



SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

39TH LEGISLATIVE DAY

TUESDAY, MAY 6, 2003

12:00 O'CLOCK NOON

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HB 3718	Second Reading	203

The Senate met pursuant to adjournment.
 Senator Vince Demuzio, Carlinville, Illinois, presiding.
 Prayer by Reverend Stuart Liegey, Ashland Church of Christ, Ashland, Illinois.
 Senator Link led the Senate in the Pledge of Allegiance.

The Journal of Thursday, May 1, 2003, was being read when on motion of Senator Collins 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.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 2 to House Bill 16
 Senate Floor Amendment No. 1 to House Bill 184
 Senate Floor Amendment No. 1 to House Bill 264
 Senate Floor Amendment No. 1 to House Bill 536
 Senate Floor Amendment No. 1 to House Bill 564
 Senate Floor Amendment No. 1 to House Bill 858
 Senate Floor Amendment No. 1 to House Bill 862
 Senate Floor Amendment No. 1 to House Bill 865
 Senate Floor Amendment No. 1 to House Bill 983
 Senate Floor Amendment No. 1 to House Bill 1073
 Senate Floor Amendment No. 2 to House Bill 1165
 Senate Floor Amendment No. 2 to House Bill 1373
 Senate Floor Amendment No. 1 to House Bill 2493
 Senate Floor Amendment No. 1 to House Bill 3387
 Senate Floor Amendment No. 2 to House Bill 3528

REPORT RECEIVED

MEMORANDUM

TO: The Honorable Emil Jones, Senate President
 The Honorable Frank C. Watson, Senate Minority Leader
 The Honorable Michael J. Madigan, Speaker of the House
 The Honorable Tom Cross, House Minority Leader

FROM: Robert E. Schiller
 State Superintendent of Education

DATE: April 30, 2003

RE: Waivers of School Code Mandates: Spring 2003 Summary Report

As required by Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), the following report provides summaries of requests for waivers of School Code mandates being transmitted to the Illinois General Assembly for its consideration. Also included are summaries of requests for waivers and modifications acted on by the State Board of Education and of applications that have been returned to school districts or other eligible applicants.

If you have any questions or comments, please contact Respicio F. Vazquez, General Counsel, at 217/782-8535.

cc: The Honorable Rod R. Blagojevich, Governor
 Tony Rossi, Clerk of the House

[May 6, 2003]

Linda Hawker, Secretary of the Senate
 Legislative Research Unit
 State Government Report Center

Executive Summary

The following report outlines waivers of School Code mandates that school districts, regional offices of education, or special education or vocational education cooperatives have requested since the last report, which was transmitted in October 2002. Pursuant to Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), these requests must be sent to the General Assembly for its consideration before May 1, 2003.

The report is organized by subject area and by school district, regional office, or special education or vocational education cooperative. The General Assembly may disapprove the report in whole or in part within 30 calendar days after each chamber next convenes once the report is filed. This is done by a joint resolution. If either chamber fails to reject a waiver request, then that request is deemed granted.

Section I summarizes the 85 requests received for waivers of School Code mandates for consideration by the General Assembly, which are presented alphabetically by topic area. Requests include daily physical education (20 requests), driver education fees (19 requests), administrative cost limitations (11 requests), parent-teacher conferences and inservice training (seven requests each), and non-resident tuition and evaluation plans for tenured teachers (five petitions each). Other requests address substitute teachers (three requests); consolidation and the Academic Watch List (two requests each); and bonds, General State Aid, superintendent duties, and teacher aides (one request each).

The requests dealing with substitute teacher certificates seek authorization to employ substitutes for longer than the 90 days allowed under Section 21-9 of the School Code (see page 12 of the report). Since the petitions submitted do not restrict substitutes who also hold a teaching certificate to 120 days of employment nor limit the waiver requests to the next school year (both of which are requirements imposed by P.A. 92-184, effective July 27, 2001), the State Board of Education must continue to send these types of petitions to the General Assembly for action.

This document also contains three additional sections beyond what is required under Section 2-3.25g of the School Code. Section II of the report lists the 163 requests for modifications or waivers of State Board of Education rules and modifications of School Code mandates that the State Board has approved. Of those, 133 address legal school holidays; 17 address adjustment of instructional time pertaining to the spring administration of the Prairie State Achievement Examination; eight address daily physical education; two address driver's education; and one each addresses criminal background checks, school food program, and substitute teachers.

Section III describes the 19 requests that have been returned to or withdrawn by the petitioning entities. Section IV shows all the requests submitted, organized by Senate and House district.

In addition, the requests received are summarized by subject area in a table following this Executive Summary. Complete copies of the waiver requests for the General Assembly's consideration have been made available to legislative staff.

This is the sixteenth report submitted pursuant to Section 2-3.25g of the School Code, which requires that the State Board of Education compile and submit requests for waivers of School Code mandates to the General Assembly before May 1 and October 1 of each year.

Summary of Applications for Waivers and Modifications *Volume 16 – Spring 2003*

Denied by	Transmitted	Withdrawn
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[May 6, 2003]

Topic	Approved	SBE	to GA	or Returned
Academic Watch List	0	0	2	0
Bonds	0	0	1	1
Consolidation	0	0	2	0
Content of Evaluation Plans	0	0	5	0
Criminal Background Checks	1	0	0	0
Driver Education	2	0	19	1
General State Aid Calculations	0	0	1	0
Legal School Holidays	133	0	0	12
Limitation of Administrative Costs	0	0	11	1
Non-Resident Tuition	0	0	5	0
Parent-Teacher Conferences	0	0	7	1
Physical Education	8	0	20	0
PSAE – Instructional Time	17	0	0	1
School Food Program	1	0	0	0
School Improvement/ Inservice Training	0	0	7	1
School Nurse Certification	0	0	0	1
Substitute Teachers	1	0	3	0
Superintendent's Duties	0	0	1	0
Teacher Aides	0	0	1	0
Petition Summary	163	0	85	19

TOTAL NUMBER OF APPLICATIONS: 267

SECTION I

Applications Transmitted to the General Assembly

Academic Watch List

St. Anne CHSD 302 – Kankakee, Iroquois (SD 40/HD 79) / Expiration: 2004-05 school year WM100-2776 – Waiver of School Code (Section 2-3.25d) request to allow the district to remain on the Academic Early Warning list rather than being placed on the Academic Watch list. The district maintains that placement on the watch list, which could include appointment of [May 6, 2003]

an oversight panel, will impede the district's efforts to continue the implementation of programs and instructional activities designed to improve student performance.

