerk of the circuit court and guarantee and remit the payments to the clerk of the circuit court. Where the offender pays fines, penalties, or costs by credit card or debit card or through a third party fund guarantor, facilitator, or service provider, or anyone paying statutory fees of the circuit court clerk or the posting of cash bail, the clerk shall collect a service fee of up to $5 or the amount charged to the clerk for use of its services by the credit card or debit card issuer, third party fund guarantor, facilitator, or service provider. This service fee shall be in addition to any other fines, penalties, or costs. The clerk of the circuit court is authorized to negotiate the assessment of convenience and administrative fees by the third party fund guarantors, facilitators, and service providers with the revenue earned by the clerk of the circuit court to be remitted to the county general revenue fund. (Source: P.A. 91-733, eff. 1-1-01.)".

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 Cullerton, **Senate Bill No. 1150** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 2 was held in the Insurance and Pensions.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1150, AS AMENDED, with reference herein to the page and line numbers of Senate Amendment No. 1, on page 4, line 6, by replacing "5/500-107" with "500-107"; and

on page 4, line 8, by changing "(a) A" to "(a) Except as permitted by subsection (j) of this Section, a"; and

on page 6 by inserting immediately below line 17 the following:

"(j) Nothing contained in this Section shall prohibit an unlicensed person from enrolling, issuing, or otherwise distributing certificates of insurance under a group master policy lawfully issued in this or another state when:

(1) the enrollment or distribution is by an employee of the group master policyholder;

(2) no commission is paid for such enrollment or distribution;

(3) the distribution is incidental and ancillary to the primary rental business of the group master policyholder; and

(4) the group master policy is sold to the group master policyholder by a licensed producer.

(k) Nothing in this Section applies to or affects common carriers regulated by the Illinois Commerce Commission."; and

on page 7 by deleting lines 29 and 30.

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Viverito, **Senate Bill No. 1190** was recalled from the order of third reading to the order of second reading.

Senator Viverito offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1190 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Act on the Aging is amended by adding Section 4.07 as follows:

(20 ILCS 105/4.07 new)

Sec. 4.07. Home-delivered meals. Every citizen of the State of Illinois who qualifies for home-delivered meals under the federal Older Americans Act shall be provided services, subject to appropriation. The Department shall file a report with the General Assembly and the Illinois Council on Aging by January 1 of each year. The report shall include, but not be limited to, the following information: (i) estimates, by county, of citizens denied service due to insufficient funds during the preceding fiscal year and the potential impact on service delivery of any additional funds appropriated for the current fiscal year; (ii) geographic areas and special populations unserved and underserved in the preceding fiscal year; (iii) estimates of additional funds needed to permit the full funding of the program and the Statewide provision of services in the next fiscal year, including staffing and equipment needed to prepare and deliver meals; (iv) recommendations for increasing the amount of federal funding captured for the program; (v) recommendations for serving unserved and underserved areas and special populations, to include rural areas, dietetic meals, weekend meals, and 2 or more meals per day; and (vi) any other information needed to assist the General Assembly and the Illinois Council on Aging in developing a plan to address unserved and underserved areas of the State.".

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 Garrett, **Senate Bill No. 1332** 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 1332 by replacing everything after the enacting clause with the following:

"Section 5. The Hospital Licensing Act is amended by changing Sections 8, 8.5, 9, 9.2, and 9.3 and adding Sections 9.4, 9.5, and 9.6 as follows:

(210 ILCS 85/8) (from Ch. 111 1/2, par. 149)

Sec. 8. Facility plan review; fees. (a) Before commencing construction of new facilities or specified types of alteration or additions to an existing hospital involving major construction, as defined by rule by the Department, with an estimated cost greater than $100,000, architectural plans and specifications therefor shall be submitted by the licensee to the Department for review and approval. A hospital may submit architectural drawings and specifications for other construction projects for Department review according to subsection (b) that shall not be subject to fees under subsection (d). The Department must give a hospital that is planning to submit a construction project for review the opportunity to discuss its plans and specifications with the Department before the hospital formally submits the plans and specifications for Department review. Review of drawings and specifications shall be conducted by an employee of the Department meeting the qualifications established by the Department of Central Management Services class specifications for such an individual's position or by a person contracting with the Department who meets those class specifications. Final approval of the plans and specifications for compliance with design and construction standards shall be obtained from the Department before the alteration, addition, or new construction is begun.

(b) The Department shall inform an applicant in writing within 10 working days after receiving drawings and specifications and the required fee, if any, from the applicant whether the applicant's submission is complete or incomplete. Failure to provide the applicant with this notice within 10 working days shall result in the submission being deemed complete for purposes of initiating the 60-day review period under this Section. If the submission is incomplete, the Department shall inform the applicant of the deficiencies with the submission in writing. If the submission is complete and the required fee, if any, has been paid, the Department shall approve or disapprove drawings and specifications submitted to the Department no later than 60 days following receipt by the Department. The drawings and specifications shall be of sufficient detail, as provided by Department rule, to enable the Department to render a determination of compliance with design and construction standards under this Act. If the Department finds that the drawings are not of sufficient detail for it to render a determination of compliance, the plans shall be determined to be incomplete and shall not be considered for purposes of initiating the 60 day review period. If a submission of drawings and specifications is incomplete, the applicant may submit additional information. The 60-day review period shall not commence until the Department determines that a submission of drawings and specifications is complete or the submission is deemed complete. If the Department has not approved or disapproved the drawings and specifications within 60 days, the construction, major alteration, or addition shall be deemed approved. If the drawings and specifications are disapproved, the Department shall state in writing, with specificity, the reasons for the disapproval. The entity submitting the drawings and specifications may submit additional information in response to the written comments from the Department or request a reconsideration of the disapproval. A final decision of approval or disapproval shall be made within 45 days of the receipt of the additional information or reconsideration request. If denied, the Department shall state the specific reasons for the denial and the applicant may elect to seek dispute resolution pursuant to Section 25 of the Illinois Building Commission Act, which the Department must participate in.

(c) The Department shall provide written approval for occupancy pursuant to subsection (g) and shall not issue a violation to a facility as a result of a licensure or complaint survey based upon the facility's physical structure if:

(1) the Department reviewed and approved or deemed approved the drawing and specifications for compliance with design and construction standards;

(2) the construction, major alteration, or addition was built as submitted;

(3) the law or rules have not been amended since the original approval; ~~and~~

(4) the conditions at the facility indicate that there is a reasonable degree of safety provided for the patients; and

(5) the inspected aspects of the facility were found to be in compliance with applicable standards, the relevant law or rules have not been amended since the facility was found to be in compliance, conditions at the facility reasonably protect the safety of its patients, and new hazards have not been identified.

(d) The Department shall charge the following fees in connection with its reviews conducted before June 30, 2004 under this Section:

(1) (Blank).

(2) (Blank).

(3) If the estimated dollar value of the major construction is greater than $500,000, the fee shall be established by the Department pursuant to rules that reflect the reasonable and direct cost of the Department in conducting the architectural reviews required under this Section. The estimated dollar value of the major construction subject to review under this Section shall be annually readjusted to reflect the increase in construction costs due to inflation.

The fees provided in this subsection (d) shall not apply to major construction projects involving facility changes that are required by Department rule amendments or to projects related to homeland security.

The fees provided in this subsection (d) shall also not apply to major construction projects if 51% or more of the estimated cost of the project is attributed to capital equipment. For major construction projects where 51% or more of the estimated cost of the project is attributed to capital equipment, the Department shall by rule establish a fee that is reasonably related to the cost of reviewing the project.

Disproportionate share hospitals and rural hospitals shall only pay one-half of the fees required in this subsection (d). For the purposes of this subsection (d), (i) "disproportionate share hospital" means a hospital described in items (1) through (5) of subsection (b) of Section 5-5.02 of the Illinois Public Aid Code and (ii) "rural hospital" means a hospital that is (A) located outside a metropolitan statistical area or (B) located 15 miles or less from a county that is outside a metropolitan statistical area and is licensed to perform medical/surgical or obstetrical services and has a combined total bed capacity of 75 or fewer beds in these 2 service categories as of July 14, 1993, as determined by the Department.

The Department shall not commence the facility plan review process under this Section until the applicable fee has been paid.

(e) All fees received by the Department under this Section shall be deposited into the Health Facility Plan Review Fund, a special fund created in the State treasury. All fees paid by hospitals under subsection (d) shall be used only to cover the direct and reasonable costs relating to the Department's review of hospital projects under this Section. Moneys shall be appropriated from that Fund to the Department only to pay the costs of conducting reviews under this Section. None of the moneys in the Health Facility Plan Review Fund shall be used to reduce the amount of General Revenue Fund moneys appropriated to the Department for facility plan reviews conducted pursuant to this Section.

(f) (Blank).

(g) The Department shall conduct an on-site inspection of the completed project no later than 10 business ~~30~~ days after notification from the applicant that the project has been completed and all certifications required by the Department have been received and accepted by the Department. The Department shall provide written approval for occupancy to the applicant within 5 working days of the Department's final inspection, provided the applicant has demonstrated substantial compliance as defined by Department rule. Occupancy of new major construction is prohibited until Department approval is received, unless the Department has not acted within the time frames provided in this subsection (g), in which case the construction shall be deemed approved. Occupancy shall be authorized after any required health inspection by the Department has been conducted.

(h) The Department shall establish, by rule, a procedure to conduct interim on-site review of large or complex construction projects.

(i) The Department shall establish, by rule, an expedited process for emergency repairs or replacement of like equipment.

(j) Nothing in this Section shall be construed to apply to maintenance, upkeep, or renovation that does not affect the structural integrity of the building, does not add beds or services over the number for which the facility is licensed, and provides a reasonable degree of safety for the patients. (Source: P.A. 91-712, eff. 7-1-00; 92-563, eff. 6-24-02; 92-803, eff. 8-16-02; revised 9-19-02.)

(210 ILCS 85/8.5)

Sec. 8.5. Waiver of compliance with rules or standards ~~for construction or physical plant~~. Upon application by a hospital, the Department may grant or renew the waiver of the hospital's compliance

with a ~~construction or physical plant~~ rule or standard, including without limitation rules and standards for (i) design and construction, (ii) engineering and maintenance of the physical plant, site, equipment, and systems (heating, cooling, electrical, ventilation, plumbing, water, sewer, and solid waste disposal), ~~and~~ (iii) fire and safety, and (iv) other rules or standards that may present a barrier to the development, adoption, or implementation of an innovation designed to improve patient care, for a period not to exceed the duration of the current license or, in the case of an application for license renewal, the duration of the renewal period. The waiver may be conditioned upon the hospital taking action prescribed by the Department as a measure equivalent to compliance. In determining whether to grant or renew a waiver, the Department shall consider the duration and basis for any current waiver with respect to the same rule or standard and the validity and effect upon patient health and safety of extending it on the same basis, the effect upon the health and safety of patients, the quality of patient care, the hospital's history of compliance with the rules and standards of this Act, and the hospital's attempts to comply with the particular rule or standard in question. The Department may provide, by rule, for the automatic renewal of waivers concerning construction or physical plant requirements upon the renewal of a license. The Department shall renew waivers relating to construction or physical plant standards issued pursuant to this Section at the time of the indicated reviews, unless it can show why such waivers should not be extended for the following reasons:

(1) the condition of the physical plant has deteriorated or its use substantially changed so that the basis upon which the waiver was issued is materially different; or

(2) the hospital is renovated or substantially remodeled in such a way as to permit compliance with the applicable rules and standards without substantial increase in cost.

A copy of each waiver application and each waiver granted or renewed shall be on file with the Department and available for public inspection.

The Department shall advise hospitals of any applicable federal waivers about which it is aware and for which the hospital may apply.

In the event that the Department does not grant or renew a waiver of a rule or standard, the Department must notify the hospital in writing detailing the specific reasons for not granting or renewing the waiver and must discuss possible options, if any, the hospital could take to have the waiver approved.

This Section shall apply to both new and existing construction. (Source: P.A. 92-803, eff. 8-16-02.)

(210 ILCS 85/9) (from Ch. 111 1/2, par. 150)

Sec. 9. Inspections and investigations. The Department shall make or cause to be made such inspections and investigations as it deems necessary. Upon arrival at the hospital, the Department's inspector or investigator must inform the hospital of the scope of the investigation with references to the particular statutory or regulatory provisions triggering the inspection or investigation. If the scope of an inspection is expanded beyond what was originally disclosed to the hospital, the surveyor must inform the hospital's administrator or designee. This information must be provided before the inspector or investigator leaves the hospital premises. Information received by the Department through filed reports, inspection, or as otherwise authorized under this Act shall not be disclosed publicly in such manner as to identify individuals or hospitals, except (i) in a proceeding involving the denial, suspension, or revocation of a permit to establish a hospital or a proceeding involving the denial, suspension, or revocation of a license to open, conduct, operate, and maintain a hospital, (ii) to the Department of Children and Family Services in the course of a child abuse or neglect investigation conducted by that Department or by the Department of Public Health, (iii) in accordance with Section 6.14a of this Act, or (iv) in other circumstances as may be approved by the Hospital Licensing Board. (Source: P.A. 90-608, eff. 6-30-98; 91-242, eff. 1-1-00.)

(210 ILCS 85/9.2)

Sec. 9.2. Disclosure. Prior to conducting a survey of a hospital operating under an approved waiver, equivalency, or other approval, a surveyor must be made aware of the waiver, equivalency, or other approval prior to entering the hospital. Prior to commencing an inspection, the Department must provide the hospital with documentation that the survey is being conducted, with consideration of the relevant waiver, equivalency, or approval. ~~After conducting the survey, the Department must conduct a comprehensive exit interview with designated hospital representatives at which the hospital may present additional information regarding findings.~~ (Source: P.A. 92-803, eff. 8-16-02.)

(210 ILCS 85/9.3)

Sec. 9.3. Informal dispute resolution. The Department must offer an opportunity for informal dispute resolution concerning the application of building codes for new and existing construction and other ~~related~~ Department rules and standards before the advisory committee under subsection (b) of Section 2310-560 of the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Participants in this process must include representatives from the

Department, representatives of the hospital, and additional representatives deemed appropriate by both parties with expertise regarding the contested deficiencies and the management of health care facilities. If the Department does not resolve disputed deficiencies after the informal dispute resolution process, the Department must provide a written explanation to the hospital of why the deficiencies have not been removed from the statement of deficiencies. (Source: P.A. 92-803, eff. 8-16-02.)

(210 ILCS 85/9.4 new)

Sec. 9.4. Status and exit briefings. If there are significant findings during inspections, investigations, or surveys, the Department must offer a daily status briefing with the hospital administrator or his or her designee to disclose the findings before the inspector, investigator, or surveyor leaves for the day. At the end of each inspection, investigation, or survey the Department must have a detailed and comprehensive exit briefing with the hospital to disclose its preliminary findings and conclusions. As part of these briefings, the Department inspector, investigator, or surveyor must explain to the provider what the deficiency is in terms specific enough to allow a reasonably knowledgeable person to understand why the requirement is not met. Surveyors must explain the requirements and why something is a deficiency. A data tag or reiteration of the regulations must not be used as a substitute for an explanation.

(210 ILCS 85/9.5 new)

Sec. 9.5. Findings, conclusions, and citations. The Department must consider any factual information offered by the hospital during the survey, inspection, or investigation, at daily status briefings, and in the exit briefing required under Section 9.4 before making final findings and conclusions or issuing citations. The Department must document receipt of such information and provide the hospital with its findings and conclusions regarding this information in addition to any other findings and conclusions of its survey, investigation, or inspection. The Department must provide the hospital with written notice of its findings and conclusions within 10 days of the exit briefing required under Section 9.4. This notice must provide the following information: (i) identification of all deficiencies and areas of noncompliance with applicable law; (ii) identification of the applicable statutes, rules, codes, or standards that were violated; and (iii) the factual basis for each deficiency or violation.

(210 ILCS 85/9.6 new)

Sec. 9.6. Reviewer quality improvement. The Department must implement a reviewer performance improvement program for hospital survey, inspection, and investigation staff. The Department must also review the work of each of its surveyors, inspectors, and investigators on a quarterly basis to assess whether its surveyors, inspectors, and investigators: (i) apply the same protocols and criteria consistently to substantially similar situations; (ii) reach similar findings and conclusions when reviewing substantially similar situations; (iii) conduct surveys, inspections, or investigations in a professional manner; and (iv) comply with the provisions of this Act. The Department must also implement continuing education programs for its surveyors, inspectors, and investigators to correct review inconsistency and to reduce review time and expense.".

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. 1417** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 1417 on page 1, line 18, by changing "individual, in" to "individual."; and

on page 1 by replacing lines 19 through 26 with the following:

"Coverage required under this Section shall provide a covered individual, in consultation with his or her physician, with a choice of cancer examinations and laboratory tests, but only in accordance with the following frequency and type:

(1) For persons age 50 and over:

(A) either a fecal occult blood test or immunochemical fecal blood test conducted annually, or

(B) a flexible sigmoidoscopy conducted every 5 years, or

(C) a fecal occult blood test or immunochemical fecal blood test conducted annually in addition to a flexible sigmoidoscopy conducted every 5 years, or

(D) a double contrast barium enema conducted every 5 years, or

(E) a colonoscopy conducted every 10 years.

Coverage under this subdivision (1) permits additional screening only if the frequency period for the prior examination or test has expired.

(2) For persons at high risk for colorectal cancer, either a fecal occult blood test or immunochemical fecal blood test, a flexible sigmoidoscopy, a double contrast barium enema, or a colonoscopy at a frequency determined by the covered individual in consultation with his or her physician and in accordance with generally accepted medical standards.

An "individual at high risk for colorectal cancer" is an individual who, because of family history, prior experience of cancer or precursor neoplastic polyps, a history of chronic digestive disease (including inflammatory bowel disease, Crohn's Disease, or ulcerative colitis), the presence of any appropriate recognized gene markers for colorectal cancer, or other predisposing factors, faces a high risk of colorectal cancer.".

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.

On motion of Senator Link, **Senate Bill No. 1497** 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. 3

AMENDMENT NO. 3. Amend Senate Bill 1497, AS AMENDED, by replacing everything after Section 1 with the following:

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

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

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

(1) The probability that the design-build procurement method will be in the best interests of the State by providing a material savings of time or cost over the design-bid-build or other delivery system.

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

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

The state construction agency shall within 15 days after the initial determination provide an advisory copy to the Procurement Policy Board and maintain the full record of determination for 5 years.

Section 10. Definitions. As used in this Act:

"State construction agency" means and includes those agencies as defined in Section 1-15.25 of the Illinois Procurement Code, as amended, but does not mean the Illinois Department of Transportation and the Illinois State Toll Highway Authority.

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

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

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

"Design-build contract" means a contract for a public project under this Act between a State

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

"Design-build entity" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that proposes to design and construct any public project under this Act. A design-build entity and associated design-build professionals shall conduct themselves in accordance with the laws of this State and the related provisions of the Illinois Administrative Code, as referenced by the licensed design professional Acts of this State, with respect to the solicitation and contracting of design-build services.

"Design professional" means any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity that offers services under the Illinois Architecture Practice Act of 1989 (225 ILCS 305/), the Professional Engineering Practice Act of 1989 (225 ILCS 325/), the Structural Engineering Licensing Act of 1989 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act of 1989 (225 ILCS 330/).

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

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

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

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

Section 15. Solicitation of proposals.

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

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

(1) The State construction agency that will award the design-build contract.

(2) A preliminary schedule for the completion of the contract.

(3) The proposed budget for the project, the source of funds, and the currently available funds.

(4) Prequalification criteria for design-build entities wishing to submit proposals. The State construction agency shall include, at a minimum, its normal prequalification, licensing, registration, and other requirements, but nothing contained herein precludes the use of additional prequalification criteria by the State construction agency.

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

(6) The performance criteria.

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

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

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

(d) The date that proposals are due must be at least 21 calendar days after the date of the issuance of the request for proposal. In the event the cost of the project is estimated to exceed $10 million, then the proposal due date must be at least 28 calendar days after the date of the issuance of the request for

proposal. The State construction agency shall include in the request for proposal a minimum of 30 days to develop the Phase II submissions after the selection of entities from the Phase I evaluation is completed.

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

Section 20. Development of scope and performance criteria.

(a) The State construction agency shall develop, at the direction of a licensed design professional, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the State construction agency's overall programmatic needs and goals, including criteria and preliminary design plans, general budget parameters, schedule, and delivery requirements.

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

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

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

Section 25. Selection Committee.

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

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

Section 30. Procedures for Selection.

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

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

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

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

Upon completion of the qualifications evaluation, the State construction agency shall create a shortlist of the most highly qualified design-build entities. The State construction agency, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided

however, no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals.

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

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

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

The State construction agency shall include the following criteria in every Phase II cost evaluation the total project cost, the construction costs, and the time of completion. The State construction agency may include any additional relevant technical evaluation factors it deems necessary for proper selection. In no event shall the total project cost criteria in this subsection exceed a weighting factor greater than 25%.

The State construction agency shall directly employ or retain a licensed design professional to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards.

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

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

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

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

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

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

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

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

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

Section 50. Administrative Procedure Act. The Illinois Administrative Procedure Act (5 ILCS 100/) applies to all administrative rules and procedures of the State construction agency under this Act.

Section 53. Federal requirements. In the procurement of design-build contracts, State construction agencies shall comply with federal law and regulations and take all necessary steps to adapt their rules, policies, and procedures to remain eligible for federal aid.

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Harmon, **Senate Bill No. 1506** 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 1506 on page 3, line 4, after "4.10,", by inserting "5.10,"; and

on page 3, line 6, after "15.05,", by inserting "15.10,"; and

on page 9, after line 18, by inserting the following:

"(805 ILCS 5/5.10) (from Ch. 32, par. 5.10)

Sec. 5.10. Change of registered office or registered agent. (a) A domestic corporation or a foreign corporation may from time to time change the address of its registered office. A domestic corporation or a foreign corporation shall change its registered agent if the office of registered agent shall become vacant for any reason, or if its registered agent becomes disqualified or incapacitated to act, or if the corporation revokes the appointment of its registered agent.

(b) A domestic corporation or a foreign corporation may change the address of its registered office or change its registered agent, or both, ~~by so indicating in the statement of change on the annual report of that corporation filed pursuant to Section 14.10 of this Act or~~ by executing and filing, in duplicate, in accordance with Section 1.10 of this Act a statement setting forth:

(1) The name of the corporation.

(2) The address, including street and number, or rural route number, of its then registered office.

(3) If the address of its registered office be changed, the address, including street and number, or rural route number, to which the registered office is to be changed.

(4) The name of its then registered agent.

(5) If its registered agent be changed, the name of its successor registered agent.

(6) That the address of its registered office and the address of the business office of its registered agent, as changed, will be identical.

(7) That such change was authorized by resolution duly adopted by the board of directors.

(c) (Blank). ~~A legible copy of the statement of change as on the annual report returned by the Secretary of State shall be filed for record within the time prescribed by this Act in the office of the Recorder of the county in which the registered office of the corporation in this State was situated before the filing of that statement in the Office of the Secretary of State.~~

(d) If the registered office is changed from one county to another county, then the corporation shall also file for record within the time prescribed by this Act in the office of the recorder of the county to which such registered office is changed:

(1) In the case of a domestic corporation:

(i) A copy of its articles of incorporation certified by the Secretary of State.

(ii) A copy of the statement of change of address of its registered office, certified by the Secretary of State.

(2) In the case of a foreign corporation:

(i) A copy of its application for authority to transact business in this State, certified by the Secretary of State.

(ii) A copy of all amendments to such authority, if any, likewise certified by the Secretary of State.

(iii) A copy of the statement of change of address of its registered office certified by the Secretary of State.

(e) The change of address of the registered office, or the change of registered agent, or both, as the case may be, shall become effective upon the filing of such statement by the Secretary of State. (Source: P.A. 91-357, eff. 7-29-99; 92-33, eff. 7-1-01.)

"; and
by replacing line 33 on page 33, all of pages 34 through 36, and lines 1 and 2 on page 37 with the following:

"(805 ILCS 5/14.05) (from Ch. 32, par. 14.05)

Sec. 14.05. Annual report of domestic or foreign corporation. Each domestic corporation organized under any general law or special act of this State authorizing the corporation to issue shares, other than homestead associations, building and loan associations, banks and insurance companies (which includes a syndicate or limited syndicate regulated under Article V 1/2 of the Illinois Insurance Code or member of a group of underwriters regulated under Article V of that Code), and each foreign corporation (except members of a group of underwriters regulated under Article V of the Illinois Insurance Code) authorized to transact business in this State, shall file, within the time prescribed by this Act, an annual report setting forth:

(a) The name of the corporation.

(b) The address, including street and number, or rural route number, of its registered office in this State, and the name of its registered agent at that address ~~and a statement of change of its registered office or registered agent, or both, if any~~.

(c) The address, including street and number, or rural route number, of its principal office.

(d) The names and respective ~~business~~ addresses, including street and number, or rural route number, of its directors and officers.

(e) A statement of the aggregate number of shares which the corporation has authority to issue, itemized by classes and series, if any, within a class.

(f) A statement of the aggregate number of issued shares, itemized by classes, and series, if any, within a class.

(g) A statement, expressed in dollars, of the amount of paid-in capital of the corporation as defined in this Act.

(h) Either a statement that (1) all the property of the corporation is located in this State and all of its business is transacted at or from places of business in this State, or the corporation elects to pay the annual franchise tax on the basis of its entire paid-in capital, or (2) a statement, expressed in dollars, of the value of all the property owned by the corporation, wherever located, and the value of the property located within this State, and a statement, expressed in dollars, of the gross amount of business transacted by the corporation and the gross amount thereof transacted by the corporation at or from places of business in this State as of the close of its fiscal year on or immediately preceding the last day of the third month prior to the anniversary month or in the case of a corporation which has established an extended filing month, as of the close of its fiscal year on or immediately preceding the last day of the third month prior to the extended filing month; however, in the case of a domestic corporation that has not completed its first fiscal year, the statement with respect to property owned shall be as of the last day of the third month preceding the anniversary month and the statement with respect to business transacted shall be furnished for the period between the date of incorporation and the last day of the third month preceding the anniversary month. In the case of a foreign corporation that has not been authorized to transact business in this State for a period of 12 months and has not commenced transacting business prior to obtaining authority, the statement with respect to property owned shall be as of the last day of the third month preceding the anniversary month and the statement with respect to business transacted shall be furnished for the period between the date of its authorization to transact business in this State and the last day of the third month preceding the anniversary month. If the data referenced in item (2) of this subsection is not completed, the franchise tax provided for in this Act shall be computed on the basis of the entire paid-in capital.

(i) A statement, including the basis therefor, of status as a "minority owned business" or as a "female owned business" as those terms are defined in the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

(j) Additional information as may be necessary or appropriate in order to enable the Secretary of State to administer this Act and to verify the proper amount of fees and franchise taxes payable by the corporation.

The annual report shall be made on forms prescribed and furnished by the Secretary of State, and the information therein required by paragraphs (a) through (d), both inclusive, of this Section, shall be given as of the date of the execution of the annual report and the information therein required by paragraphs (e), (f) and (g) of this Section shall be given as of the last day of the third month preceding the anniversary month, except that the information required by paragraphs (e), (f) and (g) shall, in the case of a corporation which has established an extended filing month, be given in its final transition annual

report and each subsequent annual report as of the close of its fiscal year immediately preceding its extended filing month. It shall be executed by the corporation by its president, a vice-president, secretary, assistant secretary, treasurer or other officer duly authorized by the board of directors of the corporation to execute those reports, and verified by him or her, or, if the corporation is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation and verified by the receiver or trustee. (Source: P.A. 91-593, eff. 8-14-99; 92-16, eff. 6-28-01; 92-33, eff. 7-1-01.)
"; and
on page 37, after line 13, by inserting the following:

"(805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

Sec. 15.10. Fees for filing documents. The Secretary of State shall charge and collect for:

(a) Filing articles of incorporation, $75.

(b) Filing articles of amendment, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(c) Filing articles of merger or consolidation, $100, but if the merger or consolidation involves more than 2 corporations, $50 for each additional corporation.

(d) Filing articles of share exchange, $100.

(e) Filing articles of dissolution, $5.

(f) Filing application to reserve a corporate name, $25.

(g) Filing a notice of transfer of a reserved corporate name, $25.

(h) Filing statement of change of address of registered office or change of registered agent, or both, ~~if other than on an annual report,~~ $5.

(i) Filing statement of the establishment of a series of shares, $25.

(j) Filing an application of a foreign corporation for authority to transact business in this State, $75.

(k) Filing an application of a foreign corporation for amended authority to transact business in this State, $25.

(l) Filing a copy of amendment to the articles of incorporation of a foreign corporation holding authority to transact business in this State, $25, unless the amendment is a restatement of the articles of incorporation, in which case the fee shall be $100.

(m) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to transact business in this State, $100, but if the merger involves more than 2 corporations, $50 for each additional corporation.

(n) Filing an application for withdrawal and final report or a copy of articles of dissolution of a foreign corporation, $25.

(o) Filing an annual report, interim annual report, or final transition annual report of a domestic or foreign corporation, $25.

(p) Filing an application for reinstatement of a domestic or a foreign corporation, $100.

(q) Filing an application for use of an assumed corporate name, $150 for each year or part thereof ending in 0 or 5, $120 for each year or part thereof ending in 1 or 6, $90 for each year or part thereof ending in 2 or 7, $60 for each year or part thereof ending in 3 or 8, $30 for each year or part thereof ending in 4 or 9, between the date of filing the application and the date of the renewal of the assumed corporate name; and a renewal fee for each assumed corporate name, $150.

(r) To change an assumed corporate name for the period remaining until the renewal date of the original assumed name, $25.

(s) Filing an application for cancellation of an assumed corporate name, $5.

(t) Filing an application to register the corporate name of a foreign corporation, $50; and an annual renewal fee for the registered name, $50.

(u) Filing an application for cancellation of a registered name of a foreign corporation, $25.

(v) Filing a statement of correction, $25.

(w) Filing a petition for refund or adjustment, $5.

(x) Filing a statement of election of an extended filing month, $25.

(y) Filing any other statement or report, $5. (Source: P.A. 92-33, eff. 7-1-01.)
"; and
by replacing lines 24 through 33 on page 57 and lines 1 through 24 on page 58 with the following:

"(805 ILCS 180/1-15)

Sec. 1-15. Reservation of name. (a) The exclusive right to the use of a name may be reserved by any of the following:

(1) A person intending to organize a limited liability company under this Act which will have that name.

(2) A limited liability company or any foreign limited liability company registered in this State

that, in either case, intends to adopt that name.

(3) Any foreign limited liability company having that name and intending to make application for admission to transact business in this State.

(4) A person intending to organize a foreign limited liability company and intending to make application for admission to transact business in this State and adopt that name.

(b) To reserve a specified name, a person shall submit an application to the Secretary of State in the form and manner the Secretary shall designate. If the Secretary of State finds that the name is available for use by a limited liability company or foreign limited liability company, the Secretary of State shall reserve the name for the exclusive use of the applicant for a period of 90 days or until surrendered by a written cancellation document signed by the applicant, whichever is sooner. ~~The reservation may be renewed for additional periods not to exceed 90 days from the date of the last renewal.~~ The right to the exclusive use of a reserved name may be transferred to any other person by delivering to the Office of the Secretary of State a notice of the transfer, executed by the person for whom the name was reserved and specifying the name and address of the transferee. (Source: P.A. 87-1062.)
"; and
by deleting all of pages 73 and 74.

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 Harmon, **Senate Bill No. 1510** was recalled from the order of third reading to the order of second reading.

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

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend Senate Bill 1510, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)

Sec. 7. Exemptions. (1) The following shall be exempt from inspection and copying:

(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.

(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:

(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;

(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;

(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;

(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute; and

(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection.

(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public

body, but only to the extent that disclosure would:

(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;

(ii) interfere with pending administrative enforcement proceedings conducted by any public body;

(iii) deprive a person of a fair trial or an impartial hearing;

(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;

(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;

(vi) constitute an invasion of personal privacy under subsection (b) of this Section;

(vii) endanger the life or physical safety of law enforcement personnel or any other person; or

(viii) obstruct an ongoing criminal investigation.

(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:

(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;

(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;

(iii) court records that are public;

(iv) records that are otherwise available under State or local law; or

(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.

"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

(e) Records that relate to or affect the security of correctional institutions and detention facilities.

(f) Preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body. The exemption provided in this paragraph (f) extends to all those records of officers and agencies of the General Assembly that pertain to the preparation of legislative documents.

(g) Trade secrets and commercial or financial information obtained from a person or business where the trade secrets or information are proprietary, privileged or confidential, or where disclosure of the trade secrets or information may cause competitive harm, including:

(i) All information determined to be confidential under Section 4002 of the Technology Advancement and Development Act.

(ii) Venture capital and private equity portfolio information of privately held companies possessed by a public body, including a public pension fund, for the purpose of investing and managing public funds. The exemption contained in this item does not apply to the aggregate financial performance of a venture capital or private equity firm.

Nothing contained in this paragraph (g) shall be construed to prevent a person or business from consenting to disclosure.

(h) Proposals and bids for any contract, grant, or agreement, including information which if it were disclosed would frustrate procurement or give an advantage to any person proposing to enter into a contractor agreement with the body, until an award or final selection is made. Information prepared by or for the body in preparation of a bid solicitation shall be exempt until an award or final selection is made.

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss.

(j) Test questions, scoring keys and other examination data used to administer an academic examination or determined the qualifications of an applicant for a license or employment.

(k) Architects' plans and engineers' technical submissions for projects not constructed or

developed in whole or in part with public funds and for projects constructed or developed with public funds, to the extent that disclosure would compromise security.

(l) Library circulation and order records identifying library users with specific materials.

(m) Minutes of meetings of public bodies closed to the public as provided in the Open Meetings Act until the public body makes the minutes available to the public under Section 2.06 of the Open Meetings Act.

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

(o) Information received by a primary or secondary school, college or university under its procedures for the evaluation of faculty members by their academic peers.

(p) Administrative or technical information associated with automated data processing operations, including but not limited to software, operating protocols, computer program abstracts, file layouts, source listings, object modules, load modules, user guides, documentation pertaining to all logical and physical design of computerized systems, employee manuals, and any other information that, if disclosed, would jeopardize the security of the system or its data or the security of materials exempt under this Section.

(q) Documents or materials relating to collective negotiating matters between public bodies and their employees or representatives, except that any final contract or agreement shall be subject to inspection and copying.

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

(t) Any and all proprietary information and records related to the operation of an intergovernmental risk management association or self-insurance pool or jointly self-administered health and accident cooperative or pool.

(u) Information concerning a university's adjudication of student or employee grievance or disciplinary cases, to the extent that disclosure would reveal the identity of the student or employee and information concerning any public body's adjudication of student or employee grievances or disciplinary cases, except for the final outcome of the cases.

(v) Course materials or research materials used by faculty members.

(w) Information related solely to the internal personnel rules and practices of a public body.

(x) Information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of a public body responsible for the regulation or supervision of financial institutions or insurance companies, unless disclosure is otherwise required by State law.

(y) Information the disclosure of which is restricted under Section 5-108 of the Public Utilities Act.

(z) Manuals or instruction to staff that relate to establishment or collection of liability for any State tax or that relate to investigations by a public body to determine violation of any criminal law.

(aa) Applications, related documents, and medical records received by the Experimental Organ Transplantation Procedures Board and any and all documents or other records prepared by the Experimental Organ Transplantation Procedures Board or its staff relating to applications it has received.

(bb) Insurance or self insurance (including any intergovernmental risk management association or self insurance pool) claims, loss or risk management information, records, data, advice or communications.

(cc) Information and records held by the Department of Public Health and its authorized representatives relating to known or suspected cases of sexually transmissible disease or any information the disclosure of which is restricted under the Illinois Sexually Transmissible Disease

Control Act.

(dd) Information the disclosure of which is exempted under Section 30 of the Radon Industry Licensing Act.

(ee) Firm performance evaluations under Section 55 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act.

(ff) Security portions of system safety program plans, investigation reports, surveys, schedules, lists, data, or information compiled, collected, or prepared by or for the Regional Transportation Authority under Section 2.11 of the Regional Transportation Authority Act or the St. Clair County Transit District under the Bi-State Transit Safety Act.

(gg) Information the disclosure of which is restricted and exempted under Section 50 of the Illinois Prepaid Tuition Act.

(hh) Information the disclosure of which is exempted under Section 80 of the State Gift Ban Act.

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

(jj) Information contained in a local emergency energy plan submitted to a municipality in accordance with a local emergency energy plan ordinance that is adopted under Section 11-21.5-5 of the Illinois Municipal Code.

(kk) Information and data concerning the distribution of surcharge moneys collected and remitted by wireless carriers under the Wireless Emergency Telephone Safety Act.

(2) This Section does not authorize withholding of information or limit the availability of records to the public, except as stated in this Section or otherwise provided in this Act. (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99; 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff. 8-3-01; 92-281, eff. 8-7-01; 92-645, eff. 7-11-02; 92-651, eff. 7-11-02.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Demuzio, **Senate Bill No. 1530** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 1530, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, on page 2, by replacing lines 4 through 9 with the following:

"(2) the business is ordered to pay punitive damages based on the conduct of any officer, director, partner, or other managerial agent who has been convicted of a felony referenced in subsection (a).".

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.

On motion of Senator J. Sullivan, **Senate Bill No. 1535** was recalled from the order of third reading to the order of second reading.

Senator J. Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1535 by replacing the title with the following:

"AN ACT concerning rural technology."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Rural Technology Development Zone Act.

Section 5. Zones established. Subject to appropriation, the Department of Commerce and Community Affairs (DCCA) may implement a pilot program to designate 3 rural areas in the State as rural technology development zones. The pilot programs shall be in areas that are underserved with respect to technology development. DCCA shall determine which 3 underserved areas shall be designated as technology development zones in consultation with the Illinois Commerce Commission. In

designating the zones, DCCA shall specify by rule, based upon the needs and assessment inventory, the specific technology infrastructure needs of each rural technology development zone and the types of investments that will meet those needs. For each rural technology development zone designated under this Section, DCCA shall further specify all of the following:

(1) The boundaries of the rural technology development zone.

(2) The potential for increasing Internet access within the rural technology development zone.

(3) The specific technology infrastructure required to provide adequate Internet access within the zone and any unique needs or characteristics of the zone.

(4) The specific investments in technology infrastructure that will qualify for income tax credits in the zone under Section 213 of the Illinois Income Tax Act.

(5) Any other information DCCA deems pertinent.

Section 10. Report to the General Assembly. DCCA shall submit a report to the General Assembly on or before September 1, 2005 outlining the progress, if any, in improving Internet access within rural technology development zones. The report shall include, but is not limited to, the following information:

(1) An analysis of the changes made in technology infrastructure in the rural technology development zones to improve Internet access and the effects of those changes.

(2) Any available statistics concerning the amount of investments made in rural technology development zones.

Section 15. Rules. DCCA shall adopt any rules necessary for the administration of this Act.

Section 90. The Illinois Income Tax Act is amended by adding Section 213 as follows:

(35 ILCS 5/213 new)

Sec. 213. Rural technology development zone tax credit.

(a) For taxable years beginning on or after January 1, 2004 and before January 1, 2010, each taxpayer is entitled to a credit against the tax imposed by subsections (a) and (b) of Section 201 in an amount equal to 10% of the amount of the total investment made during the taxable year by the taxpayer in technology infrastructure required to provide Internet access in rural technology development zones. This credit may be claimed only for specific capital investments in technology infrastructure that will qualify for income tax credits in the development zone as specified by the Department of Commerce and Community Affairs under item (4) of Section 5 of the Rural Technology Development Zone Act. The credit claimed by a taxpayer under this Section shall not exceed $100,000 in any one taxable year.

(b) If the credit allowed under this Section exceeds the income taxes otherwise due on the claimant's income, the amount of the credit not used as an offset against income taxes may be carried forward as a tax credit against subsequent years' income tax liability for a period not to exceed 10 years and shall be applied first to the earliest years possible.

(c) The credit awarded under this Section is limited as follows:

(1) The credit claimed shall not exceed $100,000 per year. Qualified investments in excess of $1,000,000 in any tax year cannot earn a credit and cannot be carried forward.

(2) A partnership, S corporation, or other similar pass-through entity or a disregarded entity may pass through up to $100,000 in total credit to its partners, shareholders, or members. Each partner, shareholder, or member's portion of the credit is determined according to the ratio in which profits or losses of the entity are allocated.

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 Radogno, **Senate Bill No. 1543** was recalled from the order of third reading to the order of second reading.

Senator Radogno offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1543 on page 5, line 3, by changing "12" to "6"; and on page 10, after line 1, by inserting the following:

"Section 85. Repeal. This Act is repealed on July 1, 2006.".

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.

On motion of Senator Woolard, **Senate Bill No. 1640** 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 1640 by replacing the title with the following:

"AN ACT in relation to military personnel."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Deposit of State Moneys Act is amended by adding Section 7.5 and changing Section 15 as follows:

(15 ILCS 520/7.5 new)

Sec. 7.5. No deposit where fee imposed for terminal usage or for checking account.

(a) For purposes of this Section, "consumer" means a resident of Illinois who is on active duty in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve.

(b) In addition to any other requirements of this Act, the State Treasurer may not deposit moneys in any financial institution that imposes a fee on a consumer for usage of a terminal, as defined in the Electronic Fund Transfer Act, or imposes a fee for the establishment or maintenance of a checking account.

(c) A bank or savings and loan association approved as a depositary must waive fees for usage of a terminal, as defined in the Electronic Fund Transfer Act, and for the establishment or maintenance of a checking account if the consumer:

(1) shows proof of membership in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve;

(2) shows proof of residency in the State of Illinois; and

(3) shows proof of active duty status.

(15 ILCS 520/15) (from Ch. 130, par. 34)

Sec. 15. (a) A bank or savings and loan association approved as a depositary shall cease to be an approved bank or savings and loan association, and shall be disqualified by the State Treasurer:

(1) Upon its failure to post a suitable bond or deposit securities with the State Treasurer;

(2) Upon its failure or refusal to pay over public moneys or any part thereof;

(3) Upon its becoming insolvent or bankrupt, or being placed in the hands of a receiver;

(4) Upon a showing of unsatisfactory financial condition through a report made to, or an examination made by, the Comptroller of the Currency, the Commissioner of Banks and Real Estate, or the Federal Home Loan Bank or its successors;.

(5) Upon its failure to submit a pledge executed by its president or chief executive officer in the following form:

The (name of bank or savings and loan association) pledges not to impose fees on consumers who are on active duty in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve, for usage of an automatic teller machine or for establishing and maintaining a checking account;

(6) Upon its failure to comply with the requirements of Section 7.5 of this Act.

(b) No approved depositary shall be disqualified by the State Treasurer solely by reason of its acquisition by another institution. (Source: P.A. 89-508, eff. 7-3-96.)

Section 10. The State Treasurer's Bank Services Trust Fund Act is amended by adding Section 16 as follows:

(30 ILCS 212/16 new)

Sec. 16. No banking service agreement where fee imposed for terminal usage or for checking account.

(a) The State Treasurer may not enter into a banking service agreement with a financial institution

that imposes a fee on a consumer who is on active duty in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve, for usage of a terminal, as defined in the Electronic Fund Transfer Act, or for the establishment or maintenance of a checking account.

(b) The State Treasurer may not enter into a banking service agreement with a financial institution if it fails to submit a pledge executed by its president or chief executive officer in the following form:

The (name of the financial institution) pledges not to impose fees on consumers who are on active duty in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve, for usage of an automatic teller machine or for establishing and maintaining a checking account.

(c) The State Treasurer may not enter into a banking service agreement with any financial institution that fails to waive fees for usage of a terminal, as defined in the Electronic Fund Transfer Act, or for the establishment or maintenance of a checking account if the consumer:

(1) shows proof of membership in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve;

(2) shows proof of residency in the State of Illinois; and

(3) shows proof of active duty status.

Section 15. The Electronic Fund Transfer Act is amended by changing Section 50 as follows:

(205 ILCS 616/50)

Sec. 50. Terminal requirements. (a) To assure maximum safety and security against malfunction, fraud, theft, and other accidents or abuses and to assure that all access devices will have the capability of activating all terminals established in this State, no terminal shall accept an access device that does not conform to specifications that are generally accepted. In the case of a dispute concerning the specifications, the Commissioner, in accordance with the provisions of Section 20 of this Act, shall have the authority to determine the specifications.

(b) No terminal that does not accept an access device that conforms with those specifications shall be established or operated.

(c) A terminal shall bear a logotype or other identification symbol designed to advise customers which access devices may activate the terminal.

(d) When used to perform an interchange transaction, a terminal shall not bear any form of proprietary advertising of products and services not offered at the terminal; provided, however, that a terminal screen may bear proprietary advertising of products or services offered by a financial institution when a person uses an access device issued by that financial institution.

(e) No person operating a terminal in this State shall impose any surcharge on a consumer for the usage of that terminal, whether or not the consumer is using an access device issued by that person, unless that surcharge is clearly disclosed to the consumer both (i) by a sign that is clearly visible to the consumer on or at the terminal being used and (ii) electronically on the terminal screen. Following presentation of the electronic disclosure on the terminal screen, the consumer shall be provided an opportunity to cancel that transaction without incurring any surcharge or other obligation. If a surcharge is imposed on a consumer using an access device not issued by the person operating the terminal, that person shall disclose on the sign and on the terminal screen that the surcharge is in addition to any fee that may be assessed by the consumer's own institution. As used in this subsection, "surcharge" means any charge imposed by the person operating the terminal solely for the use of the terminal. This subsection does not apply to a point-of-sale purchase transaction at a terminal.

(f) A receipt given at a terminal to a person who initiates an electronic fund transfer shall include a number or code that identifies the consumer initiating the transfer, the consumer's account or accounts, or the access device used to initiate the transfer. If the number or code shown on the receipt is a number that identifies the access device, the number must be truncated as printed on the receipt so that fewer than all of the digits of the number or code are printed on the receipt. The Commissioner may, however, modify or waive the requirements imposed by this subsection (f) if the Commissioner determines that the modifications or waivers are necessary to alleviate any undue compliance burden.

(g) No terminal shall operate in this State unless, with respect to each interchange transaction initiated at the terminal, the access code entered by the consumer to authorize the transaction is encrypted by the device into which the access code is manually entered by the consumer and is

transmitted from the terminal only in encrypted form. Any terminal that cannot meet the foregoing encryption requirements shall immediately cease forwarding information with respect to any interchange transaction or attempted interchange transaction.

(h) No person that directly or indirectly provides data processing support to any terminal in this State shall authorize or forward for authorization any interchange transaction unless the access code intended to authorize the interchange transaction is encrypted when received by that person and is encrypted when forwarded to any other person.

(i) A person operating a terminal in this State must disclose, in any application to serve as a depositary under the Deposit of State Moneys Act or to provide services under the State Treasurer's Bank Services Trust Fund Act, to process payments of taxes, fees, and other moneys due the State, to provide transactional charges related to the investment or safekeeping of funds under the Treasurer's control, or to pay bondholders under the State general obligation bond program, its schedule of fees for consumers for usage of the terminal, including those fees for consumers who are residents of Illinois who are on active duty in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve. (Source: P.A. 89-310, eff. 1-1-96; 90-189, eff. 1-1-98.)

Section 20. The Illinois Human Rights Act is amended by changing Section 1-103 as follows:

(775 ILCS 5/1-103) (from Ch. 68, par. 1-103)

Sec. 1-103. General Definitions. When used in this Act, unless the context requires otherwise, the term:

(A) Age. "Age" means the chronological age of a person who is at least 40 years old, except with regard to any practice described in Section 2-102, insofar as that practice concerns training or apprenticeship programs. In the case of training or apprenticeship programs, for the purposes of Section 2-102, "age" means the chronological age of a person who is 18 but not yet 40 years old.

(B) Aggrieved Party. "Aggrieved party" means a person who is alleged or proved to have been injured by a civil rights violation or believes he or she will be injured by a civil rights violation under Article 3 that is about to occur.

(C) Charge. "Charge" means an allegation filed with the Department by an aggrieved party or initiated by the Department under its authority.

(D) Civil Rights Violation. "Civil rights violation" includes and shall be limited to only those specific acts set forth in Sections 2-102, 2-103, 2-105, 3-102, 3-103, 3-104, 3-104.1, 3-105, 4-102, 4-103, 5-102, 5A-102 and 6-101 of this Act.

(E) Commission. "Commission" means the Human Rights Commission created by this Act.

(F) Complaint. "Complaint" means the formal pleading filed by the Department with the Commission following an investigation and finding of substantial evidence of a civil rights violation.

(G) Complainant. "Complainant" means a person including the Department who files a charge of civil rights violation with the Department or the Commission.

(H) Department. "Department" means the Department of Human Rights created by this Act.

(I) Handicap. "Handicap" means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic:

(1) For purposes of Article 2 is unrelated to the person's ability to perform the duties of a particular job or position and, pursuant to Section 2-104 of this Act, a person's illegal use of drugs or alcohol is not a handicap;

(2) For purposes of Article 3, is unrelated to the person's ability to acquire, rent or maintain a housing accommodation;

(3) For purposes of Article 4, is unrelated to a person's ability to repay;

(4) For purposes of Article 5, is unrelated to a person's ability to utilize and benefit from a place of public accommodation.

(J) Marital Status. "Marital status" means the legal status of being married, single, separated, divorced or widowed.

(J-1) Military Status. "Military status" means a person's status on active duty in the armed forces of the United States or status as a member in any reserve component of the armed forces, including, but not limited to, the Illinois Army National Guard, Illinois Air National Guard, United States Army Reserve, United State Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve, or United States Coast Guard Reserve.

(K) National Origin. "National origin" means the place in which a person or one of his or her ancestors was born.
(L) Person. "Person" includes one or more individuals, partnerships, associations or organizations, labor organizations, labor unions, joint apprenticeship committees, or union labor associations, corporations, the State of Illinois and its instrumentalities, political subdivisions, units of local government, legal representatives, trustees in bankruptcy or receivers.
(M) Public Contract. "Public contract" includes every contract to which the State, any of its political subdivisions or any municipal corporation is a party.
(N) Religion. "Religion" includes all aspects of religious observance and practice, as well as belief, except that with respect to employers, for the purposes of Article 2, "religion" has the meaning ascribed to it in paragraph (F) of Section 2-101.
(O) Sex. "Sex" means the status of being male or female.
(P) Unfavorable Military Discharge. "Unfavorable military discharge" includes discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".
(Q) Unlawful Discrimination. "Unlawful discrimination" means discrimination against a person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, handicap, military status, or unfavorable discharge from military service as those terms are defined in this Section.
(Source: P.A. 88-178; 88-180; 88-670, eff. 12-2-94.)
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 Ronen, **Senate Bill No. 1492** was recalled from the order of third reading to the order of second reading.
Senator Ronen offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1492 on page 1, line 22 by changing "180" to "365"; and on page 2, line 34 by inserting after "State" the following:
"in a civil action under Article 3 of this Act".