Madison CUSD 12 – Madison (SD 57/HD 114) / **Expiration: 2003-04 school year**
WM100-2826 – Waiver of School Code (Section 2-3.25d) request to allow the district to remain on the Academic Early Warning list rather than being placed on the Academic Watch list. The district maintains that placement on the watch list, which could include appointment of an oversight panel, will impede the district's efforts to continue the implementation of programs and instructional activities designed to improve student performance.

Bonds

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / **Expiration: 2007-08 school year**
WM100-2680 – Waiver of School Code (Section 5-22) request to allow the district to use the proceeds from the sale of land purchased with bonds to further equip the school rather than to reduce the bond levy.

Consolidation

Monmouth USD 38 – Warren (SD 47/HD 94) / **Expiration: 2007-08 school year**
WM100-2841 – Waiver of School Code (Section 11A-2) request to allow the district to waive the requirement that school districts seeking to consolidate must have contiguous boundaries.

Roseville CUSD 200 – Warren (SD 47/HD 94) / **Expiration: 2007-08 school year**
WM100-2844 – Waiver of School Code (Section 11A-2) request to allow the district to waive the requirement that school districts seeking to consolidate must have contiguous boundaries.

Content of Evaluation Plans

East Maine SD 63 – Cook (SD 29/HD 57) / **Expiration: 2007-08 school year**
WM100-2657 – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for the teacher evaluation process with a scale of "meets (district) standards and criteria of effective teaching" or "does not meet (district) standards and criteria of effective teaching".

Lyons THSD 204 – Cook (SD 41/HD 82) / **Expiration: 2007-08 school year**
WM100-2695 – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for the teacher evaluation process with a scale of "meets (district) expectations" or "does not meet expectations".

Lake Forest SD 67 – Lake (SD 29/HD 58) / **Expiration: 2006-07 school year**
WM100-2723 – Waiver of School Code (Section 24A-5) request to allow the district to evaluate teachers every year based on mutually agreed upon goals. Teachers whose previous evaluation yielded either a "satisfactory" or an "excellent" will receive no ratings as a result of this process. Teachers deemed in "noncompliance" with one or more areas will be placed on a two-year evaluation process that includes steps stipulated in Section 24A-5 of the School Code.

Ottawa ESD 141 – LaSalle (SD 38/HD 76) / **Expiration: 2007-08 school year**
WM100-2724 (renewal) – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for the teacher evaluation process with a scale of "meets or exceeds district standards" or "does not meet district standards".

Spoon River Valley CUSD 4 – Fulton (SD 46/HD 91) / **Expiration: 2007-08 school year**
WM100-2857-1 (renewal) – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for the teacher evaluation process with a scale of "meets or exceeds district standards" or "does not meet district standards".

Driver Education

West Chicago HSD 94 – DuPage (SD 48/HD 95) / Expiration: 2007-08 school year
WM100-2707 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$200 of students who participate in driver education courses.

Grant CHSD 124 – Lake (SD 31/HD 61) / Expiration: 2006-07 school year
WM100-2725 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

Oak Lawn CHSD 229 – Cook (SD 18/HD 36) / Expiration: 2007-08 school year
WM100-2755-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$100 of students who participate in driver education courses.

DuPage HSD 88 – DuPage (SD 21/HD 41) / Expiration: 2007-08 school year
WM100-2762-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

Lyons THSD 204 – Cook (SD 41/HD 82) / Expiration: 2007-08 school year
WM100-2768 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$350 of students who participate in driver education courses.

Indian Prairie CUSD 204 – DuPage (SD 48/HD 96) / Expiration: 2007-08 school year
WM100-2783 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$200 of students who participate in driver education courses.

Wheaton CUSD 200 – DuPage (SD 48/HD 95) / Expiration: 2007-08 school year
WM100-2790 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

Orland Park CHSD 230 – Cook (SD 19/HD 37) / Expiration: 2007-08 school year
WM100-2810-1 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

Ohio CHSD 505 – Bureau (SD 37/HD 74) / Expiration: 2007-08 school year
WM100-2823-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$75 of students who participate in driver education courses.

McLean County UD 5 – McLean (SD 44/HD 88) / Expiration: 2007-08 school year
WM100-2828 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$300 of students who participate in driver education courses.

Alton CUSD 11 – Madison, Jersey (SD 56/HD 111) / Expiration: 2007-08 school year
WM100-2829 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$225 of students who participate in driver education courses.

Harlem CCSD 122 – Winnebago (SD 34/HD 68) / Expiration: 2007-08 school year
WM100-2849 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$120 of students who participate in driver education courses.

Thornton THSD 205 – Cook (SD 15/HD 29) / Expiration: 2007-08 school year
WM100-2850 (renewal) – Waiver of School Code (Section 27-23) request to allow the district

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to charge a reasonable fee not to exceed \$350 of students who participate in driver education courses.

Winnebago CUSD 323 – Winnebago (SD 45/HD 89) / Expiration: 2007-08 school year
WM100-2855 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$200 of students who participate in driver education courses.

Evergreen Park CHSD 231 – Cook (SD 18/HD 36) / Expiration: 2007-08 school year
WM100-2864 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$125 of students who participate in driver education courses.

Rockford SD 205 – Winnebago (SD 34/HD 67) / Expiration: 2007-08 school year
WM100-2866 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

Batavia USD 101 – Kane (SD 48/HD 95) / Expiration: 2007-08 school year
WM100-2867 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$400 of students who participate in driver education courses.

Lincoln-Way CHSD 210 – Will (SD 41/HD 81) / Expiration: 2007-08 school year
WM100-2868 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$125 of students who participate in driver education courses.

Sterling CUD 5 – Whiteside (SD 45/HD 90) / Expiration: 2007-08 school year
WM100-2871-2 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$300 of students who participate in driver education courses.

General State Aid and Average Daily Attendance Calculations

Rockford SD 205 – Winnebago (SD 34/HD 67) / Expiration: 2007-08 school year
WM100-2865-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(1) and Section 18-8.05(F)(2)(a)) request to allow the district to count the attendance of students enrolled full time in its middle and high schools in much the same way as the attendance of students enrolled part time is counted, by claiming 1/6 day for each class period of at least 50 minutes attended by a student (up to a maximum of six classes per day).

Limitation of Administrative Cost

Benjamin SD 25 – DuPage (SD 23/HD 45) / Expiration: 2001-02 school year
WM100-2625 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. At the end of the 2001-2002 school year, the district found that the addition of a position for director of student services and programs caused it to exceed the 5 percent limitation. While the district had changed the business manager position to part time, the savings was not sufficient to keep the district within the mandated limit.

Argo/Summit Bedford Park SD 104 – Cook (SD 11/HD 21) / Expiration: 2002-03 school year
WM100-2661 (renewal) – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district has experienced an overall increase of 20 percent in its health care costs.

Dunlap CUSD 323 – Peoria (SD 37/HD 73) / Expiration: 2002-03 school year
WM100-2684-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In the 2001-2002 school year, the district employed its former director of curriculum and instruction, who had already retired, on a part-time basis in order to give the superintendent to be hired after July 1, 2002, an opportunity to choose a replacement. A full-time director of curriculum

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and instruction has since been hired and his salary and benefit package will cause the district to exceed the 5 percent limitation.

Spring Valley CCSD 99 – Bureau (SD 38/HD 76) / Expiration: 2002-03 school year
WM100-2691 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district's insurance premium increased by 9 percent. In addition, the district purchased a new computer for the superintendent at a cost of \$2,000 and raised the salary of the superintendent's secretary commensurate with the level in the collective bargaining agreement for noncertified staff.

Panhandle CUSD 2 – Montgomery (SD 49/HD 98) / Expiration: 2002-03 school year
WM100-2727 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. During the 2001-2002 school year, the district employed two interim superintendents, each of whom served on a part-time basis. Once a permanent superintendent was hired, both the salary and the cost of benefits, which were not paid to the interims, increased substantially.

Morris ESD 54 – Grundy (SD 41/HD 81) / Expiration: 2002-03 school year
WM100-2732 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district created a new position of activities/athletic coordinator, whose duties were previously performed by the building principal and assistant principal. A new position was necessary due to an increase in the number of interscholastic competitions and additional responsibilities placed on the assistant principal.

Oak Lawn CHSD 218 – Cook (SD 18/HD 36) / Expiration: 2002-03 school year
WM100-2747 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. Due to early retirements this year, the district's obligations for early retirement and pensions have increased from \$881,921 in school year 2001-2002 to \$3,914,492 for the current school year.

Deerfield SD 109 – Lake (SD 29/HD 58) / Expiration: 2002-03 school year
WM100-2775 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district's cost for medical insurance increased 19 percent for school year 2002-2003. In addition, the district has hired a person to provide special education cooperative administrative services for its middle schools that were previously provided by the local special education cooperative.

Rutland CCSD 230 – LaSalle (SD 38/HD 76) / Expiration: 2003-04 school year
WM100-2801 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In keeping with the contract for the district's teachers, the superintendent will receive a 10 percent salary increase for the two years preceding retirement. If approved, this waiver takes effect in the 2003-04 school year.

Wallace CCSD 195 – LaSalle (SD 38/HD 76) / Expiration: 2003-04 school year
WM100-2815 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In keeping with the contract for the district's teachers, the superintendent will receive a 10 percent salary increase for the two years preceding retirement. If approved, this waiver takes effect in the 2003-04 school year.

Dallas City CUSD 336 – Hancock, Henderson (SD 47/HD 94) / Expiration: 2002-03 school year
WM100-2862 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. Based on the recommendation of the district's auditor, the district has changed function account numbers to correspond to quarterly expenditure reports and is now using a different responsibility center

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for each grant that it receives. The difference in accounting methods caused some expenses associated with grants to be moved to a line item that is included in the 5 percent cost cap limitation.

Non-Resident Tuition

Jonesboro CCSD 43 – Union (SD 58/HD 115) / Expiration: 2006-07 school year

WM100-2632-1 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 100 percent of the preceding year's per capita tuition costs to those students in neighboring districts that are participating in an intergovernmental agreement. The districts that are participating in the agreement will adopt a mutually acceptable tuition rate that will not be detrimental to any district.

Jonesboro CCSD 43 – Union (SD 58/HD 115) / Expiration: 2006-07 school year

WM100-2632-2 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 100 percent of the preceding year's per capita tuition costs to those students whose parents are employees of the district.

South Pekin SD 137 – Tazewell (SD 46/HD 91) / Expiration: 2006-07 school year

WM100-2789 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount of 67 percent of the preceding year's per capita tuition costs to those students in grades 7 and 8 enrolled in the Spring Lake school district. The district maintains that combining the students from the two districts allows the South Pekin district to offer a more diverse curriculum and smaller classes, leading to improved student performance.

Pekin SD 108 – Tazewell (SD 46/HD 91) / Expiration: 2007-08 school year

WM100-2853 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 100 percent of the preceding year's per capita tuition costs to those students in grades 7 and 8 enrolled in the Spring Lake school district in order for the those students to take advantage of a more diverse curriculum and smaller classes, leading to improved student performance.

Milford THSD 233 – Iroquois (SD 53/HD 105) / Expiration: 2003-04 school year

WM100-2863 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 100 percent of the preceding year's per capita tuition costs to those students in grades 9 through 12 enrolled in the Sheldon school district. The two districts are in the process of reorganization but may not be ready to merge in time for the start of the 2003-2004 school year. The waiver would allow Sheldon students to attend a school with a comprehensive curriculum staffed by fully qualified teachers, leading to improved student performance.

Parent-Teacher Conferences

Dakota CUSD 201 – Stephenson (SD 45/HD 89) / Expiration: 2006-07 school year

WM100-2646 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference in the evening following at least five clock-hours of student attendance and a five-hour parent-teacher conference the following day, with no student attendance. The evening and morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Lyons THSD 204 – Cook (SD 41/HD 82) / Expiration: 2007-08 school year

WM100-2649 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference in the evening following at least five clock-hours of student attendance. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Oak Lawn CHSD 229 – Cook (SD 18/HD 36) / Expiration: 2007-08 school year
WM100-2755-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference in the evening following at least five clock-hours of student attendance. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Elmwood Park CUSD 401 – Cook (SD 39/HD 77) / Expiration: 2007-08 school year
WM100-2764 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference of three and a half hours in the evening following at least five clock-hours of student attendance. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Olympia CUSD 16 – McLean (SD 53/HD 106) / Expiration: 2007-08 school year
WM100-2854-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during a five-day period a parent-teacher conference in the evening following a full day of student attendance. One day during the week will be a nonattendance day. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Paxton-Buckley-Loda CUSD 10 – Ford (SD 53/HD 105) / Expiration: 2007-08 school year
WM100-2869 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during a five-day period a parent-teacher conference in the evening following a full day of student attendance. One day during the week will be a nonattendance day. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

North Boone CUSD 200 – Boone (SD 35/HD 69) / Expiration: 2007-08 school year
WM100-2870-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling four times during the school year a parent-teacher conference of three and half hours in length in the evening following a full day of student attendance. For each two such conferences held, a nonattendance day will be scheduled. The four evening sessions will be counted as two of the 176 days of pupil attendance required by Section 10-19.