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 W. Jones, **Senate Bill No. 1737** was recalled from the order of third reading to the order of second reading.
Senators Viverito - Senator W. Jones offered the following amendment:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1737 by replacing everything after the enacting clause with the following:
"Section 5. The Code of Civil Procedure is amended by adding Sections 7-103.102, 7-103.103, 7-103.104, and 7-103.105 as follows:
(735 ILCS 5/7-103.102 new)
Sec. 7-103.102. Quick-take; City of Mount Vernon. Quick-take proceedings under Section 7-103 may be used for a period of 3 years after the effective date of this amendatory Act of the 93rd General Assembly by the City of Mount Vernon for the acquisition of all property necessary for the purpose of extending or otherwise improving Veterans Memorial Drive to the west to intersect with the extension of Davidson Drive to the south in that city.
(735 ILCS 5/7-103.103 new)
Sec. 7-103.103. Quick-take; Village of Palatine. Quick-take proceedings under Section 7-103 may be used for a period of one year after the effective date of this amendatory Act of the 93rd General

Assembly by the Village of Palatine for the acquisition of the following described property for the redevelopment of a tax increment financing district for the purpose of economic development:

An Area Bounded As Follows:

Beginning at the northeast corner of the intersection of Wood Street and Plum Grove Road; thence south along the east right-of-way line of Plum Grove Road to the north right-of-way line of Slade Street; thence east along the north right-of-way line of Slade Street to the east right-of-way line of Hale Street; thence south along the east right-of-way line of Hale Street to a line that is parallel to and 5 feet north of the south property line of Lot 4 in Block O in Territory in the Town of Palatine; thence east along this line to the east line of aforesaid Lot 4; thence south along the east line of Lot 4 a distance of 5 feet; thence east along the south lot lines of Lots 1 through 3 in aforesaid Block O and this line extended to the east right-of-way line of Benton Street; thence south along the east right-of-way line of Benton Street to the south right-of-way line of Palatine Road; thence west along the south right-of-way line of Palatine Road to the southerly right-of-way line of the Union Pacific Railroad; thence southeasterly along the southerly right-of-way line of the Union Pacific Railroad to the east line of the west 198 feet of Lot 8 in Assessor's Division; thence south to a point 297 feet south of the Northwest Quarter of Section 23; thence east to the east line of that part taken for street purposes; thence south to the south right-of-way line of Washington Street; thence west along the south right-of-way line of Washington Street to the west right-of-way line of Plum Grove Road; thence north along the west right-of-way line of Plum Grove Road to the south right-of-way line of Johnson Street; thence west along the south right-of-way line of Johnson Street to the west right-of-way line of Brockway Street; thence north along the west right-of-way line of Brockway Street to the northeast corner of Lot 8 in Block C in the subdivision of the north 24.60 acres in the northeast quarter of the northeast quarter of Section 22, Township 42 North, Range 10 East of the Third Principal Meridian, thence west along the north line of Lots 5 through 8 in aforesaid Block C to the east right-of-way line of Greeley Street; thence south along the east right-of-way line of Greeley Street to the north line of Union Cemetery and this north line extended; thence west along the north line of Union Cemetery and this line extended to the west line of Union Cemetery; thence south along the west line of Union Cemetery to the south line of Union Cemetery; thence east along the south line of Union Cemetery to the northwest corner of Lot 48 in Warneke's Addition to Palatine; thence south along the west line of Lot 48 to the southwest corner of aforesaid lot; thence east along the south line of aforesaid Lot 48 a distance of 120 feet; thence south along the west line of Lots 49 through 52 in Warneke's Addition to Palatine and this west line extended to the southwest corner of aforesaid Lot 52; thence west along the north line of Lot 1 in Arthur T. McIntosh and amp; Co's Plum Grove Road Development and the north line of R. Houston Jr. and amp; Sons Glen Tyan Manor to the east line of Lot 18 in Block 6 in R. Houston and amp; Sons Glen Tyan Manor; thence northerly and northeasterly along the east line of Lots 13 through 18 in Block 6 in R. Houston and amp; Sons Glen Tyan Manor to the south line of Kinsch's Subdivision; thence west along the south line of Kinsch's Subdivision to the west line of Kinsch's Subdivision; thence north along the west line a distance of 77 feet; thence east a distance of 23 feet; thence continuing north along the west line of Kinsch's Subdivision a distance of 232 feet to the north line of Kinsch's Subdivision; thence east along the north line a distance of 182.70 feet; thence north a distance of 235.5 feet to the north right-of-way line of Johnson Street; thence easterly along the north right-of-way line of Johnson Street to the southwest corner of Lot 32 in Gorsline's Addition to Palatine; thence north along the west line of Lots 32 and 13 in Gorsline's Addition to Palatine and this west line extended to the north right-of-way line of Palatine Road; thence east along the north right-of-way line of Palatine Road to the east line of the west half of Lot 7 in Gorsline's Addition to Palatine extended; thence south along the east line and the extension of the east line of the west half of aforesaid Lot 7 to the south line of Lot 7; thence east along the south line of Lots 1 through 7 in Gorsline's Addition to Palatine to the southeast corner of Lot 1 in Gorsline's Addition to Palatine; thence north along the east side of aforesaid Lot 1 to the south right-of-way line of Palatine Road; thence westerly along the south right-of-way line of Palatine Road to the east line of the west 51 feet of Lot 7 in Block M in W.J. Lytle's Subdivision extended; thence north along the east line and the extension of the east line of the west 51 feet of aforesaid Lot 7 to the North line of Lot 7; thence west to the southeast corner of the west 33 feet of Lot 2 in aforesaid Block M; thence north along the east line of the west 33 feet of aforesaid Lot 2 to the south right-of-way line of Slade Street; thence west along the south right-of-way line of Slade Street to the east line of Lot 6 in Block L in W.J. Lytle's Subdivision extended; thence north along the east line and the extension of the east line of Lot 6 and 3 in Block L in W.J. Lytle's Subdivision to the south right-of-way line of Wilson Street; thence west along the south right-of-way line of Wilson Street to the east line of Lot 3 in N. Mersch's Subdivision extended, thence north along the east line and the extension of the east line of Lot 3 in N. Mersch's Subdivision to the northeast corner of Lot 3; thence west along the north line of Lot 3 and Lot 3

extended to the east line of Lot 4 in Tin's Addition to Palatine; thence south along the east line of Lot 4 in Tin's addition to the northeast corner of Lot 5 in Tin's Addition to Palatine; thence west along the north line of Lots 5 through 13 in Tin's Addition and this line extended to the west right-of-way line of Maple Street; thence north along the west right-of-way line of Maple Street to the northeast corner of Lot 12 in Schram's Subdivision; thence west along the north line of Lots 5 and 12 in Schram's Subdivision to the east right-of-way line of Cedar Street; thence south along the east right-of-way line of Cedar Street to the south right-of-way line of Wilson Street; thence west along the south right-of-way line of Wilson Street to the west line of Lot 41 in Arthur T. McIntosh and amp; Co.'s Palatine Farms extended; thence north along the west line and the extension of the west line of Lot 41 a distance of 213 feet; thence northeasterly a distance of 161.44 feet to a point on the west line of Lot 11 in Tudyman's Subdivision; thence north along the west line of Lot 11 in Tudyman's Subdivision and the east line of Lot 28 in Arthur T. McIntosh and amp; Co.'s Palatine Farms to a line that is 80 feet north of and parallel to the south line of aforesaid Lot 28; thence west along aforesaid parallel line to the west line of aforesaid Lot 28; thence north along the west line of Lot 28 to the south right-of-way line of Wood Street; thence west along the south right-of-way line of Wood Street to the east line of Imperial Industrial Park extended; thence north along the east line and the extension of the east line of Imperial Industrial Park to the south line of Romark's Resubdivision; thence east along the south line of Romark's Resubdivision to the east line of Romark's Resubdivision; thence north along the east line of Romark's Resubdivision to the southerly right-of-way line of the Union Pacific Railroad; thence southeasterly along the southerly railroad right-of-way line to the centerline of Cedar street; thence north along the centerline of Cedar Street extended to the northerly right-of-way line of the Union Pacific Railroad; thence southeasterly along the northerly right-of-way line of the railroad right-of-way to the southwest corner of Lot 1 in Millin's Subdivision; thence north along the west line of Lot l in Millin's Subdivision to the north right-of-way line of Colfax Street; thence east along the north right-of-way line of Colfax Street to the east right-of-way line of Smith Street; thence north on the east right-of-way line of Smith Street to the northwest corner of the south 90 feet more or less of Lot 2 in the subdivision of part of the east 1/2 of the southeast 1/4 section of Section 15, Township 42 north, Range 10 East of the Third Principal Meridian; thence east a distance of 212 feet; thence south a distance of 66 feet; thence east a distance of 79.8 feet; thence north a distance of 115 feet more or less; thence east a distance of 89.45 feet; thence south a distance of 136.68 feet; thence east a distance of 65.30 feet; thence south to the south right-of-way line of Colfax Street; thence west along the south right-of-way line of Colfax Street to the east right-of-way line of Smith Street; thence south along the east right-of-way line of Smith Street to the northern right-of-way line of Wood Street; thence southeasterly and east along the northern right-of-way line of Wood Street to the northeast corner of the intersection of Wood Street and Plum Grove Road and the point of beginning; all in the west half of the southwest quarter of Section 14, the east half of the southwest quarter and the southeast quarter of Section 15, the northeast quarter of Section 22 and the west half of the northwest quarter of Section 23, Township 42 North, Range 10, East of the Third Principal Meridian, Cook County, Illinois.

(735 ILCS 5/7-103.104 new)

Sec. 7-103.104. Quick-take; Village of Palatine. Quick-take proceedings under Section 7-103 may be used for a period of one year after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Palatine for the acquisition of the following described property for the redevelopment of a tax increment financing district for the purpose of economic development:

RAND ROAD REDEVELOPMENT PROJECT AREA

ALL THAT PART OF SECTIONS 1, 2 AND 12 IN TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE EAST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 12, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN WITH THE SOUTHEASTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF RAND ROAD AS SAID RAND ROAD IS OPENED AND LAID OUT IN SAID EAST HALF OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;

THENCE NORTHWESTERLY ALONG SAID SOUTHEASTERLY EXTENSION AND THE SOUTHWESTERLY LINE OF RAND ROAD TO THE NORTHEASTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF LOT 3 IN THE HOME DEPOT SUBDIVISION OF PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;

THENCE NORTHEASTERLY ALONG SAID NORTHEASTERLY EXTENSION OF THE

SOUTHEASTERLY LINE OF LOT 3 IN THE HOME DEPOT SUBDIVISION TO THE NORTHEASTERLY LINE OF RAND ROAD;
THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF RAND ROAD TO THE NORTHEASTERLY EXTENSION OF THE NORTHWESTERLY LINE OF LOT 3A IN SAID HOME DEPOT SUBDIVISION;
THENCE SOUTHWESTERLY ALONG SAID NORTHEASTERLY EXTENSION AND THE NORTHWESTERLY LINE OF LOT 3A IN SAID HOME DEPOT SUBDIVISION TO THE SOUTHWEST CORNER OF SAID LOT 3A;
THENCE CONTINUING SOUTHWESTERLY ALONG THE SOUTHEASTERLY LINE OF LOT 1A IN AFORESAID HOME DEPOT SUBDIVISION TO THE SOUTH CORNER OF SAID LOT 1A;
THENCE NORTH ALONG THE WEST LINE OF SAID LOT 1A IN THE HOME DEPOT SUBDIVISION TO THE NORTHWEST CORNER OF SAID LOT 1A;
THENCE WEST ALONG A NORTH LINE OF LOT 1 IN SAID HOME DEPOT SUBDIVISION, SAID NORTH LINE BEING ALSO THE SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-12-100-117, TO AN EAST LINE OF SAID LOT l, SAID EAST LINE BEING ALSO THE WEST LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-12-100-117;
THENCE NORTH ALONG SAID EAST LINE OF LOT 1 IN AFORESAID HOME DEPOT SUBDIVISION AND ALONG THE NORTHERLY EXTENSION THEREOF TO THE NORTH LINE OF DUNDEE ROAD;
THENCE WEST ALONG SAID NORTH LINE OF DUNDEE ROAD TO THE WEST LINE OF LOT 5 IN CAPRI VILLAGE, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 1 AND OF PART OF THE SOUTHEAST QUARTER OF SECTION 2 BOTH IN TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID WEST LINE OF LOT 5 BEING ALSO THE EAST LINE OF LYNDA DRIVE;
THENCE NORTH ALONG THE WEST LINE OF LOT 5 IN CAPRI VILLAGE TO THE SOUTH LINE OF LOT 18 IN SAID CAPRI VILLAGE;
THENCE EAST ALONG SAID SOUTH LINE OF LOT 18 AND ALONG THE SOUTH LINE OF LOTS 19, 20 AND 21 IN SAID CAPRI VILLAGE TO THE EAST LINE OF SAID LOT 21;
THENCE NORTH ALONG SAID EAST LINE OF LOT 21 IN CAPRI VILLAGE TO THE NORTHERLY LINE OF SAID LOT 21, SAID NORTHERLY LINE BEING ALSO THE SOUTHERLY LINE OF CAPRI DRIVE;
THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF CAPRI DRIVE TO THE POINT OF INTERSECTION OF SAID SOUTHERLY LINE OF CAPRI DRIVE WITH A LINE DEFINED AS BEING PERPENDICULAR TO SAID SOUTHERLY LINE OF CAPRI DRIVE AND HAVING A NORTHERLY TERMINUS AT THE EAST MOST CORNER OF LOT 41 IN SAID CAPRI VILLAGE;
THENCE NORTH ALONG SAID LINE DEFINED AS BEING PERPENDICULAR TO THE SOUTHERLY LINE OF CAPRI DRIVE AND HAVING A NORTHERLY TERMINUS AT THE EAST MOST CORNER OF LOT 41 IN CAPRI VILLAGE TO THE EAST MOST CORNER OF LOT 41 IN SAID CAPRI VILLAGE;
THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 41 AND ALONG THE NORTHEASTERLY LINE OF LOTS 33 THROUGH 40, BOTH INCLUSIVE, IN SAID CAPRI VILLAGE TO THE NORTHWESTERLY LINE OF SAID LOT 33, SAID NORTHWESTERLY LINE OF LOT 33 BEING ALSO THE SOUTHEASTERLY LINE OF DIANE DRIVE;
THENCE CONTINUING NORTHWESTERLY ALONG A STRAIGHT LINE TO THE SOUTHWEST CORNER OF LOT 76 IN AFORESAID CAPRI VILLAGE;
THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 76 IN CAPRI VILLAGE TO THE SOUTHEASTERLY LINE OF LOT 1 IN THE GORDON FOOD SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF LOT 1 IN THE GORDON FOOD SUBDIVISION TO THE SOUTHWESTERLY LINE OF RAND ROAD;
THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF RAND ROAD TO THE SOUTHEASTERLY LINE OF OUTLOT "B" IN "THE NURSERY", A PLANNED UNIT DEVELOPMENT OF PART OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY LINE OF OUTLOT "B" IN

"THE NURSERY", A DISTANCE OF 10 FEET, MORE OR LESS, TO THE NORTHEASTERLY LINE OF SAID OUTLOT "B", SAID NORTHEASTERLY LINE OF OUTLOT "B" BEING ALSO THE SOUTHWESTERLY LINE OF RAND ROAD;
THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF RAND ROAD TO THE NORTHWESTERLY LINE OF OUTLOT "C" IN "THE NURSERY", AFORESAID;
THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF OUTLOT "C" IN "THE NURSERY" TO THE NORTHEASTERLY LINE OF OUTLOT "A" IN "THE NURSERY", AFORESAID;
THENCE NORTHWESTERLY ALONG SAID NORTHEASTERLY LINE OF OUTLOT "A" IN "THE NURSERY" TO THE NORTH MOST CORNER OF SAID OUTLOT "A";
THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID OUTLOT "A", A DISTANCE OF 414.42 FEET, MORE OR LESS, TO AN ANGLE POINT IN THE NORTH LINE OF SAID OUTLOT "A", SAID POINT BEING ALSO THE SOUTH MOST CORNER OF THE PARCEL OF PROPERTY BEARING PIN 2-2-400-080;
THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-400-080 TO THE NORTHEASTERLY LINE THEREOF, SAID NORTHEASTERLY LINE BEING ALSO THE SOUTHWESTERLY LINE OF RAND ROAD;
THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF RAND ROAD TO THE SOUTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-204-013;
THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-204-013 AND ALONG THE SOUTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-400-077 TO THE SOUTHWESTERLY LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-2-400-077;
THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-400-077 AND ALONG THE SOUTHWESTERLY LINE OF AFORESAID PARCEL OF PROPERTY BEARING PIN 2-2-204-013 TO THE EASTERLY LINE OF HICKS ROAD;
THENCE SOUTHERLY ALONG THE EASTERLY LINE OF HICKS ROAD TO THE EASTERLY EXTENSION OF THE SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-204-008;
THENCE WESTERLY ALONG SAID EASTERLY EXTENSION AND ALONG THE SOUTH LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-2-204-008 TO THE WEST LINE THEREOF, SAID WEST LINE BEING ALSO THE WEST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE NORTH ALONG SAID WEST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TO THE SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-104-002, SAID SOUTH LINE BEING A LINE 330 FEET, MORE OR LESS, SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE WEST ALONG SAID SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-104-002 TO THE WEST LINE THEREOF;
THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-2-104-002 TO THE NORTH LINE OF THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE WEST ALONG SAID NORTH LINE OF THE SOUTH HALF OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 2, TO THE NORTHWESTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-101-011;
THENCE NORTHEASTERLY ALONG THE NORTHWESTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-101-011 TO THE NORTHEASTERLY LINE THEREOF;
THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-101-011 AND ALONG THE NORTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-101-012 TO THE SOUTHWESTERLY EXTENSION OF THE SOUTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-102-019;
THENCE NORTHEASTERLY ALONG SAID SOUTHWESTERLY EXTENSION AND THE SOUTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-102-019 TO

THE WEST LINE OF LOT 1 IN DEERPATH LAKE OF PALATINE, A SUBDIVISION OF PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE SOUTH ALONG SAID WEST LINE OF LOT 1 IN DEERPATH LAKE OF PALATINE AND ALONG THE WEST LINE OF LOTS 2 AND 3 IN SAID DEERPATH LAKE OF PALATINE TO THE SOUTH LINE OF SAID LOT 2, SAID SOUTH LINE OF LOT 2 BEING ALSO THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE EAST ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN TO THE EAST LINE OF LOT 5 IN BOURBON SQUARE, A PLANNED UNIT DEVELOPMENT IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 2 LYING EASTERLY OF ILLINOIS ROUTE 53 AND IN PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 2, ALL IN TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID EAST LINE OF LOT 5 BEING ALSO THE EAST LINE OF THE WEST 363 FEET OF THE EAST 1472.20 FEET OF THE NORTH 416 FEET OF SAID SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE SOUTH ALONG SAID EAST LINE OF LOT 5 AND ALONG THE EAST LINE OF LOTS 6 AND 7 IN SAID BOURBON SQUARE TO THE SOUTH LINE OF SAID LOT 7, SAID SOUTH LINE OF LOT 7 BEING ALSO THE SOUTH LINE OF THE NORTH 416 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE WEST ALONG SAID SOUTH LINE OF THE NORTH 416 FEET OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 2, TO EAST LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-022;
THENCE SOUTH ALONG SAID EAST LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-022 TO THE NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-014;
THENCE EASTERLY ALONG THE NORTH LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-2-203-014 AND ALONG THE NORTH LINE OF THE PARCELS OF PROPERTY BEARING PINS 2-2-203-035, 2-2-203-036 AND 2-2-203-016 TO THE SOUTHEASTERLY LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-2-203-016;
THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-016 TO THE NORTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-062;
THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-062 TO THE NORTHWESTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-018;
THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-018 TO THE NORTH LINE THEREOF;
THENCE EASTERLY ALONG SAID NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-018 TO THE EAST LINE THEREOF, SAID EAST LINE BEING ALSO A WEST LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-064;
THENCE SOUTH ALONG SAID WEST LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-203-064 AND ALONG THE WEST LINE OF THE PARCELS OF PROPERTY BEARING PINS 2-2-203-053, 2-2-402-006 AND 2-2-402-002 TO THE SOUTH LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-2-402-002;
THENCE EAST ALONG SAID SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-402-002 TO THE WEST LINE OF LONG GROVE ROAD;
THENCE SOUTH ALONG SAID WEST LINE OF LONG GROVE ROAD TO THE NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-402-012;
THENCE WEST ALONG SAID NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-402-012, TO THE WEST LINE THEREOF;
THENCE SOUTH ALONG SAID WEST LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-402-012, TO THE SOUTH LINE THEREOF;
THENCE EAST ALONG SAID SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-2-402-012, TO THE WEST LINE OF LONG GROVE ROAD;
THENCE SOUTH ALONG SAID WEST LINE OF LONG GROVE ROAD, A DISTANCE OF

290.08 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF THE PARCEL OF PROPERTY BEARING PIN 2-2-402-010;
THENCE SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE WESTERLY MOST NORTHWEST CORNER OF LOT 114 IN PINEHURST MANOR UNIT ONE, A SUBDIVISION IN THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID WESTERLY MOST NORTHWEST CORNER OF LOT 114 BEING ALSO A POINT ON THE WEST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 1;
THENCE SOUTH ALONG SAID WEST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN TO THE SOUTHWEST CORNER OF LOT 107 IN SAID PINEHURST MANOR, SAID SOUTHWEST CORNER OF LOT 107 BEING ALSO THE POINT OF INTERSECTION OF THE WEST LINE OF THE WEST HALF OF THE SOUTHWEST QUARTER OF AFORESAID SECTION 1 WITH THE NORTHWESTERLY LINE OF LILY LANE;
THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE OF LILY LANE TO THE NORTHWESTERLY EXTENSION OF THE NORTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-307-012;
THENCE SOUTHEASTERLY ALONG SAID NORTHWESTERLY EXTENSION AND THE NORTHEASTERLY LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-307-012 AND ALONG THE NORTHEASTERLY LINE OF THE PARCELS OF PROPERTY BEARING PINS 2-1-307-011, 2-1-307-014 AND 2-1-307-015 TO THE NORTHWESTERLY LINE OF CAPRI DRIVE;
THENCE CONTINUING SOUTHEASTERLY ALONG A STRAIGHT LINE TO THE NORTHEAST CORNER OF LOT 9 IN CAPRI GARDENS, A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF SECTION 1 AND PART OF THE SOUTHEAST QUARTER OF SECTION 2, BOTH IN TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 9 IN CAPRI GARDENS TO THE SOUTH LINE OF SAID CAPRI GARDENS SUBDIVISION;
THENCE EAST ALONG SAID SOUTH LINE OF CAPRI GARDENS SUBDIVISION TO THE EAST LINE THEREOF;
THENCE NORTH ALONG SAID EAST LINE OF CAPRI GARDENS SUBDIVISION TO THE SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-302-077;
THENCE EAST ALONG SAID SOUTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-302-077 TO THE EAST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID EAST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 1 BEING ALSO THE WEST LINE OF BALDWIN ROAD;
THENCE NORTH ALONG SAID WEST LINE OF BALDWIN ROAD TO THE WESTERLY EXTENSION OF THE NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-400-023;
THENCE EAST ALONG SAID WESTERLY EXTENSION AND THE NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-400-023 TO THE EAST LINE THEREOF;
THENCE SOUTH ALONG SAID EAST LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-400-023, SAID EAST LINE BEING ALSO THE SOUTHERLY MOST WEST LINE OF INVERRAY WEST REVISED, AN AMENDED PLANNED UNIT DEVELOPMENT IN THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN TO THE SOUTH LINE OF SAID INVERRAY WEST REVISED, SAID SOUTH LINE BEING ALSO THE NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-400-098;
THENCE EAST ALONG SAID SOUTH LINE OF INVERRAY WEST REVISED, A DISTANCE OF 114 FEET, MORE OR LESS, TO THE SOUTHERLY MOST EAST LINE OF SAID INVERRAY WEST REVISED, SAID EAST LINE BEING ALSO THE NORTHERLY MOST WEST LINE OF SAID PARCEL OF PROPERTY BEARING PIN 2-1-400-098;
THENCE NORTH ALONG SAID SOUTHERLY MOST EAST LINE OF INVERRAY WEST REVISED TO THE EASTERLY MOST SOUTH LINE OF SAID INVERRAY WEST REVISED, SAID SOUTH LINE BEING ALSO THE NORTH LINE OF AFORESAID PARCEL OF PROPERTY BEARING PIN 2-1-400-098;

THENCE EAST ALONG SAID NORTH LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-400-098 TO THE EAST LINE THEREOF;
THENCE SOUTH ALONG SAID EAST LINE OF THE PARCEL OF PROPERTY BEARING PIN 2-1-400-098 AND ALONG THE SOUTHERLY EXTENSION THEREOF TO THE SOUTH LINE OF DUNDEE ROAD AS WIDENED;
THENCE WEST ALONG SAID SOUTH LINE OF DUNDEE ROAD TO THE EAST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 12, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN;
THENCE SOUTH ALONG SAID EAST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 12, TOWNSHIP 42 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN TO THE POINT OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS.

(735 ILCS 5/7-103.105 new)
Sec. 7-103.105. Quick-take; Village of Crestwood. Quick-take proceedings under Section 7-103 may be used for a period of 2 years after the effective date of this amendatory Act of the 93rd General Assembly by the Village of Crestwood for the acquisition of property within its corporate limits for the purpose of economic development.
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 Schoenberg, **Senate Bill No. 1762** 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 1762 by replacing everything after the enacting clause with the following:
"Section 5. The Mosquito Abatement District Act is amended by changing Section 8 as follows:
(70 ILCS 1005/8) (from Ch. 111 1/2, par. 81)
Sec. 8. The board of trustees of any mosquito abatement district shall, in its work, advise and cooperate with the Department of Public Health of the State, and the board of trustees of such district shall submit to such Department, on or before January 1st of each year, a report of the work done and results obtained by the district during the preceding year.
The board of trustees of any mosquito abatement district, or its designee, shall conduct routine surveillance of mosquitoes to detect the presence of mosquito-borne diseases of public health significance. The surveillance shall be conducted in accordance with mosquito abatement and control guidelines as set forth by the U.S. Centers for Disease Control and Prevention. Areas reporting disease in humans shall be included in the surveillance activities. Mosquito abatement districts shall report to the local certified public health department the results of any positive mosquito samples infected with any arboviral infections, including, but not limited to: West Nile Virus, St. Louis Encephalitis, and Eastern Equine Encephalitis. Reports shall be made to the local certified public health department's director of environmental health, or a designee of the department, within 24 hours after receiving a positive report. The report shall include the type of infection, the number of mosquitoes collected in the trapping device, the type of trapping device used, and the type of laboratory testing used to confirm the infection. Any trustee of a mosquito abatement district, or designee of the board of trustees of a mosquito abatement district, that fails to comply with the requirements of this Act is guilty of a Class A Misdemeanor.
(Source: Laws 1927, p. 694.)".

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. 1774** 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 1774, AS AMENDED, by replacing the title with the following:

"AN ACT in relation to insurance."; and

by replacing everything after the enacting clause with the following:

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

(215 ILCS 5/1) (from Ch. 73, par. 613)

Sec. 1. Short title. This Act ~~shall be known and~~ may be cited as the "Illinois Insurance Code."

(Source: Laws 1937, p. 696.)".

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.

On motion of Senator Jacobs, **Senate Bill No. 1777** 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. 1

AMENDMENT NO. 1. Amend Senate Bill 1777 by replacing the title with the following:

"AN ACT in relation to insurance."; and

by replacing everything after the enacting clause with the following:

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

(215 ILCS 5/1) (from Ch. 73, par. 613)

Sec. 1. Short title. This Act ~~shall be known and~~ may be cited as the "Illinois Insurance Code."

(Source: Laws 1937, p. 696.)".

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 Harmon, **Senate Bill No. 1787** 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. 2

AMENDMENT NO. 2. Amend Senate Bill 1787 by replacing the title with the following:

"AN ACT concerning health care."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Nursing and Hospital Worker Protection Act.

Section 5. Findings. The Legislature finds and declares all of the following:

(1) Health care services are becoming complex and it is increasingly difficult for patients to access integrated services.

(2) Quality of patient care could be impacted by staffing changes implemented in response to managed care.

(3) To ensure the adequate protection of patients in acute care settings, it is essential that qualified registered nurses be accessible and available to meet the needs of patients.

(4) The basic principles of staffing in the acute care setting should be based on the patient's care needs, the severity of condition, services needed, and the complexity surrounding those services.

Section 10. Definitions. As used in this Act:

"Critical care unit" means a unit that is established to safeguard and protect patients whose medical conditions are severe enough to require continuous monitoring and complex intervention by registered nurses.

"Employee" means any individual permitted to work by an employer in an occupation, including both individuals hired directly by the company and those hired pursuant to a contract with an outside entity, such as a staffing agency.

"Employer" means any person or entity licensed under the Hospital Licensing Act, or the parent or holding company of such person or entity, who directly or indirectly, or through an agent or any other person, employs or exercises control over the wages, hours, or working conditions of any person.

"Health system" means a company (i) that is non-profit or for-profit, religious or non-religious and (ii) that owns, operates, or controls more than 2 hospitals.

"Hospital" means an entity licensed under the Hospital Licensing Act.

"Hospital unit" means a critical care unit, burn unit, labor and delivery room, postanesthesia service area, emergency department, operating room, pediatric unit, step-down or intermediate care unit, specialty care unit, telemetry unit, general medical care unit, subacute care unit, and transitional inpatient care unit.

"Nurse" or "registered nurse" means a person licensed as a registered nurse or registered professional nurse under the Nursing and Advanced Practice Nursing Act.

"Violation" means a finding by a court, governmental commission, or neutral arbiter that wage and hour laws or regulations were violated.

"Wage and hour laws or regulations" means any State or federal law that regulates the hours and wages paid or worked by registered nurses.

Section 15. Registered nurse staff planning. Each hospital shall develop and implement a written organizational plan of nursing services. It shall be an integral part of the overall hospital organizational plan and shall be available to all nursing personnel. Each hospital shall have a process that ensures the consideration of input from direct care clinical staff in the development, implementation, monitoring, evaluation and modification of the plan of nursing services. At least half the members of the committee charged with developing, monitoring, evaluating and modifying the plan shall be nurses and at least half of the nurse members shall be registered nurses who provide direct patient care. The organizational plan shall include:

(1) Competency validation for registered nurses based on the statutorily recognized duties and responsibilities of the registered nurse and the standards that are specific to each patient care unit.

(2) A patient classification system that establishes staffing requirements by unit, patient, and shift; determines staff resource allocation based on nursing care requirements for each shift and each unit; establishes a method by which the hospital validates the reliability of the patient classification system; and incorporates a method by which the hospital improves patient outcomes based on clinical data.

(3) Written nursing service policies and procedures based on current standards of nursing practice and consistent with the nursing process, which includes: assessment, nursing diagnosis, planning, intervention, evaluation, and patient advocacy. The hospital administration and the governing body shall review and approve all policies and procedures that relate to nursing service at least once every 3 years.

The organizational plan may include a schedule for meal periods and rest periods different from those required by Section 20 of this Act, provided that such schedule has been approved by (and cannot be altered, suspended, or terminated without the consent of) the committee charged with developing, monitoring, evaluating, and modifying the organizational plan. The Department of Public Health may establish by rule additional criteria for organizational plans.

Section 20. Rest periods. Every hospital shall permit each employee to take a 30-minute meal period and 2 10-minute rest periods during the first 7 1/2 hours of work, and an additional 15 minutes of meal or break period time for each additional 2 hours worked beyond the first 7 1/2 hours of work. If circumstances require an employee to work during or through a meal period or break period for which the employee would have received no compensation, then the employer shall pay the employee for the time worked without compensation at one and one-half times the employee's regular rate of compensation. This Section 20 does not apply to employees for whom meal and break periods are established through a collective bargaining plan or pursuant to an organizational plan schedule prepared in accordance with Section 15 of this Act. This Section does not apply to employees who monitor patients with developmental disabilities or mental illness, or both, and who, in the course of those duties, are required to be on-call during the entire work period; provided, however, that such employees shall be permitted to eat a meal or meals during the work period while continuing to monitor those patients.

Section 25. Violation of Act. The Director, after notice and opportunity for hearing, may deny, suspend, revoke, or place conditional provisions upon a license of a hospital in any case in which the Director finds that there has been a substantial failure to comply with the provisions of this Act.

Section 30. Wage and hour provisions for registered nurses.

(a) Any employer that is a health system as defined in this Act and commits more than 500 violations of wage and hour laws or regulations for registered nurses within a 3-year period shall be fined up to 5% of gross hospital patient revenues.

(b) The fine moneys shall be allocated to the Department of Public Health for nursing scholarships awarded pursuant to the Nursing Education Scholarship Law in addition to any other funds set aside and appropriated for that purpose.

(c) The Attorney General shall determine if 500 violations were committed and set the penalty based on the severity of the violations.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator E. Jones, **Senate Bill No. 1803** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 1803 by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-19, 7-46, 7-47, 7-49, 7-52, 7-53, 7-54, 7-55, 7-66, 15-6, 16-11, 17-9, 17-43, 18-5, 18-40, 19-2.1, 19-7, 19-8, 19-9, 19-10, 19-12.2, 19-15, 20-2, 20-2.1, 20-2.2, 20-7, 20-8, 20-9, and 20-15 and by adding Article 24C as follows:

(10 ILCS 5/7-19) (from Ch. 46, par. 7-19)

Sec. 7-19. Arrangement and printing of primary ballot. The primary ballot of each political party for each precinct shall be arranged and printed substantially in the manner following:

1. Designating words. At the top of the ballot shall be printed in large capital letters, words designating the ballot, if a Republican ballot, the designating words shall be: "REPUBLICAN PRIMARY BALLOT"; if a Democratic ballot the designating words shall be: "DEMOCRATIC PRIMARY BALLOT"; and in like manner for each political party.

2. Order of Names, Directions to Voters, etc. Beginning not less than one inch below designating words, the name of each office to be filled shall be printed in capital letters. Such names may be printed on the ballot either in a single column or in 2 or more columns and in the following order, to-wit:

President of the United States, State offices, congressional offices, delegates and alternate delegates to be elected from the State at large to National nominating conventions, delegates and alternate delegates to be elected from congressional districts to National nominating conventions, member or members of the State central committee, trustees of sanitary districts, county offices, judicial officers, city, village and incorporated town offices, town offices, or of such of the said offices as candidates are to be nominated for at such primary, and precinct, township or ward committeemen. If two or more columns are used, the foregoing offices to and including member of the State central committee shall be listed in the left-hand column and Senatorial offices, as defined in Section 8-3, shall be the first offices listed in the second column.

Below the name of each office shall be printed in small letters the directions to voters: "Vote for one"; "Vote for two"; "Vote for three"; or a spelled number designating how many persons under that head are to be voted for.

Next to the name of each candidate for delegate or alternate delegate to a national nominating convention shall appear either (a) the name of the candidate's preference for President of the United States or the word "uncommitted" or (b) no official designation, depending upon the action taken by the State central committee pursuant to Section 7-10.3 of this Act.

Below the name of each office shall be printed in capital letters the names of all candidates, arranged in the order in which their petitions for nominations were filed, except as otherwise provided in Sections 7-14 and 7-17 of this Article. Opposite and in front of the name of each candidate shall be printed a square and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates under each office shall be uniform and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion and to permit the writing in of the names of other candidates.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article Section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable. (Source: P.A. 83-33.)

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

Sec. 7-46. Voting of ballot; writing in names. On receiving from the primary judges a primary ballot of his party, the primary elector shall forthwith and without leaving the polling place, retire alone to one of the voting booths and prepare such primary ballot by marking a cross (X) in the square in front of and opposite the name of each candidate of his choice for each office to be filled, and for delegates and alternate delegates to national nominating conventions, and for committeemen, if committeemen are being elected at such primary.

Any primary elector may, instead of voting for any candidate for nomination or for committeeman or for delegate or alternate delegate to national nominating conventions, whose name is printed on the primary ballot, write in the name of any other person affiliated with such party as a candidate for the nomination for any office, or for committeeman, or for delegates or alternate delegates to national nominating conventions, and indicate his choice of such candidate or committeeman or delegate or alternate delegate, by placing to the left of and opposite the name thus written a square and placing in the square a cross (X).

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable. (Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-47) (from Ch. 46, par. 7-47)

Sec. 7-47. Folding and delivery of ballot; entry in poll book. Before leaving the booth, the primary elector shall fold his primary ballot in such manner as to conceal the marks thereon. Such voter shall then vote forthwith by handing the primary judge the primary ballot received by such voter. Thereupon the primary judge shall deposit such primary ballot in the ballot box. One of the judges shall thereupon enter in the primary poll book the name of the primary elector, his residence and his party affiliation or shall make the entries on the official poll record as required by articles 4, 5 and 6, if any one of them is applicable.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable. (Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-49) (from Ch. 46, par. 7-49)

Sec. 7-49. No adjournment or recess after opening of polls. After the opening of the polls at a primary no adjournment shall be had nor recess taken until the canvass of all the votes is completed and the returns carefully enveloped and sealed.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable. (Source: Laws 1965, p. 2220.)

(10 ILCS 5/7-52) (from Ch. 46, par. 7-52)

Sec. 7-52. Precinct canvass of votes. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes in the manner following:

(1) They shall separate and count the ballots of each political party.

(2) They shall then proceed to ascertain the number of names entered on the applications for ballot under each party affiliation.

(3) If the primary ballots of any political party exceed the number of applications for ballot by voters of such political party, the primary ballots of such political party shall be folded and replaced in the ballot box, the box closed, well shaken and again opened and one of the primary judges, who shall be blindfolded, shall draw out so many of the primary ballots of such political party as shall be equal to such excess. Such excess ballots shall be marked "Excess-Not Counted" and signed by a majority of the judges and shall be placed in the "After 6:00 p.m. Defective Ballots Envelope". The number of excess ballots shall be noted in the remarks section of the Certificate of Results. "Excess" ballots shall not be counted in the total of "defective" ballots;

(4) The primary judges shall then proceed to count the primary ballots of each political party separately; and as the primary judges shall open and read the primary ballots, 3 of the judges shall carefully and correctly mark upon separate tally sheets the votes which each candidate of the party whose name is written or printed on the primary ballot has received, in a separate column for that purpose, with the name of such candidate, the name of his political party and the name of the office for which he is a candidate for nomination at the head of such column.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems

are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable. (Source: P.A. 80-484.)

(10 ILCS 5/7-53) (from Ch. 46, par. 7-53)

Sec. 7-53. Tally sheets; certificate of results. As soon as the ballots of a political party shall have been read and the votes of the political party counted, as provided in the last above Section, the 3 judges in charge of the tally sheets shall foot up the tally sheets so as to show the total number of votes cast for each candidate of the political party and for each candidate for State Central committeeman and precinct committeeman, township committeeman or ward committeeman, and delegate and alternate delegate to National nominating conventions, and certify the same to be correct. Thereupon, the primary judges shall set down in a certificate of results on the tally sheet, under the name of the political party, the name of each candidate voted for upon the primary ballot, written at full length, the name of the office for which he is a candidate for nomination or for committeeman, or delegate or alternate delegate to National nominating conventions, the total number of votes which the candidate received, and they shall also set down the total number of ballots voted by the primary electors of the political party in the precinct. The certificate of results shall be made substantially in the following form:

.... Party

At the primary election held in the .... precinct of the (1) *township of ...., or (2) *City of ...., or (3) *.... ward in the city of .... on (insert date), the primary electors of the .... party voted .... ballots, and the respective candidates whose names were written or printed on the primary ballot of the .... party, received respectively the following votes:

Name of Candidate,	Title of Office,	No. of Votes
John Jones	Governor	100
Sam Smith	Governor	70
Frank Martin	Attorney General	150
William Preston	Rep. in Congress	200
Frederick John	Circuit Judge	50

*Fill in either (1), (2) or (3).

And so on for each candidate.

We hereby certify the above and foregoing to be true and correct.

Dated (insert date).

....
Name Address
....
Name Address
....
Name Address
....
Name Address
....
Name Address
Judges of Primary

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article Section may be modified as required or authorized by Article 24, and Article 24A, or Article 24C, whichever is applicable. (Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/7-54) (from Ch. 46, par. 7-54)

Sec. 7-54. Binding and sealing ballots; report of results. After the votes of a political party have been counted and set down and the tally sheets footed and the entry made in the primary poll books or return, as above provided, all the primary ballots of said political party, except those marked "defective"

or "objected to" shall be securely bound, lengthwise and in width, with a soft cord having a minimum tensile strength of 60 pounds separately for each political party in the order in which said primary ballots have been read, and shall thereupon be carefully sealed in an envelope, which envelope shall be endorsed as follows:

"Primary ballots of the.... party of the.... precinct of the county of.... and State of Illinois."

Below each endorsement, each primary judge shall write his name.

Immediately thereafter the judges shall designate one of their number to go to the nearest telephone and report to the office of the county clerk or board of election commissioners (as the case may be) the results of such primary. Such clerk or board shall keep his or its office open after the close of the polls until he or it has received from each precinct under his or its jurisdiction the report above provided for. Immediately upon receiving such report such clerk or board shall cause the same to be posted in a public place in his or its office for inspection by the public. Immediately after making such report such judge shall return to the polling place.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, or Article 24A, or Article 24C, whichever is applicable. (Source: P.A. 81-1433.)

(10 ILCS 5/7-55) (from Ch. 46, par. 7-55)

Sec. 7-55. Delivery and acceptance of election materials. The primary poll books or the official poll record, and the tally sheets with the certificates of the primary judges written thereon, together with the envelopes containing the ballots, including the envelope containing the ballots marked "defective" or "objected to", shall be carefully enveloped and sealed up together, properly endorsed, and the primary judges shall elect 2 judges (one from each of the major political parties), who shall immediately deliver the same to the clerk from whom the primary ballots were obtained, which clerk shall safely keep the same for 2 months, and thereafter shall safely keep the poll books until the next primary. Each election authority shall keep the office of the election authority, or any receiving stations designated by such authority, open for at least 12 consecutive hours after the polls close, or until the judges of each precinct under the jurisdiction of the election authority have delivered to the election authority all the above materials sealed up together and properly endorsed as provided herein. Materials delivered to the election authority which are not in the condition required by this Section shall not be accepted by the election authority until the judges delivering the same make and sign the necessary corrections. Upon acceptance of the materials by the election authority, the judges delivering the same shall take a receipt signed by the election authority and stamped with the time and date of such delivery. The election judges whose duty it is to deliver any materials as above provided shall, in the event such materials cannot be found when needed, on proper request, produce the receipt which they are to take as above provided.

The county clerk or board of election commissioners shall deliver a copy of each tally sheet to the county chairmen of the two largest political parties.

Where voting machines, or electronic voting systems, or Direct Recording Electronic Voting Systems are used, the provisions of this Article section may be modified as required or authorized by Article 24, and Article 24A, or Article 24C, whichever is applicable. (Source: P.A. 83-764.)

(10 ILCS 5/7-66)

Sec. 7-66. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles the Article are in conflict with the provisions of this Article 7, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/15-6)

Sec. 15-6. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles the Article are in conflict with the provisions of this Article 15, the provisions of Article 24B or Article 24C, as the case may be,

shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/16-11)

Sec. 16-11. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles the Article are in conflict with the provisions of this Article 16, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/17-9) (from Ch. 46, par. 17-9)

Sec. 17-9. Any person desiring to vote shall give his name and, if required to do so, his residence to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear, and audible; the judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, for cancellation or revocation, his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name. All applicable provisions of Articles 4, 5 or 6 shall be complied with and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name, and the voter shall be allowed to enter within the proximity of the voting booths, as above provided. One of the judges shall give the voter one, and only one of each ballot to be voted at the election, on the back of which ballots such judge shall indorse his initials in such manner that they may be seen when each such ballot is properly folded, and the voter's name shall be immediately checked on the register list. In those election jurisdictions where perforated ballot cards are utilized of the type on which write-in votes can be cast above the perforation, the election authority shall provide a space both above and below the perforation for the judge's initials, and the judge shall endorse his or her initials in both spaces. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall, when being handed to the voter, be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he or she shall not receive a ballot until he or she shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he or she shall not receive a ballot until he or she shall have established his right to vote in the manner provided hereinafter; and if he or she shall be challenged after he has received his ballot, he shall not be permitted to vote until he or she has fully complied with such requirements of the law upon being challenged. Besides the election officer, not more than 2 voters in excess of the whole number of voting booths provided shall be allowed within the proximity of the voting booths at one time. The provisions of this Act, so far as they require the registration of voters as a condition to their being allowed to vote shall not apply to persons otherwise entitled to vote, who are, at the time of the election, or at any time within 60 days prior to such election have been engaged in the military or naval service of the United States, and who appear personally at the polling place on election day and produce to the judges of election satisfactory evidence thereof, but such persons, if otherwise qualified to vote, shall be

permitted to vote at such election without previous registration.

All such persons shall also make an affidavit which shall be in substantially the following form:

State of Illinois,)
) ss.
County of ....)
.... Precinct .... Ward

I, ..., do solemnly swear (or affirm) that I am a citizen of the United States, of the age of 18 years or over, and that within the past 60 days prior to the date of this election at which I am applying to vote, I have been engaged in the .... (military or naval) service of the United States; and I am qualified to vote under and by virtue of the Constitution and laws of the State of Illinois, and that I am a legally qualified voter of this precinct and ward except that I have, because of such service, been unable to register as a voter; that I now reside at .... (insert street and number, if any) in this precinct and ward; that I have maintained a legal residence in this precinct and ward for 30 days and in this State 30 days next preceding this election.

....

Subscribed and sworn to before me on (insert date).

....
Judge of Election.

The affidavit of any such person shall be supported by the affidavit of a resident and qualified voter of any such precinct and ward, which affidavit shall be in substantially the following form:

State of Illinois,)
) ss.
County of ....)
.... Precinct .... Ward

I, ..., do solemnly swear (or affirm), that I am a resident of this precinct and ward and entitled to vote at this election; that I am acquainted with .... (name of the applicant); that I verily believe him to be an actual bona fide resident of this precinct and ward and that I verily believe that he or she has maintained a legal residence therein 30 days and in this State 30 days next preceding this election.

....

Subscribed and sworn to before me on (insert date).

....
Judge of Election.

All affidavits made under the provisions of this Section shall be enclosed in a separate envelope securely sealed, and shall be transmitted with the returns of the elections to the county clerk or to the board of election commissioners, who shall preserve the said affidavits for the period of 6 months, during which period such affidavits shall be deemed public records and shall be freely open to examination as such. (Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/17-43)

Sec. 17-43. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles the Article are in conflict with the provisions of this Article 17, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/18-5) (from Ch. 46, par. 18-5)

Sec. 18-5. Questioning of person desiring to vote; receipt of ballots. Any person desiring to vote and whose name is found upon the register of voters by the person having charge thereof, shall then be questioned by one of the judges as to his nativity, his term of residence at present address, precinct, State and United States, his age, whether naturalized and if so the date of naturalization papers and court from which secured, and he shall be asked to state his residence when last previously registered and the date of the election for which he then registered. The judges of elections shall check each application for ballot against the list of voters registered in that precinct to whom absentee ballots have been issued for that election, which shall be provided by the election authority and which list shall be available for

inspection by pollwatchers. A voter applying to vote in the precinct on election day whose name appears on the list as having been issued an absentee ballot shall not be permitted to vote in the precinct unless that voter submits to the judges of election, for cancellation or revocation, his absentee ballot. In the case that the voter's absentee ballot is not present in the polling place, it shall be sufficient for any such voter to submit to the judges of election in lieu of his absentee ballot, either a portion of such ballot if torn or mutilated, or an affidavit executed before the judges of election specifying that the voter never received an absentee ballot, or an affidavit executed before the judges of election specifying that the voter desires to cancel or revoke any absentee ballot that may have been cast in the voter's name. If such person so registered shall be challenged as disqualified, the party challenging shall assign his reasons therefor, and thereupon one of the judges shall administer to him an oath to answer questions, and if he shall take the oath he shall then be questioned by the judge or judges touching such cause of challenge, and touching any other cause of disqualification. And he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall then be received accordingly. But if his vote be rejected by such judges, such person may afterward produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of the judges, in which it shall be stated how long he has resided in such precinct, and state; that he is a citizen of the United States, and is a duly qualified voter in such precinct, and that he is the identical person so registered. In addition to such an affidavit, the person so challenged shall provide to the judges of election proof of residence by producing 2 forms of identification showing the person's current residence address, provided that such identification to the person at his current residence address and postmarked not earlier than 30 days prior to the date of the election, or the person shall procure a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this State for 30 days last past, and am well acquainted with the person whose vote is now offered; that he is an actual and bona fide resident of this election precinct (or district), and has resided herein 30 days, and as I verily believe, in this State, 30 days next preceding this election.

The oath in each case may be administered by one of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths. Also supported by an affidavit by a registered voter residing in such precinct, stating his own residence, and that he knows such person; and that he does reside at the place mentioned and has resided in such precinct and state for the length of time as stated by such person, which shall be subscribed and sworn to in the same way. Whereupon the vote of such person shall be received, and entered as other votes. But such judges, having charge of such registers, shall state in their respective books the facts in such case, and the affidavits, so delivered to the judges, shall be preserved and returned to the office of the commissioners of election. Blank affidavits of the character aforesaid shall be sent out to the judges of all the precincts, and the judges of election shall furnish the same on demand and administer the oaths without criticism. Such oaths, if administered by any other officer than such judge of election, shall not be received. Whenever a proposal for a constitutional amendment or for the calling of a constitutional convention is to be voted upon at the election, the separate blue ballot or ballots pertaining thereto shall be placed on top of the other ballots to be voted at the election in such manner that the legend appearing on the back thereof, as prescribed in Section 16-6 of this Act, shall be plainly visible to the voter, and in this fashion the ballots shall be handed to the voter by the judge.

The voter shall, upon quitting the voting booth, deliver to one of the judges of election all of the ballots, properly folded, which he received. The judge of election to whom the voter delivers his ballots shall not accept the same unless all of the ballots given to the voter are returned by him. If a voter delivers less than all of the ballots given to him, the judge to whom the same are offered shall advise him in a voice clearly audible to the other judges of election that the voter must return the remainder of the ballots. The statement of the judge to the voter shall clearly express the fact that the voter is not required to vote such remaining ballots but that whether or not he votes them he must fold and deliver them to the judge. In making such statement the judge of election shall not indicate by word, gesture or intonation of voice that the unreturned ballots shall be voted in any particular manner. No new voter shall be permitted to enter the voting booth of a voter who has failed to deliver the total number of ballots received by him until such voter has returned to the voting booth pursuant to the judge's request and again quit the booth with all of the ballots required to be returned by him. Upon receipt of all such ballots the judges of election shall enter the name of the voter, and his number, as above provided in this section, and the judge to whom the ballots are delivered shall immediately put the ballots into the ballot box. If any voter

who has failed to deliver all the ballots received by him refuses to return to the voting booth after being advised by the judge of election as herein provided, the judge shall inform the other judges of such refusal, and thereupon the ballot or ballots returned to the judge shall be deposited in the ballot box, the voter shall be permitted to depart from the polling place, and a new voter shall be permitted to enter the voting booth.

The judge of election who receives the ballot or ballots from the voter shall announce the residence and name of such voter in a loud voice. The judge shall put the ballot or ballots received from the voter into the ballot box in the presence of the voter and the judges of election, and in plain view of the public. The judges having charge of such registers shall then, in a column prepared thereon, in the same line of, the name of the voter, mark "Voted" or the letter "V".

No judge of election shall accept from any voter less than the full number of ballots received by such voter without first advising the voter in the manner above provided of the necessity of returning all of the ballots, nor shall any such judge advise such voter in a manner contrary to that which is herein permitted, or in any other manner violate the provisions of this section; provided, that the acceptance by a judge of election of less than the full number of ballots delivered to a voter who refuses to return to the voting booth after being properly advised by such judge shall not be a violation of this Section. (Source: P.A. 89-653, eff. 8-14-96.)

(10 ILCS 5/18-40)

Sec. 18-40. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles the Article are in conflict with the provisions of this Article 18, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/19-2.1) (from Ch. 46, par. 19-2.1)

Sec. 19-2.1. At the consolidated primary, general primary, consolidated, and general elections, electors entitled to vote by absentee ballot under the provisions of Section 19-1 may vote in person at the office of the municipal clerk, if the elector is a resident of a municipality not having a board of election commissioners, or at the office of the township clerk or, in counties not under township organization, at the office of the road district clerk if the elector is not a resident of a municipality; provided, in each case that the municipal, township or road district clerk, as the case may be, is authorized to conduct in-person absentee voting pursuant to this Section. Absentee voting in such municipal and township clerk's offices under this Section shall be conducted from the 22nd day through the day before the election.

Municipal and township clerks (or road district clerks) who have regularly scheduled working hours at regularly designated offices other than a place of residence and whose offices are open for business during the same hours as the office of the election authority shall conduct in-person absentee voting for said elections. Municipal and township clerks (or road district clerks) who have no regularly scheduled working hours but who have regularly designated offices other than a place of residence shall conduct in-person absentee voting for said elections during the hours of 8:30 a.m. to 4:30 p.m. or 9:00 a.m. to 5:00 p.m., weekdays, and 9:00 a.m. to 12:00 noon on Saturdays, but not during such hours as the office of the election authority is closed, unless the clerk files a written waiver with the election authority not later than July 1 of each year stating that he or she is unable to conduct such voting and the reasons therefor. Such clerks who conduct in-person absentee voting may extend their hours for that purpose to include any hours in which the election authority's office is open. Municipal and township clerks (or road district clerks) who have no regularly scheduled office hours and no regularly designated offices other than a place of residence may not conduct in-person absentee voting for said elections. The election authority may devise alternative methods for in-person absentee voting before said elections for those precincts located within the territorial area of a municipality or township (or road district) wherein the clerk of such municipality or township (or road district) has waived or is not entitled to conduct such voting. In addition, electors may vote by absentee ballot under the provisions of Section 19-1 at the office of the election authority having jurisdiction over their residence.