Physical Education

Dunlap CUSD 323 – Peoria (SD 37/HD 73) / Expiration: 2007-08 school year
WM100-2684-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from daily physical education for ongoing participation in cheerleading and pom-poms. This request will allow these students more time during the school day to take additional academic courses.

Delavan CUSD 703 – Tazewell (SD 44/HD 87) / Expiration: 2006-07 school year
WM100-2716 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 8 to participate in physical education every other day if they are enrolled in band or chorus.

Moline USD 40 – Rock Island (SD 36/HD 72) / Expiration: 2007-08 school year
WM100-2738 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades kindergarten through grade 6 to participate in daily physical education for three or four days per week due to inadequate facilities. The district will provide instruction in other learning areas when students are not in physical education, thus increasing their academic performance in those areas. In addition, the regular classroom teachers will lead students in movement activities in the classroom.

Mt. Zion CUSD 3 – Macon, Moultrie (SD 51/HD 101) / Expiration: 2007-08 school year
WM100-2752 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students from daily physical education for two out of four years of high school, provided that the students are enrolled in six academic classes. Two years of daily physical

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education will be required for all students, and students who are not enrolled in six academic classes will continue to participate in daily physical education even if they have met this two-year requirement. Enrollment in additional elective courses, as well as in dual credit classes with the local community college, will improve student performance.

Mundelein ESD 75 – Lake (SD 30/HD 59) / **Expiration: 2007-08 school year**

WM100-2760 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in daily physical education three times a week and in bodily kinesthetic classes during music and art two times a week. The district is making the request due to inadequate facilities but maintains that all learning experiences in these classes are tied to the Illinois Learning Standards for Physical Development and Health.

DuPage HSD 88 – DuPage (SD 21/HD 41) / **Expiration: 2005-06 school year**

WM100-2762-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from daily physical education in order for them to enroll in more academic classes. The request complements the district's revised graduation requirements, which it says will enable students to improve their performance in the core curriculum, particularly in mathematics and sciences.

Edgar County CUSD 6 – Edgar (SD 55/HD 109) / **Expiration: 2007-08 school year**

WM100-2766 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 6 through 8 to participate in physical education every other day for 42 minutes for one semester due to inadequate facilities. While not in physical education classes, students will participate in fine art classes.

Fairview SD 72 – Cook (SD 8/HD 15) / **Expiration: 2007-08 school year**

WM100-2777 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 4 to participate in daily physical education every other day for 30 minutes for grades 1 through 4 and 25 minutes for kindergarten in order to improve student performance in other academic areas (reading, writing, math, etc.).

Washington District 50 Schools – Tazewell (SD 53/HD 106) / **Expiration: 2007-08 school year**

WM100-2778 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 8 to participate in daily physical education every other day in order for them to enroll in music, fine arts, and computer instruction. Time per session will vary from 30 minutes for kindergarten to grade 3; 35 minutes for grades 4 and 5; and 48 minutes for grades 6 through 8. The district states that under the proposed waiver, additional time can be devoted to the core academic curriculum, thus helping to decrease the number of students who are not achieving state standards.

Breese SD 12 – Clinton (SD 54/HD 107) / **Expiration: 2007-08 school year**

WM100-2785 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 8 to participate in daily physical education every other day in order for the students to enroll in fine arts classes. The district offers daily physical activities for students, as well as extracurricular activities. The waiver has allowed the district to reduce the size of physical education classes by 30 percent, allowing increased teacher-student contact and opportunities for individual students to participate in activities.

DePue USD 103 – Bureau (SD 38/HD 76) / **Expiration: 2007-08 school year**

WM100-2802 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to offer physical education to students in grades 9 through 12 as an elective class. Students would instead enroll in foreign language courses, band, music, art, or technology, or participate in tutoring or other supervised study, thus increasing student performance in those areas.

Nashville CCSD 49 – Washington (SD 58/HD 115) / **Expiration: 2007-08 school year**

WM100-2813 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 4 to participate in daily physical education

twice a week in order for the students to enroll in music and art. Students in grades 5 through 8 will participate in physical education four days a week during the first semester and three days a week during the second semester in order to enroll in fine arts and technology. The district indicates that the proposed schedule increases the amount of time available for other academic areas, leading to improved student performance on the Illinois Standards Achievement Test.

Tuscola CUSD 301 – Douglas (SD 55/HD 110) / Expiration: 2007-08 school year
WM100-2835 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 4 to participate in physical education every other day in order for them to enroll in more academic classes, thereby improving student performance in those courses. The district states that student performance has increased since the inception of the original waiver, particularly in reading.

Dalzell SD 98 – Bureau (SD 38/HD 76) / Expiration: 2007-08 school year
WM100-2842 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 8 to participate in daily physical education three times a week in order for the students to receive additional help in academic areas or to complete classroom assignments.

Germantown Hills SD 69 – Woodford (SD 37/HD 73) / Expiration: 2007-08 school year
WM100-2843 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 5 through 8 to participate in daily physical education on less than a daily basis. Students in grades 5 and 6 will participate in physical education four times a week and those in grades 7 and 8 will participate in physical education three times a week; all sessions will be 45 minutes long. Students will be participating in computer technology courses when they are not in physical education.

Springfield SD 186 – Sangamon (SD 50/HD 99) / Expiration: 2007-08 school year
WM100-2847 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 8 and those in grades 11 and 12 to participate in physical education on less than a daily basis (in kindergarten through grade 4, twice a week for 30 minutes each session, and in grades 5 through 8, every other day all year or every day for one semester). In the elementary grades, the district lacks sufficient space to provide daily physical education for all of its students. Students in grades 5 through 8 will alternate physical education with additional electives. In grades 11 and 12, students will be excused from daily physical education in order to enroll in other academic courses.

Thornton THSD 205 – Cook (SD 15/HD 29) / Expiration: 2007-08 school year
WM100-2848-1 – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grade 9 who score 9 or below on the EXPLORE test from daily physical education in order for those students to receive academic tutoring necessary to bring them up to grade level and to succeed academically. The request is being made in order to continue a comprehensive reform strategy designed to remove the district's schools from the Academic Early Warning List.

Woodland CCSD 50 – Lake (SD 31/HD 62) / Expiration: 2003-04 school year
WM100-2856-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten to participate in physical education twice a week for 20 minutes each session due to inadequate facilities. The kindergarten students attend school on a part-time basis and for the 2003-04 school year, 740 students will share one gymnasium.

Woodland CCSD 50 – Lake (SD 31/HD 62) / Expiration: 2003-04 school year
WM100-2856-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 3 to participate in physical education three times a week for 30 minutes each session rather than daily for 15 to 18 minutes each session due to inadequate facilities. During the 2003-04 school year, more than 2,400 students will share four gymnasiums; therefore, the district can provide a higher quality physical education program more safely if it is offered on less than a daily basis.

[May 6, 2003]

Sterling CUD 5 – Whiteside (SD 45/HD 90) / Expiration: 2007-08 school year

WM100-2871-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to permit students in kindergarten through grade 5 to participate in physical education two times a week for 30 minutes each session due to inadequate facilities. The district states that the 30-minute blocks of time are longer than what could be provided under a daily schedule, will minimize instructional disruptions, and will increase instructional time over providing physical education for shorter periods of time each day.

School Improvement/Inservice Training

Carpentersville CUSD 300 – Kane (SD 22/HD 43) / Expiration: 2007-08 school year

WM100-2699 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Aurora East SD 131 – Kane (SD 42/HD 83) / Expiration: 2005-06 school year

WM100-2837-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Boone-Winnebago Regional Learning Academy – Boone, Winnebago (SD 34/HD 67) / Expiration: 2007-08 school year

WM100-2851 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the regional office to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19 for alternative schools established under Article 13A. The regional office will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Olympia CUSD 16 – McLean (SD 53/HD 106) / Expiration: 2007-08 school year

WM100-2854-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold a full-day teacher inservice session instead of two half days, and to count the day among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards this day.

Tinley Park CCSD 146 – Cook (SD 19/HD 37) / Expiration: 2003-04 school year

WM100-2858 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold five full-day teacher inservice sessions instead of 10 half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Rockford SD 205 – Winnebago (SD 34/HD 67) / Expiration: 2007-08 school year

WM100-2865-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

North Boone CUSD 200 – Boone (SD 35/HD 69) / Expiration: 2007-08 school year

WM100-2870-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Substitute Teachers

Midlothian SD 143 – Cook (SD 15/HD 30) / Expiration: 2007-08 school year

WM100-2729 (renewal) – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The most-qualified substitutes will be employed; each must meet the approval of the building principal in order to continue their employment.

Waukegan CUSD 60 – Lake (SD 30/HD 60) / Expiration: 2003-04 school year

WM100-2758 (renewal) – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The most-qualified substitutes will be employed, and allowing their use will reduce the need to use special teachers when substitutes cannot be found.

Sandridge SD 172 – Cook (SD 40/HD 80) / Expiration: 2003-04 school year

WM100-2838-1 – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district already employs two, full-time substitutes, who also serve as teachers' aides. Since the district has been unable to find additional substitutes, it wishes to continue using the employees who know the students and are familiar with the operations of the district and its schools.

Superintendent's Duties

Spring Lake CCSD 606 – Tazewell (SD 46/HD 91) / Expiration: 2007-08 school year

WM100-2819 (renewal) – Waiver of School Code (Section 10-21.4) request to allow the district to employ a part-time superintendent in a district with up to five teachers (current exception is districts with up to four teachers).

Teacher Aides

Norridge SD 80 – Cook (SD 10/HD 20) / Expiration: 2007-08 school year

WM100-2792-2 (renewal) – Waiver of School Code (Section 10-22.34) request to allow the district to employ teacher aides without their being under the direct supervision of a certified teacher so that students can participate in additional one-on-one and small-group activities. The district intends to employ individuals who hold teaching certificates in as many instances as possible. The instructional aides will be required to complete an inservice training program before being assigned to a classroom.

SECTION II

Applications Approved by the Illinois State Board of Education

Criminal Background Check

Lee Center CUSD 271 – Lee (SD 45/HD 90) / Expiration: 2007-08 school year

WM300-2626 (renewal) – Modification of School Code (Section 10-21.9) allows the district to submit to the Illinois State Police fingerprint cards for all applicants for employment required to undergo criminal background checks. This request was made so that all relevant material would be given to the State Police at one time, rather than only in those situations where the initial review indicates possible criminal convictions.

Driver Education

Champaign CUSD 4 – Champaign (SD 52/HD 103) / Expiration: 2006-07 school year

WM300-2781 – Waiver of Administrative Rule (23 Ill. Adm. Code 252.20(c)(4) and (5)) allows the district to offer the classroom portion of driver education for 120 minutes per session for three weeks rather than for 90 minutes per session for four weeks.

Ohio CHSD 505 – Bureau (SD 37/HD 74) / Expiration: 2007-08 school year

[May 6, 2003]

WM300-2823-2 – Waiver of Administrative Rule (23 Ill. Adm. Code 252.20(b)(1)) allows the district to provide classroom and behind-the-wheel instruction only during the evenings, on Saturdays, and in the summer.

Holidays

La Moille CUSD 303 – Bureau (SD 38/HD 76) / **Expiration: 2006-07 school year**

WM300-2627 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

River Trails SD 26 – Cook (SD 29/HD 57) / **Expiration: 2007-08 school year**

WM300-2628 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Maroa-Forsyth CUSD 2 – Macon (SD 44/HD 87) / **Expiration: 2006-07 school year**

WM300-2629 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Fremont SD 79 – Lake (SD 26/HD 51) / **Expiration: 2006-07 school year**

WM300-2630 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Jonesboro CCSD 43 – Union (SD 58/HD 115) / **Expiration: 2007-08 school year**

WM300-2633 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Giant City SD 130 – Jackson (SD 58/HD 115) / **Expiration: 2006-07 school year**

WM300-2634 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Kendall County Special Education Cooperative – Kendall (SD 25/HD 50) / **Expiration: 2006-07 school year**

WM300-2635 – Modification of School Code (Section 24-2) allows the cooperative to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Tazewell Regional Safe School – Tazewell (SD 46/HD 91) / **Expiration: 2006-07 school year**

WM300-2636 – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for schools established under Article 13A.