In conducting absentee voting under this Section, the respective clerks shall not be required to verify the signature of the absentee voter by comparison with the signature on the official registration record

card. However, the clerk shall reasonably ascertain the identity of such applicant, shall verify that each such applicant is a registered voter, and shall verify the precinct in which he or she is registered and the proper ballots of the political subdivisions in which the applicant resides and is entitled to vote, prior to providing any absentee ballot to such applicant. The clerk shall verify the applicant's registration and from the most recent poll list provided by the county clerk, and if the applicant is not listed on that poll list then by telephoning the office of the county clerk.

Absentee voting procedures in the office of the municipal, township and road district clerks shall be subject to all of the applicable provisions of this Article 19. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials. All requirements in this Article applicable to election authorities shall apply to the respective local clerks, except where inconsistent with this Section.

In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges on election day, the sealed absentee ballots in their carrier envelope shall be delivered by the respective clerks, or by the election authority on behalf of a clerk if the clerk and the election authority agree, to the proper polling place before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

In election jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority on election day, the sealed absentee ballots in their carrier envelope shall be delivered to the office of the election authority by the respective clerks before the close of the polls on the day of the general primary, consolidated primary, consolidated, or general election.

Not more than 23 days before the nonpartisan, general and consolidated elections, the county clerk shall make available to those municipal, township and road district clerks conducting in-person absentee voting within such county, a sufficient number of applications, absentee ballots, envelopes, and printed voting instruction slips for use by absentee voters in the offices of such clerks. The respective clerks shall receipt for all ballots received, shall return all unused or spoiled ballots to the county clerk on the day of the election and shall strictly account for all ballots received.

The ballots delivered to the respective clerks shall include absentee ballots for each precinct in the municipality, township or road district, or shall include such separate ballots for each political subdivision conducting an election of officers or a referendum on that election day as will permit any resident of the municipality, township or road district to vote absentee in the office of the proper clerk.

The clerks of all municipalities, townships and road districts may distribute applications for absentee ballot for the use of voters who wish to mail such applications to the appropriate election authority. Such applications for absentee ballots shall be made on forms provided by the election authority. Duplication of such forms by the municipal, township or road district clerk is prohibited. (Source: P.A. 91-210, eff. 1-1-00.)

(10 ILCS 5/19-7) (from Ch. 46, par. 19-7)

Sec. 19-7. Upon receipt of such absent voter's ballot, the election authority shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article the next section.

Except as provided in Article 24C, the election authority may choose (i) to have the absentee ballots delivered before the closing of the polls to their proper polling places for counting by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code. (Source: P.A. 81-155.)

(10 ILCS 5/19-8) (from Ch. 46, par. 19-8)

Sec. 19-8. In election jurisdictions that deliver absentee ballots to the polling place to be counted by the precinct judges, the provisions of this Section shall apply. In case an absent voter's ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in such package and therewith delivered to the judges of such precinct. In

case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, such authority shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient, such officer may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent, said officer to secure his receipt for delivery of such ballot or ballots. Absent voters' ballots returned by absentee voters to the election authority after the closing of the polls on an election day shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be safely kept unopened by such election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, and Special Write-In Absentee Voter's Blank Ballots, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be endorsed by the election authority receiving the same with the day and hour of receipt and shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision; however, all absentee ballots received by the election authority by the close of absentee voting in the office of the election authority on the day preceding the day of election shall be delivered to the proper precinct polling places in time to be counted by the judges of election.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by without regard to precinct designation, except for precinct offices. (Source: P.A. 91-357, eff. 7-29-99.)

(10 ILCS 5/19-9) (from Ch. 46, par. 19-9)

Sec. 19-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the certification on the ballot envelope and the signature of the voter on the permanent voter registration record card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and enter the absent voter's name in the poll book the same as if he had been present and voted in person. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case such signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed, or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains more than one ballot of any kind, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and affidavits and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election.

As applied to an absentee ballot of a permanently disabled voter who has complied with Section 19-12.1, the word "certification" as used in this Section shall be construed to refer to the unsworn statement subscribed to by the voter pursuant to Section 19-12.1. (Source: P.A. 87-1052.)

(10 ILCS 5/19-10) (from Ch. 46, par. 19-10)

Sec. 19-10. Pollwatchers may be appointed to observe in-person absentee voting procedures at the office of the election authority as well as at municipal, township or road district clerks' offices where such absentee voting is conducted. Such pollwatchers shall qualify and be appointed in the same manner as provided in Sections 7-34 and 17-23, except each candidate, political party or organization of citizens may appoint only one pollwatcher for each location where in-person absentee voting is conducted. Pollwatchers shall be residents of the county and possess valid pollwatcher credentials.

In the polling place on election day, pollwatchers shall be permitted to be present during the casting of the absent voters' ballots and the vote of any absent voter may be challenged for cause the same as if he were present and voted in person, and the judges of the election or a majority thereof shall have power and authority to hear and determine the legality of such ballot; Provided, however, that if a challenge to any absent voter's right to vote is sustained, notice of the same must be given by the judges of election by mail addressed to the voter's place of residence.

Where certain absent voters' ballots are counted on the day of the election in the office of the election authority as provided in this Article Section 19-8 of this Act, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. Such pollwatchers shall be subject to the same provisions as are provided for pollwatchers in Sections 7-34 and 17-23 of this Code, and shall be permitted to observe the election judges making the signature comparison between that which is on the absentee ballot application and that which is on the ballot envelope and that which is on the permanent voter registration record card taken from the master file. (Source: P.A. 86-875.)

(10 ILCS 5/19-12.2) (from Ch. 46, par. 19-12.2)

Sec. 19-12.2. Voting by physically incapacitated electors who have made proper application to the election authority not later than 5 days before the regular primary and general election of 1980 and before each election thereafter shall be conducted on the premises of facilities licensed or certified pursuant to the Nursing Home Care Act for the sole benefit of residents of such facilities. Such voting shall be conducted during any continuous period sufficient to allow all applicants to cast their ballots between the hours of 9 a.m. and 7 p.m. either on the Friday, Saturday, Sunday or Monday immediately preceding the regular election. This absentee voting on one of said days designated by the election authority shall be supervised by two election judges who must be selected by the election authority in the following order of priority: (1) from the panel of judges appointed for the precinct in which such facility is located, or from a panel of judges appointed for any other precinct within the jurisdiction of the election authority in the same ward or township, as the case may be, in which the facility is located or, only in the case where a judge or judges from the precinct, township or ward are unavailable to serve, (3) from a panel of judges appointed for any other precinct within the jurisdiction of the election authority. The two judges shall be from different political parties. Not less than 30 days before each regular election, the election authority shall have arranged with the chief administrative officer of each facility in his or its election jurisdiction a mutually convenient time period on the Friday, Saturday, Sunday or Monday immediately preceding the election for such voting on the premises of the facility and shall post in a prominent place in his or its office a notice of the agreed day and time period for conducting such voting at each facility; provided that the election authority shall not later than noon on the Thursday before the election also post the names and addresses of those facilities from which no applications were received and in which no supervised absentee voting will be conducted. All provisions of this Code applicable to pollwatchers shall be applicable herein. To the maximum extent feasible, voting booths or screens shall be provided to insure the privacy of the voter. Voting procedures shall be as described in Article 17 of this Code, except that ballots shall be treated as absentee ballots and shall not be counted until the close of the polls on the following day. After the last voter has concluded voting, the judges shall seal the ballots in an envelope and affix their signatures across the flap of the envelope. Immediately thereafter, the judges shall bring the sealed envelope to the office of the election authority who shall preserve the ballots in the office of the election authority in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority or shall deliver the such ballots to the proper precinct polling places prior to the closing of the polls on the day of election in election jurisdictions that count absentee ballots

in the polling place. Provided, that in election jurisdictions that count absentee ballots in the polling place the election authority may arrange for the judges who conduct such voting on the Monday before the election to deliver the sealed envelope directly to the proper precinct polling place on the day of election and shall announce such procedure in the 30 day notice heretofore prescribed. The judges of election shall also report to the election authority the name of any applicant in the facility who, due to unforeseen circumstance or condition or because of a religious holiday, was unable to vote. In this event, the election authority may appoint a qualified person from his or its staff to deliver the ballot to such applicant on the day of election. This staff person shall follow the same procedures prescribed for judges conducting absentee voting in such facilities; but shall return the ballot to the proper precinct polling place before the polls close. However, if the facility from which the application was made is also used as a regular precinct polling place for that voter, voting procedures heretofore prescribed may be implemented by 2 of the election judges of opposite party affiliation assigned to that polling place during the hours of voting on the day of the election. Judges of election shall be compensated not less than $25.00 for conducting absentee voting in such facilities.

Not less than 120 days before each regular election, the Department of Public Health shall certify to the State Board of Elections a list of the facilities licensed or certified pursuant to the Nursing Home Care Act, and shall indicate the approved bed capacity and the name of the chief administrative officer of each such facility, and the State Board of Elections shall certify the same to the appropriate election authority within 20 days thereafter. (Source: P.A. 86-820; 86-875; 86-1028; 87-1052.)

(10 ILCS 5/19-15)

Sec. 19-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C, and the provisions of those Articles the Article are in conflict with the provisions of this Article 19, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/20-2) (from Ch. 46, par. 20-2)

Sec. 20-2. Any member of the United States Service, otherwise qualified to vote, who expects in the course of his duties to be absent from the county in which he resides on the day of holding any election may make application for an absentee ballot to the election authority having jurisdiction over his precinct of residence on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article not less than 10 days before the election. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots voted under this Section must be returned to the election authority in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority. (Source: P.A. 86-875.)

(10 ILCS 5/20-2.1) (from Ch. 46, par. 20-2.1)

Sec. 20-2.1. Citizens of the United States temporarily residing outside the territorial limits of the United States who are not registered but otherwise qualified to vote and who expect to be absent from their county of residence during the periods of voter registration provided for in Articles 4, 5 or 6 of this Code and on the day of holding any election, may make simultaneous application to the election authority having jurisdiction over their precinct of residence for an absentee registration and absentee ballot not less than 30 days before the election. Such application may be made on the official postcard or on a form furnished by the election authority as prescribed by Section 20-3 of this Article. A request

pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot.

Registration shall be required in order to vote pursuant to this Section. However, if the election authority receives one of such applications after 30 days but not less than 10 days before a Federal election, said applicant shall be sent a ballot containing the Federal offices only and registration for that election shall be waived.

Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise.

Ballots under this Section must be returned to the election authority in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority. (Source: P.A. 86-875.)

(10 ILCS 5/20-2.2) (from Ch. 46, par. 20-2.2)

Sec. 20-2.2. Any non-resident civilian citizen, otherwise qualified to vote, may make application to the election authority having jurisdiction over his precinct of former residence for an absentee ballot containing the Federal offices only not less than 10 days before a Federal election. Such application may be made only on the official postcard. A request pursuant to this Section shall entitle the applicant to an absentee ballot for every election in one calendar year at which Federal offices are filled. The original application for ballot shall be kept in the office of the election authority for one year as authorization to send a ballot to the voter for each election to be held within that calendar year at which Federal offices are filled. A certified copy of such application for ballot shall be sent each election with the absentee ballot to the polling place to be used in lieu of the original application for ballot. No registration shall be required in order to vote pursuant to this Section. Ballots under this Section shall be mailed by the election authority in the manner prescribed by Section 20-5 of this Article and not otherwise. Ballots under this Section must be returned to the election authority in sufficient time for delivery (i) to the proper precinct polling place before the closing of the polls on the day of the election in those jurisdictions that count absentee ballots in the polling place or (ii) to the office of the election authority before the closing of the polls on election day in those jurisdictions that have adopted a Direct Recording Electronic Voting System under Article 24C and that count absentee ballots in the office of the election authority. (Source: P.A. 86-875.)

(10 ILCS 5/20-7) (from Ch. 46, par. 20-7)

Sec. 20-7. Upon receipt of such absent voter's ballot, the officer or officers above described shall forthwith enclose the same unopened, together with the application made by said absent voter in a large or carrier envelope which shall be securely sealed and endorsed with the name and official title of such officer and the words, "This envelope contains an absent voter's ballot and must be opened on election day," together with the number and description of the precinct in which said ballot is to be voted, and such officer shall thereafter safely keep the same in his office until counted by him as provided in this Article the next section.

Except as provided in Article 24C, the election authority may choose (i) to deliver the absentee ballots to the proper precinct polling place before the close of the polls on the election day to be counted by the precinct judges or (ii) to have the absentee ballots received after 12:00 noon on election day or too late for delivery before the closing of the polls on election day counted in the office of the election authority by one or more panels of election judges appointed in the manner provided for in this Code. (Source: P.A. 81-155.)

(10 ILCS 5/20-8) (from Ch. 46, par. 20-8)

Sec. 20-8. (a) In election jurisdictions that count absentee ballots in the polling place, this subsection shall apply.

In case any such ballot is received by the election authority prior to the delivery of the official ballots to the judges of election of the precinct in which said elector resides, such ballot envelope and application, sealed in the carrier envelope, shall be enclosed in the same package with the other official ballots and therewith delivered to the judges of such precinct. In case the official ballots for such precinct have been delivered to the judges of election at the time of the receipt by the election authority of such absent voter's ballot, it shall immediately enclose said envelope containing the absent voter's ballot, together with his application therefor, in a larger or carrier envelope which shall be securely

sealed and addressed on the face to the judges of election, giving the name or number of precinct, street and number of polling place, city or town in which such absent voter is a qualified elector, and the words, "This envelope contains an absent voter's ballot and must be opened only on election day at the polls immediately after the polls are closed," mailing the same, postage prepaid, to such judges of election, or if more convenient he or it may deliver such absent voter's ballot to the judges of election in person or by duly deputized agent and secure his receipt for delivery of such ballot or ballots. Absent voter's ballots postmarked after 11:59 p.m. of the day immediately preceding the election returned to the election authority too late to be delivered to the proper polling place before the closing of the polls on the day of election shall be endorsed by the person receiving the same with the day and hour of receipt and shall be safely kept unopened by the election authority for the period of time required for the preservation of ballots used at such election, and shall then, without being opened, be destroyed in like manner as the used ballots of such election.

(b) All absent voters' ballots received by the election authority after 12:00 noon on election day or too late for delivery to the proper polling place before the closing of the polls on election day, except ballots returned by mail postmarked after midnight preceding the opening of the polls on election day, and all absent voters' ballots in election jurisdictions that use voting systems authorized by Article 24C shall be counted in the office of the election authority on the day of the election after 7:00 p.m. All absent voters' ballots delivered in error to the wrong precinct polling place shall be returned to the election authority and counted under this provision.

Such counting shall commence no later than 8:00 p.m. and shall be conducted by a panel or panels of election judges appointed in the manner provided by law. Such counting shall continue until all absent voters' ballots received as aforesaid have been counted.

The procedures set forth in Section 19-9 of this Act and Articles 17 and 18 of this Code, shall apply to all absent voters' ballots counted under this provision; except that votes shall be recorded by without regard to precinct designation.

Where certain absent voters' ballots are counted in the office of the election authority as provided in this Section, each political party, candidate and qualified civic organization shall be entitled to have present one pollwatcher for each panel of election judges therein assigned. (Source: P.A. 84-861.)

(10 ILCS 5/20-9) (from Ch. 46, par. 20-9)

Sec. 20-9. At the close of the regular balloting and at the close of the polls the judges of election of each voting precinct or the panel or panels of judges in the office of the election authority, as the case may be, shall proceed to cast the absent voter's ballot separately, and as each absent voter's ballot is taken shall open the outer or carrier envelope, announce the absent voter's name, and compare the signature upon the application with the signature upon the registration record card if the voter is registered or upon the certification on the ballot envelope if there is no registration card. In case the judges find the certifications properly executed, that the signatures correspond, that the applicant is a duly qualified elector in the precinct and the applicant has not been present and voted within the county where he represents himself to be a qualified elector on such election day, they shall open the envelope containing the absent voter's ballot in such manner as not to deface or destroy the certification thereon, or mark or tear the ballots therein and take out the ballot or ballots therein contained without unfolding or permitting the same to be unfolded or examined, and having endorsed or initialed the ballot in like manner as other ballots are required to be endorsed, shall deposit the same in the proper ballot box or boxes and mark the voter's registration record card accordingly or file the application in lieu thereof. The judges shall place the absentee ballot certification envelopes in a separate envelope as per the direction of the election authority. Such envelope containing the absentee ballot certification envelopes shall be returned to the election authority and preserved in like manner as the official poll record.

In case the signatures do not correspond, or that the applicant is not a duly qualified elector in such precinct or that the ballot envelope is open or has been opened and resealed (except for the purpose of military censorship), or that said voter is present and has voted within the county where he represents himself to be a qualified elector on the day of such election at such election such previously cast vote shall not be allowed, but without opening the absent voter's envelope the judge of such election shall mark across the face thereof, "Rejected", giving the reason therefor.

In case the ballot envelope contains duplicate ballots, said ballots shall not be counted, but shall be marked "Rejected", giving the reason therefor.

The absent voters' envelopes and certifications and the absent voters' envelope with its contents unopened, when such absent vote is rejected shall be retained and preserved in the manner as now provided for the retention and preservation of official ballots rejected at such election. (Source: P.A. 87-1052.)

(10 ILCS 5/20-15)

Sec. 20-15. Precinct tabulation optical scan technology voting equipment and direct recording electronic voting systems equipment.

If the election authority has adopted the use of Precinct Tabulation Optical Scan Technology voting equipment pursuant to Article 24B of this Code or Direct Recording Electronic Voting Systems equipment under Article 24C of this Code, and the provisions of those Articles the Article are in conflict with the provisions of this Article 20, the provisions of Article 24B or Article 24C, as the case may be, shall govern the procedures followed by the election authority, its judges of elections, and all employees and agents. In following the provisions of Article 24B or Article 24C, the election authority is authorized to develop and implement procedures to fully utilize Precinct Tabulation Optical Scan Technology voting equipment or Direct Recording Electronic Voting Systems equipment authorized by the State Board of Elections as long as the procedure is not in conflict with either Article 24B, Article 24C, or the administrative rules of the State Board of Elections. (Source: P.A. 89-394, eff. 1-1-97.)

(10 ILCS 5/Art. 24C heading new) ARTICLE 24C. DIRECT RECORDING ELECTRONIC VOTING SYSTEMS

(10 ILCS 5/24C-1 new)

Sec. 24C-1. Purpose. The purpose of this Article is to authorize the use of Direct Recording Electronic Voting Systems approved by the State Board of Elections. In a Direct Recording Electronic Voting System, voters cast votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voters to mark their choices for the candidates of their preference and for or against public questions. The voting devices shall be capable of instantaneously recording the votes, storing the votes, and tabulating the votes at the precinct. This Article authorizes the use of Direct Recording Electronic Voting Systems for in-precinct counting applications, except that absentee ballots must be counted at the office of the election authority.

(10 ILCS 5/24C-2 new)

Sec. 24C-2. Definitions. As used in this Article:

"Audit trail" means a continuous trail of evidence linking individual transactions related to the vote count with the summary record of vote totals, but that shall not allow for the identification of the voter. An electronic voting system shall produce a permanent paper record with a manual audit capacity for each ballot cast at the time the voter votes that the voter shall review ("voter verified paper audit trail") prior to the voter depositing the permanent paper record into a "ballot" box before leaving the polling place. This voter verified paper audit trail shall be cross-auditable against the electronic ballots recorded by the voting machine as a verification of the accuracy of the count and detection of any possible problems with either electronic ballots or voter verified paper audit trail, but shall not allow for the identification of the voter. The voter verified paper audit trail shall be available as the official record for any recount conducted for any election in which the system is used. It shall permit verification of the accuracy of the count and detection and correction of problems and shall provide a record of each step taken in: defining and producing ballots and generating related software for specific elections; installing ballots and software; testing system readiness; casting and tabulating ballots; and producing reports of vote totals. The record shall incorporate system status and error messages generated during election processing, including a log of machine activities and routine and unusual intervention by authorized and unauthorized individuals. Also part of an election audit trail is the documentation of such items as ballots delivered and collected, administrative procedures for system security, pre-election testing of voting systems, and maintenance performed on voting equipment.

"Ballot" means an electronic audio or video display or any other medium used to record a voter's choices for the candidates of his or her preference and for or against public questions.

"Ballot configuration" means the particular combination of political subdivision or district ballots including, for each political subdivision or district, the particular combination of offices, candidate names, and public questions as they appear for each group of voters who may cast the same ballot.

"Ballot image" means a corresponding representation in electronic form of the mark or vote position of a ballot.

"Ballot label" or "ballot screen" means the display of material containing the names of offices and candidates and public questions to be voted on.

"Computer", "automatic and electronic tabulating equipment", or "equipment" includes (i) apparatus necessary to automatically or electronically examine and count votes as designated on ballots and (ii) data processing machines that can be used for counting ballots and tabulating results.

"Computer operator" means any person or persons designated by the election authority to operate the automatic tabulating equipment during any portion of the vote tallying process in an election, but shall not include judges of election operating vote tabulating equipment in the precinct.

"Computer program" or "program" means the set of operating instructions for the automatic or

electronic tabulating equipment that examines, records, counts, tabulates, canvasses, and prints votes recorded by a voter on a ballot.

"Direct recording electronic voting system", "voting system", or "system" means the combination of equipment and programs that records votes by means of a ballot display provided with mechanical or electro-optical devices that can be activated by the voter, that processes the data by means of a computer program, that records voting data and ballot images in internal memory devices, that produces a voter verified paper audit trail, and that produces a tabulation of the voting data as hard copy or stored in a removable memory device.

"Edit listing" means a computer generated listing of the names of each candidate and public question as they appear in the program for each precinct.

"In-precinct counting" means the recording and counting of ballots on automatic or electronic tabulating equipment provided by the election authority in the same precinct polling place in which those ballots have been cast.

"Separate ballot" means a separate page or display screen of the ballot that is clearly defined and distinguishable from other portions of the ballot.

"Voting device" or "voting machine" means a Direct Recording Voting System apparatus.

"Voter verified paper audit trail" means a permanent paper record with a manual audit capacity produced for each ballot cast at the time the voter votes. The voter shall have the opportunity to review this permanent paper record. Any record of voter intent shall be written in human readable form on this permanent paper record. Election officials retain this permanent paper record as the official record for any recount conducted with respect to any election in which the system is used.

(10 ILCS 5/24C-3 new)

Sec. 24C-3. Adoption, experimentation, or abandonment of Direct Recording Electronic Voting System; boundaries of precincts; notice. Any county board or board of county commissioners, with respect to territory within its jurisdiction, may adopt, experiment with, or abandon a Direct Recording Electronic Voting System approved for use by the State Board of Elections and may use the system in all or some of the precincts within its jurisdiction, or in combination with punch cards, paper ballots, or ballot sheets. In no case may a county board, board of county commissioners, or board of election commissioners contract or arrange for the purchase, lease, or loan of a Direct Recording Electronic Voting System or system component without the approval of the State Board of Elections as provided by Section 24C-16. The county board and board of county commissioners of each county having a population of 40,000 or more, with respect to all elections for which an election authority is charged with the duty of providing materials and supplies, must provide either a Direct Recording Electronic Voting System approved for use by the State Board of Elections under this Article or voting systems under Article 24, Article 24A, or Article 24B for each precinct for all elections, except as provided in Section 24-1.2. For purposes of this Section "population" does not include persons prohibited from voting by Section 3-5 of this Code.

Before any Direct Recording Electronic Voting System is introduced, adopted, or used in any precinct or territory, at least 2 months public notice must be given before the date of the first election when the system is to be used. The election authority shall publish the notice at least once in one or more newspapers published within the county, or other jurisdiction, where the election is held. If there is no such newspaper, the notice shall be published in a newspaper published in the county and having a general circulation within the jurisdiction. The notice shall be substantially as follows:

"Notice is hereby given that on (give date), at (insert place where election is held) in the county of (insert county) an election will be held for (insert name of offices to be filled) at which a Direct Recording Electronic Voting System will be used."

Dated at ... (insert date)"

This notice referred to shall be given only at the first election at which the Direct Recording Electronic Voting System is used.

(10 ILCS 5/24C-3.1 new)

Sec. 24C-3.1. Retention, consolidation, or alteration of existing precincts; change of location. When a Direct Recording Electronic Voting System is used, the county board or board of election commissioners may retain existing precincts or may consolidate, combine, alter, decrease, or enlarge the boundaries of the precincts to change the number of registered voters of the precincts using the system, establishing the number of registered voters within each precinct at a number not to exceed 800 as the appropriate county board or board of election commissioners determines will afford adequate voting facilities and efficient and economical elections.

Except in the event of a fire, flood, or total loss of heat in a place fixed or established pursuant to law by any county board or board of election commissioners as a polling place for an election, no election

authority shall change the location of a polling place established for any precinct after notice of the place of holding the election for that precinct has been given as required under Article 12, unless the election authority notifies all registered voters in the precinct of the change in location by first class mail in sufficient time for the notice to be received by the registered voters in the precinct at least one day prior to the date of the election.

(10 ILCS 5/24C-4 new)

Sec. 24C-4. Use of Direct Recording Electronic Voting System; requisites; applicable procedure. Direct Recording Electronic Voting Systems may be used in elections provided that the systems enable the voter to cast a vote for all offices and on all public questions for which he or she is entitled to vote, and that the systems are approved for use by the State Board of Elections.

So far as applicable, the procedure provided for voting paper ballots shall apply when Direct Recording Electronic Voting Systems are used. The provisions of this Article 24C will govern when there are conflicts.

(10 ILCS 5/24C-5 new)

Sec. 24C-5. Voting booths. In precincts where a Direct Recording Electronic Voting System is used, a sufficient number of voting booths shall be provided for the use of the system according to the requirements determined by the State Board of Elections. Each booth shall be placed so that the entrance to each booth faces a wall in a manner that no judge of election or pollwatcher is able to observe a voter casting a ballot.