Midland CUSD 7 – Marshall (SD 37/HD 73) / **Expiration: 2006-07 school year**

WM300-2638 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Pleasantdale SD 107 – Cook (SD 41/HD 82) / **Expiration: 2006-07 school year**

WM300-2639 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Channahon School District 17 – Will (SD 38/HD 75) / **Expiration: 2006-07 school year**
WM300-2640 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Jamaica CUSD 12 – Vermilion (SD 52/HD 104) / **Expiration: 2006-07 school year**
WM300-2641 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Southern CUSD 120 – Henderson (SD 47/HD 94) / **Expiration: 2006-07 school year**
WM300-2642 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Highland Park THSD 113 – Lake (SD 29/HD 58) / **Expiration: 2004-05 school year**
WM300-2643 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Christopher Columbus through instructional activities rather than observing a school holiday in his honor.

Butler SD 53 – DuPage (SD 21/HD 41) / **Expiration: 2007-08 school year**
WM300-2644 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Dakota CUSD 201 – Stephenson (SD 45/HD 89) / **Expiration: 2006-07 school year**
WM300-2647 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Massac USD 1 – Massac (SD 59/HD 118) / **Expiration: 2002-03 school year**
WM300-2650 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Gifford CCSD 188 – Champaign (SD 52/HD 104) / **Expiration: 2007-08 school year**
WM300-2652 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Gillespie CUSD 7 – Macoupin (SD 49/HD 98) / **Expiration: 2006-07 school year**
WM300-2654 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Steeleville CUSD 138 – Randolph (SD 58/HD 116) / **Expiration: 2006-07 school year**
WM300-2655 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Sterling CUD 5 – Whiteside (SD 45/HD 90) / **Expiration: 2006-07 school year**
WM300-2656 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Prairie Hills ESD 144 – Cook (SD 19/HD 38) / Expiration: 2002-03 school year

WM300-2658 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Waukegan CUSD 60 – Lake (SD 30/HD 60) / Expiration: 2007-08 school year

WM300-2659 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Wauconda CUSD 118 – Lake (SD 30/HD 59) / Expiration: 2007-08 school year

WM300-2660 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Geneva CUSD 304 – Kane (SD 25/HD 49) / Expiration: 2007-08 school year

WM300-2662 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Galena USD 120 – Jo Daviess (SD 45/HD 89) / Expiration: 2006-07 school year

WM300-2663 (renewal) – Modification of School Code (Section 24-2) allows the district to hold school or a teacher institute on the legal holiday honoring Casimir Pulaski. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individual will be provided through instructional activities rather than observing the legal school holiday.

Carbon Cliff-Barstow SD 36 – Rock Island (SD 36/HD 71) / Expiration: 2002-03 school year

WM300-2664 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Triopia CUSD 27 – Morgan (SD 49/HD 97) / Expiration: 2003-04 school year

WM300-2665 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

J. Sterling Morton HSD 201 – Cook (SD 12/HD 24) / Expiration: 2006-07 school year

WM300-2666 – Modification of School Code (Section 24-2) allows the district to hold school or a teacher institute on the school holiday honoring Abraham Lincoln. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of Abraham Lincoln will be provided rather than observing the legal school holiday.

Bond County CUSD 2 – Bond (SD 51/HD 102) / Expiration: 2006-07 school year

WM300-2667 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Beach Park CCSD 3 – Lake (SD 31/HD 61) / Expiration: 2006-07 school year

WM300-2669 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lick Creek SD 16 – Union (SD 58/HD 115) / Expiration: 2002-03 school year

WM300-2670 – Modification of School Code (Section 24-2) allows the district to recognize

the contributions of Dr. Martin Luther King, Jr., members of the armed forces killed in war, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Freeport SD 145 – Stepenson (SD 45/HD 89) / Expiration: 2006-07 school year

WM300-2671 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Ford-Iroquois County Special Education Association – Ford, Iroquois (SD 53/HD 105) / Expiration: 2006-07 school year

WM300-2672 – Modification of School Code (Section 24-2) allows the association to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Brownstown CUSD 201 – Fayette (SD 51/HD 102) / Expiration: 2007-08 school year

WM300-2673 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Tazewell-Mason Counties Special Education Association – Tazewell (SD 44/HD 87) / Expiration: 2005-06 school year

WM300-2674 – Modification of School Code (Section 24-2) allows the association to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Dixon USD 170 – Lee (SD 45/HD 90) / Expiration: 2007-08 school year

WM300-2675 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

South Fork CUSD 14 – Christian (SD 49/HD 98) / Expiration: 2006-07 school year

WM300-2676 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Carol Stream CCSD 93 – DuPage (SD 23/HD 45) / Expiration: 2006-07 school year

WM300-2678 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Girard CUSD 3 – Macoupin (SD 49/HD 98) / Expiration: 2002-03 school year

WM300-2679 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Downers Grove CHSD 99 – DuPage (SD 24/HD 47) / Expiration: 2002-03 school year

WM300-2682 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Salt Creek Academy Regional Safe School – Menard (SD 50/HD 100) / Expiration: 2006-07 school year

WM300-2685 – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for this school established under Article 13A.

[May 6, 2003]

Meredosia-Chambersburg CUSD 11 – Morgan (SD 47/HD 93) / Expiration: 2006-07 school year

WM300-2686 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Bismarck-Henning CUSD 1 – Vermilion (SD 52/HD 104) / Expiration: 2006-07 school year

WM300-2687 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Woodridge SD 68 – DuPage (SD 24/HD 47) / Expiration: 2007-08 school year

WM300-2688 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Deerfield SD 109 – Lake (SD 29/HD 58) / Expiration: 2005-06 school year

WM300-2694 (renewal) – Modification of School Code (Section 24-2) allows the district to have either school attendance or a teacher institute on the holiday honoring Abraham Lincoln. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of Abraham Lincoln will be provided through instructional activities rather than observing a school holiday in his honor.

Kings CSD 144 – Ogle (SD 35/HD 70) / Expiration: 2006-07 school year

WM300-2696 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Kansas CUSD 3 – Edgar, Coles, Clark (SD 55/HD 109) / Expiration: 2007-08 school year

WM300-2697 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Carpentersville CUSD 300 – Kane (SD 22/HD 43) / Expiration: 2008-09 school year

WM300-2698 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This modification takes effect in the 2004-2005 school year.

Western Springs SD 101 – Cook (SD 41/HD 82) / Expiration: 2006-07 school year

WM300-2700 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Keeneyville SD 20 – DuPage (SD 28/HD 56) / Expiration: 2007-08 school year

WM300-2701 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Heritage CUSD 8 – Champaign (SD 52/HD 104) / Expiration: 2007-08 school year

WM300-2704 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Rock Falls THSD 301 – Whiteside (SD 45/HD 90) / Expiration: 2007-08 school year

WM300-2705 (renewal) – Modification of School Code (Section 24-2) allows the district to

recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Anna-Jonesboro CHSD 81 – Union (SD 59/HD 118) / **Expiration: 2007-08 school year**
WM300-2706 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Forrestville Valley SD 221 – Ogle (SD 45/HD 89) / **Expiration: 2007-08 school year**
WM300-2708 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Calhoun CUSD 40 – Calhoun (SD 49/HD 97) / **Expiration: 2006-07 school year**
WM300-2710 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Oak Grove SD 68 – Peoria (SD 46/HD 91) / **Expiration: 2007-08 school year**
WM300-2711 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Lewistown SD 97 – Fulton (SD 46/HD 91) / **Expiration: 2007-08 school year**
WM300-2712 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Christian - Montgomery Safe School Program – Christian, Montgomery (SD 49/HD 98) / **Expiration: 2006-07 school year**
WM300-2715 – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor for this school established under Article 13A.

Valmeyer CUSD 3 – Monroe (SD 58/HD 116) / **Expiration: 2007-08 school year**
WM300-2717 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Steward ESD 220 – Lee (SD 45/HD 90) / **Expiration: 2007-08 school year**
WM300-2718 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, members of the armed forces killed in war, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Kaneland CUSD 302 – Kane (SD 25/HD 50) / **Expiration: 2007-08 school year**
WM300-2720 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, members of the armed forces killed in war, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Tuscola CUSD 301 – Douglas (SD 55/HD 110) / **Expiration: 2007-08 school year**
WM300-2726 (renewal) – Modification of School Code (Section 24-2) allows the district to

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recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / Expiration: 2007-08 school year

WM300-2728 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Batavia USD 101 – Kane (SD 48/HD 95) / Expiration: 2006-07 school year

WM300-2730-1 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Batavia USD 101 – Kane (SD 48/HD 95) / Expiration: 2007-08 school year

WM300-2730-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

St. Elmo CUSD 202 – Fayette (SD 51/HD 102) / Expiration: 2007-08 school year

WM300-2731 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Rantoul City SD 137– Champaign (SD 52/HD 104) / Expiration: 2007-08 school year

WM300-2733 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Oblong CUSD 4 – Crawford (SD 55/HD 109) / Expiration: 2002-03 school year

WM300-2734 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Meridian CUSD 223 – Ogle, Winnebago (SD 35/HD 70) / Expiration: 2006-07 school year

WM300-2735 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Big Hollow School District 38 – Lake (SD 26/HD 52) / Expiration: 2002-03 school year

WM300-2736 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Harvey SD 152 – Cook (SD 19/HD 38) / Expiration: 2006-07 school year

WM300-2739 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lebanon CUSD 9 – St. Clair (SD 51/HD 102) / Expiration: 2006-07 school year

WM300-2740 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Bureau Valley CUSD 340 – Bureau (SD 37/HD 74) / Expiration: 2007-08 school year

WM300-2744 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski,

Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Crete-Monee SD 201-U – Will (SD 40/HD 80) / **Expiration: 2006-07 school year**
WM300-2745 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Kankakee Area Special Education Cooperative – Kankakee (SD 40/HD 79) / **Expiration: 2007-08 school year**
WM300-2746 – Modification of School Code (Section 24-2) allows the cooperative to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / **Expiration: 2007-08 school year**
WM300-2750-1 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

River Grove SD 85.5 – Cook (SD 39/HD 77) / **Expiration: 2006-07 school year**
WM300-2751 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Momence CUSD 1 – Kankakee (SD 40/HD 79) / **Expiration: 2007-08 school year**
WM300-2753 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

DeSoto CCSD 86 – Jackson (SD 58/HD 115) / **Expiration: 2007-08 school year**
WM300-2756 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

LaGrange ESD 105 – Cook (SD 41/HD 82) / **Expiration: 2007-08 school year**
WM300-2757 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Harvard CUSD 50 – McHenry (SD 32/HD 63) / **Expiration: 2007-08 school year**
WM300-2759 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Mundelein ESD 75 – Lake (SD 30/HD 59) / **Expiration: 2007-08 school year**
WM300-2761 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Elmwood Park CUSD 401 – Cook (SD 39/HD 77) / **Expiration: 2007-08 school year**
WM300-2763 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Edgar County CUSD 6 – Edgar (SD 55/HD 109) / **Expiration: 2007-08 school year**
WM300-2765 (renewal) – Modification of School Code (Section 24-2) allows the district to

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recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Reed-Custer CUSD 255U – Will (SD 38/HD 75) / **Expiration: 2007-08 school year**
WM300-2767 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Venice CUSD 3 – Madison (SD 57/HD 114) / **Expiration: 2006-07 school year**
WM300-2769 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Homewood SD 153 – Cook (SD 40/HD 80) / **Expiration: 2004-05 school year**
WM300-2770 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Des Plaines CCSD 62 – Cook (SD 33/HD 65) / **Expiration: 2007-08 school year**
WM300-2771 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Bradley-Bourbonnais CHSD 307 – Kankakee (SD 40/HD 79) / **Expiration: 2007-08 school year**
WM300-2772 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Kankakee SD 111 – Kankakee (SD 40/HD 79) / **Expiration: 2007-08 school year**
WM300-2774 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Effingham CUSD 40 – Effingham (SD 55/HD 109) / **Expiration: 2007-08 school year**
WM300-2779 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Grant Park CUSD 6 – Kankakee (SD 40/HD 79) / **Expiration: 2007-08 school year**
WM300-2780 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Orland SD 135 – Cook (SD 19/HD 37) / **Expiration: 2007-08 school year**
WM300-2782 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Miller Township CCSD 210 – LaSalle (SD 25/HD 50) / **Expiration: 2007-08 school year**
WM300-2784 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Marseilles ESD 150 – LaSalle (SD 38/HD 75) / **Expiration: 2003-04 school year**
WM300-2787 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Coal City CUSD 1 – Grundy, Will (SD 38/HD 75) / **Expiration: 2007-08 school year**
WM300-2788 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Forest Park SD 91 – Cook (SD 4/HD 7) / **Expiration: 2007-08 school year**
WM300-2791 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Norridge SD 80 – Cook (SD 10/HD 20) / **Expiration: 2007-08 school year**
WM300-2792-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Peru ESD 124 – LaSalle (SD 38/HD 76) / **Expiration: 2007-08 school year**
WM300-2793 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Marissa CUSD 40 – St. Clair (SD 58/HD 116) / **Expiration: 2003-04 school year**
WM300-2794 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