(10 ILCS 5/24C-5.1 new)

Sec. 24C-5.1. Instruction of voters. Before entering the voting booth each voter shall be offered instruction in using the Direct Recording Electronic Voting System. In instructing voters, no election judge may show partiality to any political party or candidate. The duties of instruction shall be discharged by a judge from each of the political parties represented and they shall alternate serving as instructor so that each judge shall serve a like time at those duties. No instructions may be given after the voter has entered the voting booth.

No election judge or person assisting a voter may in any manner request, suggest, or seek to persuade or induce any voter to cast his or her vote for any particular ticket, candidate, amendment, question, or proposition. All instructions shall be given by election judges in a manner that it may be observed by other persons in the polling place.

(10 ILCS 5/24C-5.2 new)

Sec. 24C-5.2. Demonstration of Direct Recording Electronic Voting System; placement in public library. When a Direct Recording Electronic Voting System is to be used in a forthcoming election, the election authority may provide, for the purpose of instructing voters in the election, one demonstrator Direct Recording Electronic Voting System unit for placement in any public library within the political subdivision where the election occurs. If the placement of a demonstrator takes place it shall be made available at least 30 days before the election.

(10 ILCS 5/24C-6 new)

Sec. 24C-6. Ballot information; arrangement; absentee ballots; spoiled ballots. The ballot information shall, as far as practicable, be in the order of arrangement provided for paper ballots, except that the information may be in vertical or horizontal rows or on a number of separate pages or display screens.

All public questions, including but not limited to public questions calling for a constitutional convention, constitutional amendment, or judicial retention, shall be placed on the ballot separate and apart from candidates. Ballots for all public questions shall be clearly designated pursuant to administrative rule of the State Board of Elections. More than one amendment to the constitution may be placed on the same portion of the ballot screen. Constitutional convention or constitutional amendment propositions shall precede all candidates and other propositions and shall be placed on a separate portion of the ballot and designated by borders or unique color screens, unless otherwise provided by administrative rule of the State Board of Elections. More than one public question may be placed on the same portion of the ballot. Judicial retention propositions shall be placed on a separate portion of the ballot designated pursuant to administrative rule of the State Board of Elections. More than one proposition for retention of judges in office may be placed on the same portion of the ballot.

The party affiliation, if any, of each candidate or the word "independent", where applicable, shall appear near or under the candidate's name, and the names of candidates for the same office shall be listed vertically under the title of that office. In the case of nonpartisan elections for officers of political subdivisions, unless the statute or an ordinance adopted pursuant to Article VII of the Illinois Constitution requires otherwise, the listing of nonpartisan candidates shall not include any party or "independent" designation. In primary elections, a separate ballot, shall be used for each political party

holding a primary, with the ballot arranged to include names of the candidates of the party and public questions and other propositions to be voted upon on the day of the primary election.

If the ballot includes both candidates for office and public questions or propositions to be voted on, the election official in charge of the election shall divide the ballot in sections for "Candidates" and "Public Questions", or separate ballots may be used.

Any voter who spoils his or her ballot or makes an error shall be provided a means of correcting the ballot or obtaining a new ballot prior to casting his or her ballot.

(10 ILCS 5/24C-6.1 new)

Sec. 24C-6.1. Security designation. In all elections conducted under this Article, ballots shall have a security designation. In precincts where more than one ballot configuration may be voted upon, ballots shall have a different security designation for each ballot configuration. If a precinct has only one possible ballot configuration, the ballots must have a security designation to identify the precinct and the election. Where ballots from more than one precinct are being tabulated, the ballots from each precinct must be clearly identified; official results shall not be generated unless the precinct identification for any precinct corresponds. The Direct Recording Electronic Voting System shall be designed to ensure that the proper ballot is selected for each polling place and that the format can be matched to the software or firmware required to interpret it correctly. The system shall provide a means of programming each piece of equipment to reflect the ballot requirements of the election and shall include a means for validating the correctness of the program and of the program's installation in the equipment or in a programmable memory device.

(10 ILCS 5/24C-7 new)

Sec. 24C-7. Write-in ballots. Pursuant to administrative rule of the State Board of Elections, a Direct Recording Electronic Voting System shall provide an acceptable method for a voter to vote for a person whose name does not appear on the ballot using the same Direct Recording Electronic Voting System used to record votes for candidates whose names do appear on the ballot.

(10 ILCS 5/24C-8 new)

Sec. 24C-8. Preparation for use; comparison of ballots; operational checks of Direct Recording Electronic Voting Systems equipment; pollwatchers. The election authority shall cause the approved Direct Recording Electronic Voting System equipment to be delivered to the polling places. Before the opening of the polls, all Direct Recording Electronic Voting System devices shall provide a printed record of the following, upon verification of the authenticity of the commands by a judge of election: the election's identification data, the equipment's unit identification, the ballot's format identification, the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, all ballot fields that can be used to invoke special voting options, and other information needed to ensure the readiness of the equipment, and to accommodate administrative reporting requirements.

The Direct Recording Electronic Voting System shall provide a means for the election judges to open the polling place and ready the equipment for the casting of ballots. Those means shall incorporate a security seal, a password, or a data code recognition capability to prevent inadvertent or unauthorized actuation of the poll-opening function. If more than one step is required, it shall enforce their execution in the proper sequence.

Pollwatchers, as provided by law, shall be permitted to closely observe the judges in these procedures and to periodically inspect the Direct Recording Electronic Voting System equipment when not in use by the voters.

(10 ILCS 5/24C-9 new)

Sec. 24C-9. Testing of Direct Recording Electronic Voting System equipment and programs; custody of programs, test materials, and ballots. Prior to the public test, the election authority shall conduct an errorless pre-test of the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly detect voting defects and count the votes cast for all offices and all public questions. On any day not less than 5 days prior to the election day, the election authority shall publicly test the Direct Recording Electronic Voting System equipment and programs to determine that they will correctly count the votes cast for all offices and on all public questions. Public notice of the time and place of the test shall be given at least 48 hours before the test by publishing the notice in one or more newspapers within the election jurisdiction of the election authority, if a newspaper is published in that jurisdiction. If a newspaper is not published in that jurisdiction, notice shall be published in a newspaper of general circulation in that jurisdiction. Timely written notice stating the date, time, and location of the public test shall also be provided to the State Board of Elections. The test shall be open to representatives of the political parties, the press, representatives of the State Board of Elections, and the public. The test shall be conducted by entering a preaudited group of ballots marked to record a

predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots having votes exceeding the number allowed by law to test the ability of the electronic tabulating equipment to reject the votes. The test shall also include producing an edit listing.

The State Board of Elections may select as many election jurisdictions that the Board deems advisable in the interests of the election process of this State to order a special test of the electronic tabulating equipment and program before any regular election. The Board may order a special test in any election jurisdiction where, during the preceding 12 months, computer programming errors or other errors in the use of the system resulted in vote tabulation errors. Not less than 30 days before any election, the State Board of Elections shall provide written notice to those selected jurisdictions of its intent to conduct a test. Within 5 days of receipt of the State Board of Elections' written notice of intent to conduct a test, the selected jurisdictions shall forward to the principal office of the State Board of Elections a copy of all specimen ballots. The State Board of Elections' tests shall be conducted and completed not less than 2 days before the public test using testing materials supplied by the Board and under the supervision of the Board, and the Board shall reimburse the election authority for the reasonable cost of computer time required to conduct the special test. After an errorless test, materials used in the public test, including the program, if appropriate, shall be sealed and remain sealed until the test is run again on election day. If any error is detected, the cause of the error shall be determined and corrected, and an errorless public test shall be made before the automatic tabulating equipment is approved. Each election authority shall file a sealed copy of each tested program to be used within its jurisdiction at an election with the State Board of Elections before the election. The Board shall secure the program or programs of each election jurisdiction so filed in its office for the 60 days following the canvass and proclamation of election results. At the expiration of that time, if no election contest or appeal is pending in an election jurisdiction, the Board shall return the sealed program or programs to the election authority of the jurisdiction. After the completion of the count, the test shall be re-run using the same program. Immediately after the re-run, all material used in testing the program and the programs shall be sealed and retained under the custody of the election authority for a period of 60 days. At the expiration of that time the election authority shall destroy the voted ballots, together with all unused ballots returned from the precincts, provided, that if any contest of election is pending at the time in which the ballots may be required as evidence and the election authority has notice of the contest, the ballots shall not be destroyed until after the contest is finally determined. If the use of back-up equipment becomes necessary, the same testing required for the original equipment shall be conducted.

(10 ILCS 5/24C-10 new)

Sec. 24C-10. Recording of votes by Direct Recording Electronic Voting Systems. Whenever a Direct Recording Electronic Voting System is used to electronically record and count the votes of ballots, the provisions of this Section shall apply. A voter shall cast a proper vote on a ballot pursuant to the instructions provided on the screen or labels.

(10 ILCS 5/24C-11 new)

Sec. 24C-11. Functional requirements. The functional requirements of a Direct Recording Electronic Voting System shall be specified by the administrative rules of the State Board of Elections.

(10 ILCS 5/24C-12 new)

Sec. 24C-12. Procedures for counting and tallying of ballots. In an election jurisdiction where a Direct Recording Electronic Voting System is used, the procedures in this Section for counting and tallying the ballots shall apply.

Before the opening of the polls, the judges of elections shall assemble the voting equipment and devices and turn the equipment on. The judges shall, if necessary, take steps to actuate the voting devices and counting equipment by inserting into the equipment and voting devices appropriate electronic media containing passwords and data codes that will select the proper ballot formats for that polling place and that will prevent inadvertent or unauthorized actuation of the poll-opening function. Before voting begins and before ballots are entered into the voting devices, the judges of election shall cause to be printed a record of the following: (i) the election's identification data, (ii) the device's unit identification, (iii) the ballot's format identification, (iv) the contents of each active candidate register by office and of each active public question register showing that they contain all zeros, (v) all ballot fields that can be used to invoke special voting options, and (vi) other information needed to ensure the readiness of the equipment and to accommodate administrative reporting requirements. The judges must also check to be sure that the totals are all zeros in the counting columns and in the public counter affixed to the voting devices.

After the judges have determined that a person is qualified to vote, the judges shall enable a voting device to be used by the voter and the proper ballot to which the voter is entitled shall be selected. The

ballot may then be cast by the voter by marking by appropriate means the designated area of the ballot for the casting of a vote for any candidate or for or against any public question. The voter shall be able to vote for any and all candidates and public measures appearing on the ballot in any legal number and combination and the voter shall be able to delete or change his or her selections before the ballot is cast. The voter shall be able to select candidates whose names do not appear upon the ballot for any office by following the instructions provided on the screen or labels as many names of candidates as the voter is entitled to select for each office.

Upon completing his or her selection of candidates or public questions, the voter shall signify that voting has been completed by activating the appropriate button, switch, or active area of the ballot screen associated with end of voting. Upon activation, the voting system shall record an image of the completed ballot, shall increment the proper ballot position registers, shall produce a voter verified paper audit trail, and shall signify to the voter that the ballot has been cast. The voter shall exit the voting station and the voting system shall prevent any further attempt to vote until it has been re-activated by the judges of election. If the voter fails to cast his or her ballot and leaves the polling place, 2 judges of election, one from each of the 2 major political parties, shall spoil the ballot.

Throughout the election day and before the closing of the polls, no person may check any vote totals for any candidate or public question on the voting or counting equipment.

The precinct judges of election shall check the public register to determine whether the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the applications for ballot. If the same do not agree, the judges of election shall immediately contact the offices of the election authority in charge of the election for further instructions. If the number of ballots counted by the voting equipment agrees with the number of voters voting as shown by the application for ballot, the number shall be listed on the "Statement of Ballots" form provided by the election authority.

The totals for all candidates and propositions shall be tabulated and 4 copies of a "Certificate of Results" shall be printed by the electronic tabulating equipment. In addition, one copy shall be posted in a conspicuous place inside the polling place and every effort shall be made by the judges of election to provide a copy for each authorized pollwatcher or other official authorized to be present in the polling place to observe the counting of ballots. Additional copies shall be made available to pollwatchers, but in no case shall there be fewer than 4 chosen by lot by the judges of election. In addition, sufficient time shall be provided by the judges of election to the pollwatchers to allow them to copy information from the copy that has been posted.

If instructed by the election authority, the judges of election shall cause the tabulated returns to be transmitted electronically to the offices of the election authority via modem or other electronic medium.

The precinct judges of election shall select a bi-partisan team of 2 judges, who shall immediately return the ballots in a sealed container, along with all other election materials and equipment as instructed by the election authority; provided, however, that the container must first be sealed by the election judges with filament tape or other approved sealing devices provided for the purpose in a manner that the ballots cannot be removed from the container without breaking the seal or filament tape and disturbing any signatures affixed by the election judges to the container. The election authority shall keep the office of the election authority, or any receiving stations designated by the authority, open for at least 12 consecutive hours after the polls close or until the ballots and election material and equipment, as instructed by the election authority, from all precincts within the jurisdiction of the election authority have been returned to the election authority. Ballots and election materials and equipment returned to the office of the election authority that are not signed and sealed as required by law shall not be accepted by the election authority until the judges returning the ballots make and sign the necessary corrections. Upon acceptance of the ballots and election materials and equipment by the election authority, the judges returning the ballots shall take a receipt signed by the election authority and stamped with the time and date of the return. The election judges whose duty it is to return any ballots and election materials and equipment as provided shall, in the event the ballots, materials, or equipment cannot be found when needed, on proper request, produce the receipt that they are to take as above provided.

(10 ILCS 5/24C-13 new)

Sec. 24C-13. Counting of absentee ballots. All jurisdictions using Direct Recording Electronic Voting Systems shall count absentee ballots at the office of the election authority. The provisions of Sections 24A-9 and 24B-9 shall apply to the testing and notice requirements for central count tabulation equipment, including comparing the signature on the ballot envelope with the signature of the voter on the permanent voter registration record card taken from the master file; except that votes shall be recorded by precinct.

Any election authority using a direct recording electronic voting system shall use voting systems

approved for use under Articles 16, 24A, or 24B when conducting absentee voting. The absentee ballots shall be examined and processed pursuant to Sections 19-9 and 20-9. The results shall be recorded by precinct and shall become part of the certificate of results.

(10 ILCS 5/24C-14 new)

Sec. 24C-14. Tabulating votes; direction; presence of public; computer operator's log and canvass. The procedure for tabulating the votes by the Direct Recording Electronic Voting System shall be under the direction of the election authority and shall conform to the requirements of the Direct Recording Electronic Voting System. During any election-related activity using the Direct Recording Electronic Voting System equipment, the election authority shall dedicate the equipment to vote processing to ensure the security and integrity of the system.

A reasonable number of pollwatchers shall be admitted to the counting location. Persons may observe the tabulating process at the discretion of the election authority; however, at least one representative of each established political party and authorized agents of the State Board of Elections shall be permitted to observe this process at all times. No persons except those employed and authorized for the purpose shall touch any ballot, ballot box, return, or equipment.

The computer operator shall be designated by the election authority and shall be sworn as a deputy of the election authority. In conducting the vote tabulation and canvass, the computer operator must maintain a log which shall include the following information:

(1) alterations made to programs associated with the vote counting process;

(2) if applicable, console messages relating to the program and the respective responses made by the operator;

(3) the starting time for each precinct counted, the number of ballots counted for each precinct, any equipment problems and, insofar as practicable, the number of invalid security designations encountered during that count; and

(4) changes and repairs made to the equipment during the vote tabulation and canvass.

The computer operator's log and canvass shall be available for public inspection in the office of the election authority for a period of 60 days following the proclamation of election results. A copy of the computer operator's log and the canvass shall be transmitted to the State Board of Elections upon its request and at its expense.

(10 ILCS 5/24C-15 new)

Sec. 24C-15. Official return of precinct; check of totals; audit. The precinct return printed by the Direct Recording Electronic Voting System tabulating equipment shall include the number of ballots cast, ballots cast by each political party for a primary election, and votes cast for each candidate and public question and shall constitute the official return of each precinct. In addition to the precinct return, the election authority shall provide the number of applications for ballots in each precinct, the total number of ballots counted in each precinct for each political subdivision and district, the number of registered voters in each precinct, and the voter verified paper audit trail. The election authority shall check the totals shown by the precinct return and, if there is an obvious discrepancy regarding the total number of votes cast in any precinct, shall have the ballots for that precinct audited to correct the return. The procedures for this audit shall apply prior to and after the proclamation is completed; however, after the proclamation of results, the election authority must obtain a court order to unseal voted ballots except for election contests and discovery recounts. The certificate of results, that has been prepared and signed by the judges of election in the polling place and at the election authority's office after the ballots have been tabulated, shall be the document used for the canvass of votes for the precinct. Whenever a discrepancy exists during the canvass of votes between the unofficial results and the certificate of results, or whenever a discrepancy exists during the canvass of votes between the certificate of results and the set of totals reflected on the certificate of results, the ballots for that precinct shall be audited to correct the return.

Prior to the proclamation, the election authority shall test the voting devices and equipment in 5% of the precincts within the election jurisdiction. The precincts to be tested shall be selected after election day on a random basis by the State Board of Elections, so that every precinct in the election jurisdiction has an equal mathematical chance of being selected.

The test shall be conducted by entering a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each public question, and shall include for each office one or more ballots that have votes in excess of the number allowed by law to test the ability of the equipment to reject those votes. If any error is detected, the cause shall be determined and

corrected, and an errorless count shall be made prior to the official canvass and proclamation of election results.

The State Board of Elections, the State's Attorney and other appropriate law enforcement agencies, the chairman of the county central committee of each established political party, and qualified civic organizations shall be given prior written notice of the time and place of the test and may be represented at the test.

The results of this re-tabulation shall be treated in the same manner and have the same effect as the results of the discovery procedures set forth in Section 22-9.1 of this Code. Upon completion of the test, the election authority shall print a report showing the results of the test and any errors encountered and the report shall be made available for public inspection.

(10 ILCS 5/24C-15.01 new)

Sec. 24C-15.01. Transporting ballots to central counting station; container. Upon completion of the tabulation, audit, or test of voting equipment, if the election authority so instructs, pursuant to Sections 24C-11 through 24C-15, the voting equipment and ballots from each precinct shall be replaced in the container in which they were transported to the central counting station. If the container is not a type that may be securely locked, then each container, before being transferred from the counting station to storage, shall be sealed with filament tape wrapped around the container lengthwise and crosswise, at least twice each way, and in a manner that the equipment and ballots cannot be removed from the container without breaking the tape.

(10 ILCS 5/24C-15.1 new)

Sec. 24C-15.1. Discovery recounts and election contests. Discovery recounts and election contests shall be conducted as otherwise provided for in this Code. The Direct Recording Electronic Voting System equipment shall be tested prior to the discovery recount or election contest as provided in Section 24C-9 and then the electronic ballots shall be audited against the voter verified paper audit trail.

The log of the computer operator and all materials retained by the election authority in relation to vote tabulation and canvass shall be made available for any discovery recount or election contest.

(10 ILCS 5/24C-16 new)

Sec. 24C-16. Approval of Direct Recording Electronic Voting Systems; requisites. The State Board of Elections shall approve all Direct Recording Electronic Voting Systems provided by this Article.

No Direct Recording Electronic Voting System shall be approved unless it fulfills the following requirements:

(1) It enables a voter to vote in absolute secrecy, except in the case of voters who receive assistance as provided in this Code.

(2) It enables each voter to vote at an election for all persons and offices for whom and for which the voter is lawfully entitled to vote, to vote for as many persons for an office as the voter is entitled to vote for, and to vote for or against any public question upon which the voter is entitled to vote, but no other.

(3) It will detect and reject all votes for an office or upon a public question when the voter has cast more votes for the office or upon the public question than he or she is entitled to cast; provided, however, that it will inform a voter that the voter's choices as recorded on the ballot for an office or public question exceeds the number that the voter is entitled to vote for on that office or public question and will offer the voter an opportunity to correct the error before rejecting the choices recorded on the voter's ballot.

(4) It will enable each voter in primary elections to vote only for the candidates of the political party with which he or she had declared affiliation and preclude the voter from voting for any candidate of any other political party.

(5) It enables a voter to vote a split ticket selected in part from the nominees of one party, in part from the nominees of any or all parties, in part from independent candidates, and in part of candidates whose names are written in by the voter.

(6) It enables a voter, at a Presidential election, by a single selection to vote for the candidates of a political party for Presidential electors.

(7) It will prevent anyone voting for the same person more than once for the same office.

(8) It will record and count accurately each vote properly cast for or against any candidate and for or against any public question, including the names of all candidates whose names are written in by the voters.

(9) It will be capable of merging the vote tabulation results produced by other vote tabulation systems, if necessary.

(10) It will provide a means for sealing and resealing the vote recording devices to prevent their unauthorized use and to prevent tampering with ballot labels.

(11) It will be suitably designed for the purpose used, be durably constructed, and be designed for safety, accuracy, and efficiency.

(12) It will be designed to accommodate the needs of elderly, handicapped, and disabled voters.

(13) It will enable a voter to vote for a person whose name does not appear on the ballot.

(14) It will be designed to ensure that vote recording devices or electronic tabulating equipment that count votes at the precinct will not be capable of reporting vote totals before the close of the polls.

(15) It will provide a voter verified paper audit trail for each ballot cast.

(16) It will provide an audit trail.

The State Board of Elections is authorized to withdraw its approval of a Direct Recording Electronic Voting System if the system fails to fulfill the above requirements.

No vendor, person, or other entity may sell, lease, or loan a Direct Recording Electronic Voting System or system component to any election jurisdiction unless the system or system component is first approved by the State Board of Elections pursuant to this Section. The State Board of Elections shall not accept for testing or approval of any system or system component that has not first been evaluated by an independent testing laboratory or laboratories for performance and reliability using the standards that may from time to time be promulgated by the United States Federal Election Commission. When the functional requirements of this Section are in conflict with the standards promulgated by the Federal Election Commission, the standards of the Federal Election Commission shall govern.

(10 ILCS 5/24C-17 new)

Sec. 24C-17. Rules; number of voting booths. The State Board of Elections may make reasonable rules for the administration of this Article and may prescribe the number of voting booths required for the various types of voting systems.

(10 ILCS 5/24C-18 new)

Sec. 24C-18. Specimen ballots; publication. When a Direct Recording Electronic Voting System is used, the election authority shall cause to be published, at least 5 days before the day of each general and general primary election, in 2 or more newspapers published in and having a general circulation in the county, a true and legible copy of the specimen ballot containing the names of offices, candidates, and public questions to be voted on, as near as may be, in the form in which they will appear on the official ballot on election day. A true legible copy may be in the form of an actual size ballot and shall be published as required by this Section if distributed in 2 or more newspapers published and having a general circulation in the county as an insert. For each election prescribed in Article 2A of this Code, specimen ballots shall be made available for public distribution and shall be supplied to the judges of election for posting in the polling place on the day of election. Notice for the consolidated primary and consolidated elections shall be given as provided in Article 12.

(10 ILCS 5/24C-19 new)

Sec. 24C-19. Additional method of voting. This Article shall be deemed to provide a method of voting in addition to the methods otherwise provided in this Code.

(10 ILCS 5/24A-20 rep.)

Section 10. The Election Code is amended by repealing Section 24A-20. 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 Garrett, **Senate Bill No. 1873** 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 1873 on page 1, by replacing lines 4 through 6 with the following:

"Section 5. The Illinois Governmental Ethics Act is amended by changing Sections 1-112, 4A-102, 4A-103, 4A-104, and 4A-106 and by adding Sections 1-105.5 and 4A-102.5 as follows:

(5 ILCS 420/1-105.5 new)

Sec. 1-105.5. A "familial relationship" means a relationship between a person required to file and a family member. For the purposes of this Section, family member shall include: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, and half sister.

(5 ILCS 420/1-112) (from Ch. 127, par. 601-112)

Sec. 1-112. "Person with whom the person required to file a statement of economic interest ~~legislator~~ maintains a close economic relationship ~~association~~" means a person associated with the person required to file a statement of economic interest ~~legislator~~ in a partnership, association or professional service corporation, whether as partner, officer, employee, associate, or otherwise. (Source: Laws 1967, p. 3401.)

(5 ILCS 420/4A-102) (from Ch. 127, par. 604A-102)

Sec. 4A-102. The statement of economic interests required by this Article shall include the economic interests of the person making the statement as provided in this Section. The interest ~~(if constructively controlled by the person making the statement)~~ of a spouse, other than a legally separated spouse, or of a dependant, if the dependant is under 21 years of age and resides in the person's household, ~~or any other party,~~ shall be considered to be the same as the interest of the person making the statement. Campaign receipts shall not be included in this statement.

(a) The following interests shall be listed by all persons required to file:

(1) The name, address and type of practice of any professional entity ~~organization~~ or individual professional practice in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of $1200 was derived during the preceding calendar year;

(2) The individual clients of the professional entity or individual professional practice ~~nature of professional services~~ (other than ~~services rendered to~~ the unit or units of government in relation to which the person is required to file) ~~and the nature of the entity to which they were rendered~~ if income ~~fees~~ exceeding $5,000 was ~~were~~ received during the preceding calendar year ~~from the entity~~ for professional services rendered by the person making the statement. If the disclosure of professional services rendered is protected by a privilege of confidentiality, then the person required to file shall seek the consent of the client before reporting his or her identity on the statement. If a client does not provide consent for the reporting of his or her identity on the statement, then the person required to file shall not report the client's identity on the statement of economic interest.

(3) The identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized in the preceding calendar year.

(4) The name of each unit of government that has employed the person in the preceding calendar year.

(5) The name of each unit of government in which the person making the statement held elective or non-salaried appointed office in the preceding calendar year. ~~The name of any unit of government which has employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.~~

(6) ~~(5)~~ The name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

(b) The following interests shall also be listed by persons listed in items (a) through (f) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business in the State of Illinois, in which an ownership interest held by the person at the date of filing is in excess of $5,000 fair market

value or from which dividends of in excess of $1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). This item does not include mutual funds, debt instruments, or deposits in a personal checking or savings account, including certificates of deposit and any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution. ~~No time or demand deposit in a financial institution, nor any debt instrument need be listed;~~

(2) The identity of the entity and all positions held as employee or consultant of any corporation, company, firm, partnership, other business enterprise, or non-profit entity if the person received income in excess of $1,200 during the preceding calendar year. This item does not include professional service entities or positions held therein. ~~Except for professional service entities, the name of any entity and any position held therein from which income of in excess of $1,200 was derived during the preceding calendar year, if the entity does business in the State of Illinois. No time or demand deposit in a financial institution, nor any debt instrument need be listed.~~

(3) The identity of any compensated lobbyist with whom the person making the statement maintains a close economic or familial relationship ~~association~~, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and the name ~~describing the general type of economic activity~~ of the client or principal on whose behalf that person is lobbying.

(c) The following interests shall also be listed by persons listed in items (g), (h), (i), and (l) of Section 4A-101:

(1) The name and instrument of ownership in any entity doing business with a unit of local government in relation to which the person is required to file if the ownership interest of the person filing is greater than $5,000 fair market value as of the date of filing or if dividends in excess of $1,200 were received from the entity during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). This item does not include mutual funds, debt instruments, or deposits in a personal checking or savings account, including certificates of deposit and any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution. ~~No time or demand deposit in a financial institution, nor any debt instrument need be listed.~~

(2) Except for professional service entities, the name of any entity and any position held therein from which income in excess of $1,200 was derived during the preceding calendar year if the entity does business with a unit of local government in relation to which the person is required to file. No time or demand deposit in a financial institution, nor any debt instrument need be listed.

(3) The name of any entity and the nature of the governmental action requested by any entity which has applied to a unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1,200 were received by the person filing from the entity during the preceding calendar year.

(Source: P.A. 92-101, eff. 1-1-02.) "; and

on page 1, by inserting after line 12 the following:

"(5 ILCS 420/4A-103) (from Ch. 127, par. 604A-103)

Sec. 4A-103. The statement of economic interests required by this Article to be filed with the Secretary of State shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTEREST

(TYPE OR HAND PRINT)

....

(name)

....

(each office or position of employment for which this statement is filed)

....

(full post office address to which notification of an examination of this statement should be sent)

GENERAL DIRECTIONS:

The interest ~~(if constructively controlled by the person making the statement)~~ of a spouse, other than a legally separated spouse, or of a dependant, if the dependant is under 21 years of age and resides in the person's household, ~~or any other party,~~ shall be considered to be the same as the interest of the person making the statement.

Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business in the State of Illinois, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were derived during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) This item does not include mutual funds, debt instruments, or deposits in a personal checking or savings account, including certificates of deposit and any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution. ~~No time or demand deposit in a financial institution, nor any debt instrument need be listed.~~

Business Entity	Instrument of Ownership
....	....
....	....
....	....
....	....

2. List the name, address and type of practice of any professional entity or individual professional practice ~~organization~~ in which the person making the statement was an officer, director, associate, partner or proprietor or served in any advisory capacity, from which income in excess of $1,200 was derived during the preceding calendar year.

Name	Address	Type of Practice
....	....	....
....	....	....
....	....	....

3. List the individual clients of the professional entity or individual professional practice ~~nature of professional services rendered~~ (other than ~~to~~ the State of Illinois) ~~to each entity~~ from which income exceeding $5,000 was received for professional services rendered during the preceding calendar year by the person making the statement. If the disclosure of professional services rendered is protected by a privilege of confidentiality, then the person required to file shall seek the consent of the client before reporting his or her identity on this form.

....

....

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

....

....

5. List the identity of any compensated lobbyist with whom the person making the statement maintains a close economic or familial relationship ~~association~~, including the name of the lobbyist and specifying the legislative matter or matters which are the object of the lobbying activity, and listing ~~describing~~ the name ~~general type of economic activity~~ of the client or principal on whose behalf that person is lobbying.

Lobbyist	Legislative Matter	Client or Principal
....	....	....

....

6. List the identity of the entity and all positions held as employee or consultant of any corporation, company, firm, partnership, other business enterprise, or non-profit entity if the person received income in excess of $1,200 during the preceding calendar year. This item does not include professional service entities or positions held therein. ~~List the name of any entity doing business in the State of Illinois from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description). No time or demand deposit in a financial institution nor any debt instrument need be listed.~~

Entity	Position Held
....	....
....	....
....	....

7. List the name of each unit of government that has employed the person in the preceding calendar year.

....

....

8. List the name of each unit of government in which the person making the statement held elective or non-salaried appointed office in the preceding calendar year. ~~7. List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.~~

....

....

9. ~~8.~~ List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

....

VERIFICATION:

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

....

(date of filing) (signature of person making the statement)

(Source: P.A. 92-101, eff. 1-1-02.)

(5 ILCS 420/4A-104) (from Ch. 127, par. 604A-104)

Sec. 4A-104. The statement of economic interests required by this Article to be filed with the county clerk shall be filled in by typewriting or hand printing, shall be verified, dated, and signed by the person making the statement and shall contain substantially the following:

STATEMENT OF ECONOMIC INTERESTS

(TYPE OR HAND PRINT)

....

(Name)

....

(each office or position of employment for which this statement is filed)

....

(full post office address to which notification of an examination of this statement should be sent)

GENERAL DIRECTIONS:

The interest ~~(if constructively controlled by the person making the statement)~~ of a spouse, other than a legally separated spouse, or of a dependant, if the dependant is under 21 years of age and resides in the

person's household, ~~or any other party,~~ shall be considered to be the same as the interest of the person making the statement.

Campaign receipts shall not be included in this statement.

If additional space is needed, please attach supplemental listing.

1. List the name and instrument of ownership in any entity doing business with a unit of local government in relation to which the person is required to file, in which the ownership interest held by the person at the date of filing is in excess of $5,000 fair market value or from which dividends in excess of $1,200 were received during the preceding calendar year. (In the case of real estate, location thereof shall be listed by street address, or if none, then by legal description.) This item does not include mutual funds, debt instruments, or deposits in a personal checking or savings account, including certificates of deposit and any other form of deposit in a bank, savings and loan association, credit union, or similar financial institution. ~~No time or demand deposit in a financial institution, nor any debt instrument shall be listed.~~

Business Entity	Instrument of Ownership	Position of Management
....	....	....
....	....	....
....	....	....

2. List the name, address and type of practice of any professional entity or individual professional practice ~~organization~~ in which the person making the statement was an officer, director, associate, partner or proprietor, or served in any advisory capacity, from which income in excess of $1,200 was derived during the preceding calendar year.

Name	Address	Type of Practice
....	....	....
....	....	....
....	....	....

3. List the individual clients of the professional entity or individual professional practice ~~nature of professional services rendered~~ (other than ~~to~~ the unit or units of local government in relation to which the person is required to file) ~~to each entity~~ from which income exceeding $5,000 was received for professional services rendered during the preceding calendar year by the person making the statement. If the disclosure of professional services rendered is protected by a privilege of confidentiality, then the person required to file shall seek the consent of the client before reporting his or her identity on this form.

....

....

4. List the identity (including the address or legal description of real estate) of any capital asset from which a capital gain of $5,000 or more was realized during the preceding calendar year.

....

....

....

5. List the name of any entity and the nature of the governmental action requested by any entity which has applied to a unit of local government in relation to which the person must file for any license, franchise or permit for annexation, zoning or rezoning of real estate during the preceding calendar year if the ownership interest of the person filing is in excess of $5,000 fair market value at the time of filing or if income or dividends in excess of $1200 were received by the person filing from the entity during the

preceding calendar year.

....

....

....

6. List the name of any entity doing business with a unit of local government in relation to which the person is required to file from which income in excess of $1,200 was derived during the preceding calendar year other than for professional services and the title or description of any position held in that entity. No time or demand deposit in a financial institution nor any debt instrument need be listed.

....

....

7. List the name of each unit of government that has employed the person in the preceding calendar year.

....

....

8. List the name of each unit of government in which the person making the statement held elective or non-salaried appointed office in the preceding calendar year. ~~List the name of any unit of government which employed the person making the statement during the preceding calendar year other than the unit or units of government in relation to which the person is required to file.~~

....

....

9. ~~8.~~ List the name of any entity from which a gift or gifts, or honorarium or honoraria, valued singly or in the aggregate in excess of $500, was received during the preceding calendar year.

....

VERIFICATION:

"I declare that this statement of economic interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of my economic interests as required by the Illinois Governmental Ethics Act. I understand that the penalty for willfully filing a false or incomplete statement shall be a fine not to exceed $1,000 or imprisonment in a penal institution other than the penitentiary not to exceed one year, or both fine and imprisonment."

....

(date of filing) (signature of person making the statement)

(Source: P.A. 92-101, 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 Demuzio, **Senate Bill No. 1918** 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 1918 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 12-2 as follows:

(30 ILCS 105/12-2) (from Ch. 127, par. 148-2)

Sec. 12-2. (a) The chairmen of the travel control boards established by Section 12-1, or their designees, shall together comprise the Travel Regulation Council. The Travel Regulation Council shall be chaired by the Director of Central Management Services, who shall be a nonvoting member of the Council, unless he is otherwise qualified to vote by virtue of being the designee of a voting member. No later than March 1, 1986, and at least biennially thereafter, the Council shall adopt State Travel Regulations and Reimbursement Rates which shall be applicable to all personnel subject to the jurisdiction of the travel control boards established by Section 12-1. An affirmative vote of a majority of the members of the Council shall be required to adopt regulations and reimbursement rates. If the Council fails to adopt regulations by March 1 of any odd-numbered year, the Director of Central Management Services shall adopt emergency regulations and reimbursement rates pursuant to the Illinois Administrative Procedure Act.

(b) Mileage for automobile travel shall be reimbursed at the allowance rate in effect under regulations promulgated pursuant to 5 U.S.C. 5707(b)(2). However, in the event the rate set under federal regulations increases ~~changes~~ during the course of the State's fiscal year, the effective date of the new rate shall be the July 1 immediately following the change in the federal rate. In the event the rate set under federal regulations decreases during the course of the State's fiscal year, the effective date of the new rate shall be the effective date of the change in the federal rate.

(c) Rates for reimbursement of expenses other than mileage shall not exceed the actual cost of travel as determined by the United States Internal Revenue Service.

(d) Reimbursements to travelers shall be made pursuant to the rates and regulations applicable to the respective State agency as of the effective date of this amendatory Act, until the State Travel Regulations and Reimbursement Rates established by this Section are adopted and effective.

(e) Lodging in Cook County, Illinois and the District of Columbia shall be reimbursed at the maximum lodging rate in effect under regulations promulgated pursuant to 5 U.S.C. 5701-5709. For purposes of this subsection (e), the District of Columbia shall include the cities and counties included in the per diem locality of the District of Columbia, as defined by the regulations in effect promulgated pursuant to 5 U.S.C. 5701-5709. Individual travel control boards may set a lodging reimbursement rate more restrictive than the rate set forth in the federal regulations. (Source: P.A. 91-357, eff. 7-29-99; 92-315, eff. 8-9-01.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Demuzio, **Senate Bill No. 1963** 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 1963 by replacing the title with the following:

"AN ACT concerning consumer advocacy."; and

by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Consumer Advocate Act.

Section 5. Purpose. The purpose of this Act is to promote the health, welfare, and prosperity of all citizens of this State by (i) ensuring effective and democratic representation of consumers before all regulatory agencies of all units of State and local government, (ii) providing for consumer education on regulatory agencies of units of State and local government, and (iii) utilizing any legal means to promote and protect the rights of consumers. Such purpose shall be deemed a public interest and not a private or special concern. The policy of the General Assembly is that it is in the public interest to authorize the establishment, through the exercise of powers provided in this Act, of an orderly procedure for developing and financing, through the use of statutory inserts and residual, unclaimed funds in consumer class action suits pursuant to subsection (b) of Section 2-807 of the Code of Civil Procedure, the creation of the Illinois Consumer Advocate.

Section 10. Definitions. As used in this Act:

"Board" means the board of directors of the Illinois Consumer Advocate.

"Campaign contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value made for the purpose of electing a candidate to the board or a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any campaign contribution. The term "campaign contribution" does not include the value of services provided without compensation by individuals who volunteer a portion or all of their time on behalf of a candidate or political committee or the use of real or personal property and the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities if the cumulative value of the activities to the individual on behalf of any candidate does not exceed $100 for any election.

"Campaign expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value made for the purpose of electing a candidate to the board or a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any campaign expenditure. The term "campaign expenditure" does not include the use of real or personal property and

the cost of invitations, food, and beverages voluntarily provided by an individual to a candidate in rendering voluntary personal services on the individual's residential premises for candidate-related activities if the cumulative value of the activities by the individual on behalf of any candidate does not exceed $100 for any election.

"Consumer" means any person who uses, purchases, leases, or acquires any real or personal property, tangible or intangible goods, services, or credit.

"Consumer transaction" means a sale, offer for sale, or attempt to sell goods or services for cash or credit and not for resale in the ordinary course of business if a consumer is a party.

"ICA" means the Illinois Consumer Advocate.

"ICA Director", "Board director", and "director" mean any person duly elected or appointed to the Illinois Consumer Advocate's board of directors pursuant to this Act, except where the context otherwise requires.

"Local government" means any unit of local government in this State, including but not limited to counties, townships, and municipalities.

"Member" means any person who meets the requirements for membership in the ICA, as set forth in Section 15.

"Person" means any natural person who is over 18 years of age.

"Political committee" means any committee, club, association, or other group of persons that makes campaign expenditures or receives campaign contributions during the year before an election of the board.

"Regulatory agency" means any governmental office, agency, department, or commission of the State of Illinois or any unit of local government that regulates, monitors, directs, or governs corporations, financial services, or consumer transactions.

"Regulatory proceeding" means any rulemaking, adjudication, or ancillary proceeding conducted by any regulatory agency at the State or local level.

"Statutory insert" means any digital or printed statement, card, or envelope and statement combination or a statement, application, and preaddressed business reply envelope used by the ICA to solicit information and contributions or membership fees from consumers that explains the purpose, history, nature, activities, achievements, and membership criteria of the ICA.

Section 15. Illinois Consumer Advocate; formation and membership.

(a) There is created a public body corporate and politic to be known as the Illinois Consumer Advocate. The ICA shall be a nonprofit corporation, and shall not issue any shares of stock or other securities or pay any dividends. The ICA shall be subject to the provisions of this Act. The main office of the ICA shall be located in Chicago, Illinois.

(b) The ICA shall be a private corporation and shall not, for any purpose, be considered to be a department, agency, or instrumentality of the State of Illinois. An officer or employee of the ICA shall not, for any purposes, be considered to be an officer or employee of the State of Illinois.

(c) The ICA may establish local offices, as needed, in any of the several counties of the State of Illinois.

(d) Except as provided in this Act, the affairs of the ICA shall be regulated as determined in the bylaws of the ICA.

(e) Any consumer who has submitted a membership form and has contributed membership dues to the ICA in the preceding 12 months shall be member of the ICA. A member may resign from membership at any time.

(f) The ICA shall, at the request of any member, provide a current list of members residing in the requesting member's district. Such list shall include the names and current addresses of members within such district and may be used by the requesting member only for the purpose of gathering the information required to secure a nomination to the ICA board of directors as set out in Section 70.

(g) Notwithstanding any other provision of this Act or any other provisions of law, if the ICA does not receive contributions from at least 10,000 consumers located in this State within 3 years of the effective date of this Act, the ICA shall be dissolved.

(h) The membership of the ICA shall consist solely of individuals who:

(1) are 18 years of age or older; and

(2) have contributed the required annual membership fee to the ICA.

(i) Until the end of the 180-day period beginning on the date of the first election of directors, the annual membership fee of the ICA shall be $5. After the end of that 180-day period, the ICA may, by vote of the board of directors, alter the annual membership fee. The board of directors shall adopt a reduced fee structure, offering reduced-cost membership fees for low-income populations and senior citizens.

(j) The ICA shall not make any contributions to any political candidate or party or to any national or State political committee, as defined in Sections 9-1.7 through 9-1.9 of the Election Code, or participate in or intervene in any political campaign on behalf of or in opposition to any candidate for public office.

Section 20. Board.

(a) The ICA shall be managed by, and its powers, functions, and duties shall be exercised through a board to be composed as provided in this Section.

(b) The Illinois Consumer Advocate districts shall be divided into 2 groups for the purpose of establishing terms for which the Directors shall be elected in each group. One group shall be comprised of the even numbered Congressional Districts. The odd numbered Congressional Districts shall comprise the other group.

(1) The Interim Board, within 60 days after the appointment of all of its members, shall meet and publicly by lot determine which group shall be the first group and which group shall be the second. The board members or their successors from the first group shall be elected for successive terms of 2 years, 2 years, and 4 years; and members or their successors from the second group shall be elected for successive terms of 4 years, 2 years, and 2 years.

(2) The first election of directors of the board shall be held no later than April 30, 2004. Subsequent elections of directors of the board shall be held on March 31 of each election year. If March 31 falls on a weekend or holiday, the election shall occur on the next business day following March 31.

(3) Interim and elected board members shall serve until their successors are elected and have qualified.

(4) In the year following each decennial census and within 45 days after the redistricted Congressional Districts are enacted, the board shall allocate terms between the 2 groups of districts publicly by lot as provided in paragraph (1). Board members or their successors from the first group shall be elected for successive terms of 2 years, 4 years, and 4 years; and members or their successors from the second group shall be elected for successive terms of 4 years, 4 years, and 2 years.

(c) A director shall be a resident of the district he or she represents and member of the ICA. No person who is an employee in any managerial or supervisory capacity, director, officer, or agent or who is a member of the immediate family of any such employee or director is eligible to be a director. No director may hold any elected public office in Illinois, be a candidate for any Illinois elected public office, be a State public official, or be employed in a governmental position exempt from the Personnel Code.

(d) No director or member of his or her immediate family shall, either directly or indirectly, be employed for compensation as a staff member or consultant of the ICA.

(e) The board shall hold regular meetings at least once every 3 months on such dates and at such places as it may determine. Special meetings may be called by the president or by a majority of the directors upon at least 7 days advance written notice. Unless otherwise provided in the bylaws, a majority of the board of directors shall constitute a quorum; provided, that in no event shall a quorum consist of less than one-third of the board of directors. An act of the majority of the directors present at a meeting at which a quorum is present shall be an act of the board of directors, unless the act of a greater number is required by this Act or bylaws. A summary of the minutes of every board meeting shall be made available to each public library in the State upon request and to individuals upon request.

(f) A director may not receive any compensation for his or her services but shall be reimbursed for necessary expenses, including travel expenses, incurred in the discharge of duties. The board shall establish standard allowances for mileage, room, and meals and the purposes for which such allowances may be made and shall determine the reasonableness and necessity for such reimbursements. The board shall include the schedule of such standard allowances in its annual report.

(g) Directors and employees eligible to disburse funds shall be bonded. The ICA shall pay the costs of such bonds.

Section 25. Duties of directors. The board shall have the following duties:

(1) To establish the policy of the ICA regarding appearances before regulatory agencies, legislative bodies, and other public authorities and regarding other activities that the ICA has the authority to perform under this Act.

(2) To employ an executive director who shall have the following powers and duties, subject at all times to the direction and supervision of the board:

(A) To implement the policy established by the board under item (1).

(B) To employ and discharge employees of the ICA.

(C) To supervise the offices, facilities, and work of the employees of the ICA.

(D) To have custody of and maintain the books, records, and membership rolls of the ICA

under this Act.

(E) To prepare and submit to the board annual and quarterly statements of the financial and substantive operations of the ICA and financial estimates for the future operations of the ICA.

(F) To attend and participate in meetings of the board, but without a vote.

(G) To file annually with the board a current financial statement that includes the information required under Section 70.

(H) To exercise such other powers and to perform such other duties as the board delegates.

(3) To hold an annual meeting of the membership on a date and at a place within the State to be determined by the board under Section 45.

(4) To assure preparation of:

(A) Up-to-date membership rolls.

(B) Quarterly statements of the financial and substantive operations of the ICA.

(C) An audit of the ICA's books at least once each fiscal year. The audit shall be by a certified public accountant.

(D) An annual report of the ICA's financial and substantive operations. The ICA shall prepare the report at the close of the fiscal year and shall make the report available to each of its members and to members of the news media who request it. It shall also make the report available to each library in the State that requests it and to individuals upon request.

(5) To establish and make available to the public a written policy on the availability and distribution of all records required to be kept by the ICA under this Act.

(6) To prepare membership applications and distribute such applications in sufficient amounts or in machine copyable form to every library system, as defined in Section 2 of The Illinois Library System Act, so as to allow such library systems to distribute the applications to all of the public libraries throughout the State, wherefrom consumers may obtain the applications to submit to the ICA, with annual dues, for membership.

(7) To carry out all other duties and responsibilities imposed upon the ICA and the board under this Act.

Section 30. Director statement of financial interest. Every director shall file annually with the board a current financial statement, which includes the information required under Section 70.

Section 35. Executive director: qualifications; appointment.

(a) The executive director hired by the board under Section 25 shall have the same qualifications as a director under Section 70, except that the executive director need not be a resident of this State or a member of the ICA. The executive director may not be a candidate for director while serving as executive director.

(b) To hire the executive director under Section 25, the board shall adhere to any applicable State and federal laws prohibiting discrimination in employment.

(c) The board shall require all applicants for the position of executive director of the ICA to file a financial statement, which includes the information required under Section 70. The board shall require the executive director to file a current statement annually.

Section 40. Annual membership meeting. All members shall be eligible to attend, participate in, and vote in the annual membership meeting called by the board under item (3) of Section 25. The meeting shall be open to the public and shall be held in different districts on a rotating basis. Each year a meeting shall be held in each board district for the members of that district. Such members shall receive notice of that meeting at least 14 days in advance.

Section 45. Authorization of appropriations. There is to be appropriated, for the purpose of establishing the ICA, $500,000 for the fiscal year ending one year after the date of enactment of this Act.

Section 50. Contributions and funding; prohibited practices.

(a) Notwithstanding anything to the contrary in this Act, the ICA has the authority to solicit and accept contributions. Furthermore, the ICA is authorized to accept funds pursuant to subsection (b) of Section 2-807 of the Code of Civil Procedure.

(b) Notwithstanding subsection (a), no person may offer or give anything of monetary value to any director, employee, or agent of the ICA if the gift or offer influences, or is intended to influence, the action or judgment of the director, employee, or agent of the ICA in his or her capacity as director, employee, or agent of the ICA.

(c) No director, employee, or agent of the ICA may solicit or accept anything of monetary value from any person if the solicitation or acceptance influences, or is intended to influence, the official action or judgment of the director, employee, or agent in his or her capacity as director, employee, or agent of the ICA.

(d) Any person who knowingly and willfully violates this Section may be fined not more than

$1,000, imprisoned not more than 6 months, or both.

(e) The board shall remove from office any director convicted under this Section and shall fill such office.

Section 55. Duties and powers of the ICA.

(a) In addition to other duties imposed under this Act, the ICA has the duty:

(1) to inform, educate, and advise consumers about the actions of entities subject to this Act;

(2) to represent and promote the interests of consumers collectively, and when necessary, to negotiate on behalf of consumers with entities subject to this Act;

(3) to establish the policy of the ICA regarding appearances before regulatory agencies, legislative bodies, and other public authorities and regarding other activities that the ICA has the authority to do under this Act;

(4) to take affirmative actions to encourage membership by low-income and moderate-income and minority consumers and to disseminate information and advice to consumers;

(5) to inform, insofar as possible, consumers about the mission and purpose of the ICA including the procedures necessary to become a member of the ICA;

(6) to monitor the availability and quality of financial or shareholder services to low-income and moderate-income constituencies and the elderly; and

(7) to develop data to assist consumers in making informed decisions in the marketplace.

(b) In addition to the rights, duties, and powers provided by other provisions of this Act, the ICA shall have all the powers necessary or convenient for the effective representation and protection of the interests of consumers and to implement this Act, including the following powers in addition to all other powers granted by this Act.

(1) To make, amend, and repeal bylaws and rules for the regulation of its affairs and the conduct of its business; to adopt an official seal and alter it at its pleasure; to maintain an office; to sue and be sued in its own name; plead and be impleaded; and to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the ICA.

(2) To employ such agents, employees, and special advisors as it finds necessary and to fix their compensation.

(3) To initiate or intervene as a party or otherwise participate on behalf of consumers in any proceeding that the ICA reasonably determines affects the interests of consumers.

(4) To represent the interests of consumers before regulatory agencies, legislative bodies, courts of law, and other public forums.

(5) To sue on behalf of any member, group of members, or all members for judicial relief, including damages, in any court of competent jurisdiction in regard to any matter that the ICA reasonably determines affects the interests of consumers.

(6) To represent the interests of corporations, unincorporated businesses, and associations before regulatory agencies, legislative bodies, courts of law, and other public forums where such representation is in the interests of consumers.

(7) To conduct, support, and assist research, surveys, and investigations in matters the ICA reasonably determines affect the interests of consumers.

(8) To contract for services that cannot be reasonably performed by the ICA's own employees.

(9) To establish annual dues, which shall be set at a level that provides sufficient funding for the corporation to effectively perform its powers and duties and is affordable for as many consumers as is possible.

(10) To implement solicitation for ICA funding and membership.

(11) To seek tax-exempt status under State and federal law, including 501(c)(3) status under the United States Internal Revenue Code.

(c) The ICA shall, to the extent consistent with this Act, have all the rights and powers generally accorded to and be subject to duties generally imposed upon nonprofit corporations by the laws of this State.

(d) The ICA shall be deemed to have an interest sufficient to obtain judicial review or enforcement in any court of competent jurisdiction of any regulatory decision or other regulatory action that the ICA reasonably determines may affect the interests of consumers.

(e) The ICA shall make available to the public any of the following documents prepared or filed by the ICA within the preceding 7 years: minutes of the board of directors meetings; directors' or executive directors' financial statements; candidates statements; quarterly statements; and annual reports of the ICA.

Section 60. Statutory Inserts.

(a) To accomplish its powers and duties under Section 40, the ICA, subject to the following

limitations, may prepare and furnish to any unit of State or local government or subdivision thereof ("governmental units"), an enclosure to be included with a mailing by that unit.

(1) A governmental unit, furnished with an enclosure, shall include the enclosure within the mailing designated by the ICA.

(2) An enclosure furnished by the ICA under this Section shall be provided to the governmental unit a reasonable period of time in advance of the mailing.

(3) An enclosure furnished by the ICA under this Section shall be limited to informing the reader of the purpose, nature, and activities of the ICA as set forth in this Act and informing the reader that he or she may become a member in the ICA, maintain membership in the ICA, and contribute money to the ICA directly.

(b) The ICA shall reimburse each governmental unit for all reasonable incremental costs incurred by the governmental unit in complying with this Section in addition to the governmental unit's normal mailing and handling costs, provided that:

(1) the governmental unit furnishes the ICA in advance with an itemized accounting of such additional cost; and

(2) the ICA is not required to reimburse the governmental unit for postage costs if the weight of the ICA's enclosure does not exceed 0.35 ounces. If the ICA's enclosure exceeds that weight, then it shall only be required to reimburse the governmental unit for postage cost over and above what the governmental unit's postage cost would have been had the enclosure weighed only 0.35 ounces.

Section 65. Appointment of interim board of directors.

(a) Within 90 days after the effective date of this Act, an interim board of directors shall be appointed. The Board shall consist of 11 members. The Governor shall appoint 3 members. The President of the Senate, the Speaker of the House, the Minority Leader of the Senate, and the Minority Leader of the House shall each appoint 2 members. The appointees shall reflect the geographical diversity of this State and shall include representation from minority groups, low-income persons, labor organizations, business, women, and senior citizens. No interim director appointed under this Section may hold an elective position, be a candidate for any elective position, or be a State public official.

(b) The interim board appointed under this Section shall:

(1) As soon as possible after appointment, organize for the transaction of business.

(2) Inform the consumers of this State of the existence, nature, and purposes of the ICA, and encourage consumers to join the ICA, to participate in the ICA's activities, and to contribute to the ICA.

(3) Establish annual dues to be in effect until such time as an elected board assumes the duty as provided in Section 55.

(4) Elect officers as provided under Section 70.

(5) Employ such staff as the interim directors deem necessary to carry out the purposes of this Section. The interim board appointed under this Section shall follow the procedures required under this Act if it hires an executive director of the ICA.

(6) Make all necessary preparations for the first election of directors, oversee the election campaign, and tally the votes under Section 70.

(7) Solicit funds for the ICA.

(8) Carry out all other duties and exercise all other powers accorded to the board under this Act including the powers given to the ICA under Section 60.

Section 70. Board membership; eligibility.

(a) To be eligible for election to the board, a candidate must:

(1) Meet the qualifications for directors under Section 20.

(2) Submit to the board a statement of financial interests and a statement of personal background and positions.

(3) Make the affirmation under item (5) of subsection (b).

(4) File a statement of candidacy with the Board.

(b) A candidate for election to the board shall submit to the board, not later than 60 days prior to the election, a statement of financial interests upon a form provided by the board. The statement of financial interests shall include the following information:

(1) The occupation, employer, and position at the place of employment of the candidate and of his or her immediate family members.

(2) A list of all corporate directorships or other offices and of all fiduciary relationships held in the past 3 years by the candidate and by his or her immediate family members.

(3) The name of any creditor to whom the candidate or a member of the candidate's immediate family owes $10,000 or more.

(4) The name of any corporation in which the candidate holds a security, the current market value of which is $5,000 or more.

(5) An affirmation, subject to penalty of perjury, that the information contained in the statement of financial interests, is true and complete.

(c) A candidate for election to the board shall submit to the board, not later than 60 days prior to the election, on a form to be provided by the board, a statement concerning his or her personal background and positions on issues relating to the operations of the ICA. The statement shall contain an affirmation, subject to penalty of perjury, that the candidate meets the qualifications prescribed for directors in Section 20.

(d) Candidates shall be subject to the following restrictions:

(1) No candidate may accept more than $200 in campaign contributions from any person or political committee from one year before the date of an election through the date of the election.

(2) Each candidate for election to the board shall keep complete records of all contributions to his or her campaign of $25 of more from one year before the date of an election through the date of the election and, at the board's request, shall make such records available for inspection by the board.

(3) As a condition of receiving the benefits of the board's mailing under subsection (e), a candidate for election to the board shall agree in writing to incur no more than $2,500 in campaign expenditures from the time he or she commences circulation of petitions for nomination or from 4 months prior to the election, whichever is earlier, through the date of the election.

(4) Each candidate for election to the board shall keep complete records of his or her campaign expenditures and, at the board's request, shall make such records available for inspection by the board.

(5) No earlier than 14 days and no later than 8 days preceding the election and no earlier than 21 days and no later than 30 days after the election, each candidate for election to the board shall submit to the board, on a form provided by the board, an accurate statement of his or her campaign contributions, swearing that he or she has fully complied with the requirements of this subsection.

(6) No candidate for election to the board may use any campaign contribution for any purpose except for campaign expenditures. Any campaign contribution not expended shall be donated, no later than 90 days after the election, to the ICA or to any charitable organization at the option of the candidate.

(e) The board shall mail or distribute to each member's address on file with the ICA, not sooner than 30 and not later than 10 days before the date fixed for the election:

(1) An official ballot listing all candidates for director from the member's district who satisfy the requirements of subsection (a). The board shall include with the ballot each candidate's statement of financial interests submitted under subsection (b).

(2) The statement by each candidate for election to the board of personal background and positions as required under subsection (c), if the candidate has agreed in writing to limit his or her campaign expenditures under item (3) of subsection (d).

(f) Each member may vote in the election by returning his or her official ballot in person or by first class mail, properly marked, to the ballot return location designated by the ICA. Ballots returned to the location designated by the ICA must be postmarked on or before the date fixed for the election or must be received at the ballot return location designated by the ICA on or before the date fixed for the election. Voting shall be by secret ballot.

(g) The board shall tally votes with all reasonable speed and shall inform the membership promptly of the names of the candidates elected.

(h) For each district the board shall certify, within 30 days of the election, the candidate elected to the board if the candidate has the most votes in the district and if he or she has complied with this Section.

(i) If a vacancy in nomination occurs because no candidate has filed a statement of candidacy, the board, by a majority of those voting, shall appoint a member of the ICA who resides in the district where the vacancy exists to be the candidate.

(j) If the candidate with the most votes dies, declines to serve, or resigns from candidacy prior to being certified under subsection (h), or for any other reason is not certified under subsection (h), the office for which the candidate ran shall be vacant and shall be filled by the board as provided in this Act.

(k) If a vacancy on the Board occurs with more than 12 months remaining in the term, the Board shall set a date for a special election for the district for the purpose of electing a director to serve out the term of the vacant office and shall so notify every member in the district. The election may not be less than 2 months nor more than 4 months after such notification. An election under this Section shall be conducted in the same manner as other elections of directors are conducted. The seat shall remain vacant

if 12 months or less remain in the term.

(l) The board may prescribe rules for the conduct of elections and election campaigns not inconsistent with this Act.

Section 75. Expenses. All expenses of the ICA incurred in carrying out this Act shall be payable solely from the funding as provided under this Act and no liability may be incurred by the ICA beyond the extent to which moneys have been provided under this Act except that, for the purposes of meeting the necessary expenses of postage, preparing and printing the enclosure, initial organization and operation of the ICA for the period commencing on the effective date of this Act and continuing until the first election of the board of directors under Section 70, the ICA or any individual may borrow such moneys as it requires, including moneys that may be loaned by the Department of Commerce and Community Affairs or its successor agency from funds appropriated for that purpose by law. Such moneys borrowed by the ICA or any individual shall subsequently be repaid with appropriate interest over a reasonable period of time. Loans made by the Department of Commerce and Community Affairs shall be repaid within 24 months from the date the loan is made.

Section 80. Dissolution. The ICA may dissolve or be dissolved under the General Not for Profit Corporation Act of 1986.

Section 85. No conflict with the Citizens Utility Board. This Act does not authorize the ICA to represent consumers in matters that properly fall under the jurisdiction of the Citizens Utility Board, as set out in the Citizens Utility Board Act.

Section 90. Construction.

(a) This Act, being necessary for the welfare of the State and its inhabitants, shall be liberally construed to give effect to its purposes.

(b) Nothing in this Act shall be construed to limit the right of any person to initiate, intervene in, or otherwise participate in any regulatory agency proceeding or court action, nor to require any petition or notification to the ICA as a condition precedent to the exercise of such right, nor to relieve any regulatory agency or court of any obligation, nor to affect its discretion to permit intervention or participation by any person in any proceeding or action.".

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 Demuzio, **Senate Bill No. 1983** 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 1983 by replacing everything after the enacting clause with the following:

"Section 5. The Pharmacy Practice Act of 1987 is amended by changing Section 3 as follows:

(225 ILCS 85/3) (from Ch. 111, par. 4123) (Section scheduled to be repealed on January 1, 2008)

(Text of Section before amendment by P.A. 92-880)

Sec. 3. Definitions. For the purpose of this Act, except where otherwise limited therein:

(a) "Pharmacy" or "drugstore" means and includes every store, shop, pharmacy department, or other place where pharmaceutical care is provided by a pharmacist (1) where drugs, medicines, or poisons are dispensed, sold or offered for sale at retail, or displayed for sale at retail; or (2) where prescriptions of physicians, dentists, veterinarians, podiatrists, or therapeutically certified optometrists, within the limits of their licenses, are compounded, filled, or dispensed; or (3) which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the word or words "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care", "Apothecary", "Drugstore", "Medicine Store", "Prescriptions", "Drugs", "Medicines", or any word or words of similar or like import, either in the English language or any other language; or (4) where the characteristic prescription sign (Rx) or similar design is exhibited; or (5) any store, or shop, or other place with respect to which any of the above words, objects, signs or designs are used in any advertisement.

(b) "Drugs" means and includes (l) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include

devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (l), (2) or (3); but does not include devices or their components, parts or accessories.

(c) "Medicines" means and includes all drugs intended for human or veterinary use approved by the United States Food and Drug Administration.

(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

(e) "Prescription" means and includes any written, oral, facsimile, or electronically transmitted order for drugs or medical devices, issued by a physician licensed to practice medicine in all its branches, dentist, veterinarian, or podiatrist, or therapeutically certified optometrist, within the limits of their licenses, by a physician assistant in accordance with subsection (f) of Section 4, or by an advanced practice nurse in accordance with subsection (g) of Section 4, containing the following: (l) name of the patient; (2) date when prescription was issued; (3) name and strength of drug or description of the medical device prescribed; and (4) quantity, (5) directions for use, (6) prescriber's name, address and signature, and (7) DEA number where required, for controlled substances. DEA numbers shall not be required on inpatient drug orders.

(f) "Person" means and includes a natural person, copartnership, association, corporation, government entity, or any other legal entity.

(g) "Department" means the Department of Professional Regulation.

(h) "Board of Pharmacy" or "Board" means the State Board of Pharmacy of the Department of Professional Regulation.

(i) "Director" means the Director of Professional Regulation.

(j) "Drug product selection" means the interchange for a prescribed pharmaceutical product in accordance with Section 25 of this Act and Section 3.14 of the Illinois Food, Drug and Cosmetic Act.

(k) "Inpatient drug order" means an order issued by an authorized prescriber for a resident or patient of a facility licensed under the Nursing Home Care Act or the Hospital Licensing Act, or "An Act in relation to the founding and operation of the University of Illinois Hospital and the conduct of University of Illinois health care programs", approved July 3, 1931, as amended, or a facility which is operated by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or the Department of Corrections.

(k-5) "Pharmacist" means an individual health care professional and provider currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the compounding, packaging, and labeling necessary for delivery, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to,

research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy. (Source: P.A. 89-202, eff. 7-21-95; 89-507, eff. 7-1-97; 90-116, eff. 7-14-97; 90-253, eff. 7-29-97; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

(Text of Section after amendment by P.A. 92-880)

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(b) "Drugs" means and includes (l) articles recognized in the official United States Pharmacopoeia/National Formulary (USP/NF), or any supplement thereto and being intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (2) all other articles intended for and having for their main use the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals, as approved by the United States Food and Drug Administration, but does not include devices or their components, parts, or accessories; and (3) articles (other than food) having for their main use and intended to affect the structure or any function of the body of man or other animals; and (4) articles having for their main use and intended for use as a component or any articles specified in clause (l), (2) or (3); but does not include devices or their components, parts or accessories.

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(d) "Practice of pharmacy" means the provision of pharmaceutical care to patients as determined by

the pharmacist's professional judgment in the following areas, which may include but are not limited to (1) patient counseling, (2) interpretation and assisting in the monitoring of appropriate drug use and prospective drug utilization review, (3) providing information on the therapeutic values, reactions, drug interactions, side effects, uses, selection of medications and medical devices, and outcome of drug therapy, (4) participation in drug selection, drug monitoring, drug utilization review, evaluation, administration, interpretation, application of pharmacokinetic and laboratory data to design safe and effective drug regimens, (5) drug research (clinical and scientific), and (6) compounding and dispensing of drugs and medical devices.

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(k-5) "Pharmacist" means an individual <u>health care professional and provider</u> currently licensed by this State to engage in the practice of pharmacy.

(l) "Pharmacist in charge" means the licensed pharmacist whose name appears on a pharmacy license and who is responsible for all aspects of the operation related to the practice of pharmacy.

(m) "Dispense" means the delivery of drugs and medical devices, in accordance with applicable State and federal laws and regulations, to the patient or the patient's representative authorized to receive these products, including the compounding, packaging, and labeling necessary for delivery, and any recommending or advising concerning the contents and therapeutic values and uses thereof. "Dispense" does not mean the physical delivery to a patient or a patient's representative in a home or institution by a designee of a pharmacist or by common carrier. "Dispense" also does not mean the physical delivery of a drug or medical device to a patient or patient's representative by a pharmacist's designee within a pharmacy or drugstore while the pharmacist is on duty and the pharmacy is open.

(n) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(o) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or medical device: (1) as the result of a practitioner's prescription drug order or initiative that is dispensed pursuant to a prescription in the course of professional practice; or (2) for the purpose of, or incident to, research, teaching, or chemical analysis; or (3) in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns.

(p) "Confidential information" means information, maintained by the pharmacist in the patient's records, released only (i) to the patient or, as the patient directs, to other practitioners and other pharmacists or (ii) to any other person authorized by law to receive the information.

(q) "Prospective drug review" or "drug utilization evaluation" means a screening for potential drug therapy problems due to therapeutic duplication, drug-disease contraindications, drug-drug interactions (including serious interactions with nonprescription or over-the-counter drugs), drug-food interactions, incorrect drug dosage or duration of drug treatment, drug-allergy interactions, and clinical abuse or misuse.

(r) "Patient counseling" means the communication between a pharmacist or a student pharmacist under the direct supervision of a pharmacist and a patient or the patient's representative about the patient's medication or device for the purpose of optimizing proper use of prescription medications or devices. The offer to counsel by the pharmacist or the pharmacist's designee, and subsequent patient counseling by the pharmacist or student pharmacist, shall be made in a face-to-face communication with the patient or patient's representative unless, in the professional judgment of the pharmacist, a face-to-face communication is deemed inappropriate or unnecessary. In that instance, the offer to counsel or patient counseling may be made in a written communication, by telephone, or in a manner determined by the pharmacist to be appropriate.

(s) "Patient profiles" or "patient drug therapy record" means the obtaining, recording, and maintenance of patient prescription and personal information.

(t) "Pharmaceutical care" includes, but is not limited to, the act of monitoring drug use and other patient care services intended to achieve outcomes that improve the patient's quality of life but shall not include the sale of over-the-counter drugs by a seller of goods and services who does not dispense prescription drugs.

(u) "Medical device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component part or accessory, required under federal law to bear the label "Caution: Federal law requires dispensing by or on the order of a physician". A seller of goods and services who, only for the purpose of retail sales, compounds, sells, rents, or leases medical devices shall not, by reasons thereof, be required to be a licensed pharmacy.

(v) "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable individual biometric or electronic identification process as approved by the Department. (Source: P.A. 92-880, eff. 1-1-04.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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 Welch, **Senate Bill No. 529** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend Senate Bill 529, by replacing lines 29 through 34 on page 6 and lines 1 through 8 on page 7 with the following:

"~~No contributions to the College Savings Pool authorized by this Section shall be considered in evaluating the financial situation of the designated beneficiary or be deemed a financial resource of or a form of financial aid or assistance to the designated beneficiary, for purposes of determining eligibility for any scholarship, grant, or monetary assistance awarded by the Illinois Student Assistance Commission, the State, or any agency thereof; nor shall contributions to the College Savings Pool reduce the amount of any scholarship, grant, or monetary assistance that the designated beneficiary is eligible to be awarded by the Illinois Student Assistance Commission, the State, or any agency thereof in accordance with the provisions of any State law.~~".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Welch, **Senate Bill No. 1380** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend Senate Bill 1380 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Minimum Energy Efficiency Standards Act.

Section 5. Purpose and findings.

(a) This Act provides for the establishment of minimum efficiency standards for certain products sold or installed in this State.

(b) The legislature finds that:

(1) Efficiency standards for certain products sold or installed in this State assure consumers and businesses that the products meet minimum efficiency performance levels, thus saving money on utility bills.

(2) Such efficiency standards save energy and thus reduce pollution and other environmental impacts associated with the production, distribution, and use of electricity and natural gas.

(3) Such efficiency standards can make electricity systems more reliable by reducing the strain on the electricity grid during peak demand periods. Furthermore, improved energy efficiency can reduce or delay the need for new power plants, power transmission lines, and power distribution system upgrades.

(4) Energy efficiency standards contribute to the economy of this State by enabling consumers and business owners to spend less on energy, leaving more for the purchase of local goods and services.

Section 10. Definitions. As used in this Act:

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Ceiling fan" means a non-portable device that is suspended from a ceiling for circulating air via the rotation of fan blades.

"Ceiling fan light kit" means the equipment used to provide light from a ceiling fan. This equipment can be (i) integral such that the ceiling fan light kit is hardwired to the ceiling fan or (ii) attachable such that the ceiling fan light kit is not, at the time of sale, physically attached to the fan. Attachable ceiling fan light kits might be included inside the ceiling fan package at the time of sale or sold separately for subsequent attachment to the fan.

"Commercial clothes washer" means a soft mount front-loading or soft mount top-loading clothes washer that is designed for use in (i) applications where the occupants of more than one household will be using it, such as in multi-family housing common areas and coin laundries or (ii) other commercial applications, if the clothes container compartment is no greater than 3.5 cubic feet for horizontal-axis clothes washers, or no greater than 4.0 cubic feet for vertical-axis clothes washers.

"Commercial refrigerators and freezers" means reach-in cabinets, pass-through cabinets, roll-in cabinets and roll-through cabinets that have less than 85 cubic feet of capacity and that are not walk-in models or consumer products regulated under the National Appliance Energy Conservation Act of 1987.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Illuminated exit sign" means an internally-illuminated sign that is designed to be permanently fixed in place and used to identify an exit; a light source illuminates the sign or letters from within, and the background of the exit sign is not transparent.

"Large packaged air-conditioning equipment" means packaged air-conditioning equipment having 240,000 Btu/hour or more of cooling capacity.

"Low voltage dry-type distribution transformer" means a distribution transformer that (i) has an input voltage of 600 volts or less; (ii) is between 14 kVa and 2,501 kVa in size; (iii) is air-cooled; and (iv) does not use oil as a coolant.

"Packaged air-conditioning equipment" means air-conditioning equipment that is built as a package and shipped as a whole to end-user sites.

"Pass-through cabinet" means a commercial refrigerator or commercial freezer with hinged or sliding doors on both the front and rear of the refrigerator or freezer.

"Reach-in cabinet" means a commercial refrigerator, commercial refrigerator-freezer, or commercial freezer with hinged or sliding doors or lids, but excluding roll-in or roll-through cabinets and pass through cabinets.

"Roll-in or roll-through cabinet" means a commercial refrigerator or commercial freezer with hinged or sliding doors that allows wheeled racks of product to be rolled into or through the refrigerator or freezer.

"Torchiere lighting fixture" means a portable electric lighting fixture with a reflector bowl giving

light directed upward so as to give indirect illumination.

"Traffic signal module" means a standard 8-inch (200mm) or 12-inch (300mm) round traffic signal indication. It consists of a light source, lens, and all parts necessary for operation and communicates movement messages to drivers through red, amber, and green colors. Arrow modules in the same colors are used to indicate turning movements.

"Transformer" means a device consisting essentially of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another in order to change the original voltage or current value.

"Unit heater" means a self-contained fan-type heater that uses natural gas, propane, or fuel oil and that is designed to be installed within a heated space. Unit heaters include an apparatus or appliance to supply heat and a fan for circulating air over a heat exchange surface, all enclosed in a common casing. Unit heaters do not include warm air furnaces as defined under the federal Energy Policy Act of 1992.

Section 15. Scope.

(a) The provisions of this Act apply to the testing, certification, and enforcement of efficiency standards for the following types of new products sold, offered for sale, or installed in this State: (1) ceiling fans and ceiling fan light kits; (2) commercial clothes washers; (3) commercial refrigerators and freezers; (4) illuminated exit signs; (5) large packaged air-conditioning equipment; (6) low voltage dry-type distribution transformers; (7) torchiere lighting fixtures; (8) traffic signal modules; (9) unit heaters; and (10) such other products as may be designated by the Director in accordance with Section 30.

(b) The provisions of this Act do not apply to (1) new products manufactured in this State and sold outside this State, (2) new products manufactured outside this State and sold at wholesale inside this State for final retail sale and installation outside this State, (3) products installed in mobile manufactured homes at the time of construction, or (4) products designed expressly for installation and use in recreational vehicles.

Section 20. Efficiency standards. The initial minimum efficiency standards for the types of new products set forth in Section 15 are as follows:

(1) Ceiling fans and ceiling fan light kits shall meet the Tier 1 criteria of the product specification (Version 1.1) of the "Energy Star Program Requirements for Residential Ceiling Fans" developed by the U.S. Environmental Protection Agency.

(2) Commercial clothes washers shall meet the energy efficiency requirements for residential clothes washers in Energy Conservation Program for Consumer Products: Clothes Washer Energy Conservation Standards, 66 Fed. Reg. 3314 (January 12, 2001) (to be codified at 10 CFR Part 430).

(3) Commercial refrigerators and freezers shall meet the August 1, 2004 requirements shown in Table A-6 of section 1605.3 of the California Code of Regulations, Title 20: Division 2, Chapter 4, Article 4: Appliance Efficiency Regulations that took effect on November 27, 2002.

(4) Illuminated exit signs shall meet the product specification (Version 2.0) of the "Energy Star Program Requirements for Exit Signs" developed by the U.S. Environmental Protection Agency.

(5) Large packaged air-conditioning equipment shall meet the Tier 2 efficiency levels of the "Minimum Equipment Efficiencies for Unitary Commercial Air Conditioners" and "Minimum Equipment Efficiencies for Heat Pumps" developed by the Consortium for Energy Efficiency, Boston, MA, and that took effect on July 1, 2002.

(6) Low voltage dry-type distribution transformers shall meet or exceed the energy efficiency values shown in Table 4-2 of National Electrical Manufacturers Association Standard TP-1-2002.

(7) Torchiere lighting fixtures shall not consume more than 190 watts and shall not be capable of operating with lamps that total more than 190 watts.

(8) Traffic signal modules shall meet the product specification of the "Energy Star Program Requirements for Traffic Signals" developed by the U.S. Environmental Protection Agency and that took effect in February 2001.

(9) Unit heaters shall not have pilot lights and shall have either power venting or an automatic flue damper.

The initial minimum efficiency standards provided in this Section are subject to change by Board rule in accordance with Section 30.

Section 25. Implementation.

(a) Beginning January 1, 2005, no new product of a type subject to this Act may be sold or offered for sale in this State unless the efficiency of the new product meets or exceeds the applicable minimum efficiency standards.

(b) Beginning January 1, 2006, no new product of a type subject to this Act may be installed in this State unless the efficiency of the new product meets or exceeds the applicable minimum efficiency standards.

Section 30. New and revised standards; waiver.

(a) The Agency, after consultation with the Department of Commerce and Community Affairs, may propose to the Board (i) increased efficiency standards to replace any of the standards listed in Section 20, and (ii) new minimum efficiency standards for new products not specifically listed in Section 15. In proposing any new or increased efficiency standards, the Agency shall base that proposal upon a determination that the new or increased efficiency standards would serve to promote energy conservation in this State and would be cost effective for consumers who purchase and use the affected new products.

(b) The Board shall consider any new or increased efficiency standards proposed by the Agency, and shall adopt by rule those standards that it finds to be appropriate. In adopting any new or increased efficiency standard, the Board shall consider whether the new or increased efficiency standard would serve to promote energy conservation in this State and would be cost effective for consumers who purchase and use the affected new products. New or increased efficiency standards shall take effect no sooner than one year following the adoption of the rule providing for such new or increased efficiency standards.

(c) The Director may apply for a waiver of federal preemption in accordance with federal procedures for those products regulated by the federal government.

Section 35. Testing, certification, labeling, and enforcement.

(a) The manufacturers of new products subject to this Act shall cause samples of such products to be tested in accordance with the appropriate test procedures. With respect to efficiency standards adopted by reference under Section 20, the appropriate test methods shall be those specified in the adopted standards. Board rules providing for new or increased minimum efficiency standards shall specify the appropriate test methods, which shall be test methods approved by the U.S. Department of Energy or, in the absence of such test methods, other appropriate nationally recognized test methods.

(b) Manufacturers of new products subject to this Act shall certify to the Director that such products are in compliance with the provisions of this Act. The Director may adopt procedures and requirements governing the certification of such products and may work in coordination with the certification programs of other states. With respect to a product for which the Illinois efficiency standards and labelling requirements are the same as those of the federal government or another state, the Agency may accept as sufficient for compliance with this subsection the manufacturer's certification to the federal government or that other state, whichever is applicable, that the product complies with those standards and requirements.

(c) Manufacturers of new products subject to this Act shall identify each such product offered for sale or installation in this State as in compliance with the provisions of this Act by means of a mark, label, or tag on the product and packaging at the time of sale or installation. The Director shall propose and the Board shall adopt rules governing the identification of such products and packaging and may work in coordination with the labeling programs of other states.

(d) The Director may cause investigations to be made of complaints received concerning violations of this Act and may report the results of such investigations to the Attorney General. The Attorney General may institute proceedings to enforce the provisions of this Act.

(e) A manufacturer, distributor, retailer, or installer who violates any provision of this Act shall be issued a warning by the Director for the first violation. Repeat violations shall be subject to a civil penalty of not more than $250. Each violation shall constitute a separate offense, and each day that a violation continues shall constitute a separate offense. Penalties assessed under this subsection are in addition to costs assessed under subsection (d).

(f) The Agency may propose and the Board may adopt any rules that are necessary to ensure the proper implementation and enforcement of this Act.

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

The motion prevailed.

And the 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.

At the hour of 11:56 o'clock pm., the Chair announced that the Senate stand adjourned until Thursday, April 3, 2003, at 10:00 o'clock a.m.