O'Fallon THSD 203 – St. Clair (SD 57/HD 114) / **Expiration: 2007-08 school year**
WM300-2797 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Windsor CUSD 1 – Shelby (SD 55/HD 109) / **Expiration: 2007-08 school year**
WM300-2798 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Sunset Ridge SD 29 – Cook (SD 9/HD 17) / **Expiration: 2005-06 school year**
WM300-2800 – Modification of School Code (Section 24-2) allows the district to have a teacher institute on the holiday honoring all veterans of foreign wars. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of honored individuals will be provided through instructional activities rather than observing the legal school holiday.

Shawnee CUSD 84 – Union, Jackson, Alexander (SD 58/HD 115) / **Expiration: 2007-08 school year**
WM300-2803 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Vandalia CUSD 203 – Fayette (SD 51/HD 102) / **Expiration: 2007-08 school year**
WM300-2804 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

O'Fallon CCSD 90 – St. Clair (SD 51/HD 102) / **Expiration: 2007-08 school year**
WM300-2805 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

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Shiloh Village SD 85 – St. Clair (SD 57/HD 114) / Expiration: 2007-08 school year
WM300-2807 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Richmond-Burton CHSD 157 – McHenry (SD 32/HD 63) / Expiration: 2006-07 school year
WM300-2808 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Rossville-Alvin CUSD 7 – Vermilion (SD 53/HD 105) / Expiration: 2007-08 school year
WM300-2809 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Orland Park CHSD 230 – Cook (SD 19/HD 37) / Expiration: 2007-08 school year
WM300-2810-2 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Macomb CUSD 185 – McDonough (SD 47/HD 94) / Expiration: 2007-08 school year
WM300-2811 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Christopher Columbus through instructional activities rather than observing a school holiday in his honor.

Norris City-Omaha-Enfield CUSD 3 – White (SD 59/HD 118) / Expiration: 2003-04 school year
WM300-2814 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Gavin SD 37 – Lake (SD 31/HD 61) / Expiration: 2007-08 school year
WM300-2816 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Johnsburg CUSD 12 – McHenry (SD 32/HD 63) / Expiration: 2007-08 school year
WM300-2817 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Forest Ridge SD 142 – Cook (SD 15/HD 30) / Expiration: 2004-05 school year
WM300-2818 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Libertyville SD 70 – Lake (SD 26/HD 51) / Expiration: 2007-08 school year
WM300-2821 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Frankfort CUSD 168 – Franklin (SD 59/HD 117) / Expiration: 2007-08 school year
WM300-2822 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Oak Park ESD 97 – Cook (SD 4/HD 7) / Expiration: 2007-08 school year

WM300-2824 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Serena CUSD 2 – LaSalle (SD 38/HD 75) / Expiration: 2007-08 school year

WM300-2825 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Central SD 104 – St. Clair (SD 56/HD 112) / Expiration: 2007-08 school year

WM300-2827 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Capital Area Career Center – Sangamon (SD 50/HD 100) / Expiration: 2007-08 school year

WM300-2830 – Modification of School Code (Section 24-2) allows the center to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Bourbonnais SD 53 – Kankakee (SD 38/HD 75) / Expiration: 2007-08 school year

WM300-2831 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Niles Township District for Special Education – Cook (SD 8/HD 16) / Expiration: 2004-05 school year

WM300-2832 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Chenoa CUSD 9 – McLean (SD 53/HD 106) / Expiration: 2007-08 school year

WM300-2833 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Aurora East SD 131 – Kane (SD 42/HD 83) / Expiration: 2005-06 school year

WM300-2837-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Sandridge SD 172 – Cook (SD 40/HD 80) / Expiration: 2003-04 school year

WM300-2838-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

East Richland CUSD 1 – Richland (SD 54/HD 108) / Expiration: 2007-08 school year

WM300-2840 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Pontiac THSD 90 – Livingston (SD 54/HD 108) / Expiration: 2007-08 school year

WM300-2846 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

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J. Sterling Morton HSD 201 – Cook (SD 12/HD 24) / Expiration: 2007-08 school year
WM300-2852 – Modification of School Code (Section 24-2) allows the district to have either school attendance or teacher institutes on the holidays honoring Abraham Lincoln and all veterans of foreign wars. The institute programs are subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of honored individuals will be provided through instructional activities rather than observing the legal school holidays.

Spoon River Valley CUSD 4 – Fulton (SD 46/HD 91) / Expiration: 2007-08 school year
WM300-2857-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, members of the labor force, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Ina CCSD 8 – Jefferson (SD 54/HD 107) / Expiration: 2007-08 school year
WM300-2859 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Granite City CUSD 9 – Madison (SD 57/HD 113) / Expiration: 2005-06 school year
WM300-2861 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Physical Education

Forrestville Valley SD 221 – Ogle (SD 45/HD 89) / Expiration: 2006-07 school year
WM300-2653 – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 85 minutes each session rather than daily due to an 8-block schedule.

Northfield THSD 225 – Cook (SD 9/HD 17) / Expiration: 2007-08 school year
WM300-2677 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 90 minutes each session rather than daily due to an 8-block schedule.

Galena USD 120 – Jo Daviess (SD 45/HD 89) / Expiration: 2007-08 school year
WM300-2743 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 86 minutes each session rather than daily due to an 8-block schedule.

Chester CUSD 139 – Randolph (SD 58/HD 116) / Expiration: 2007-08 school year
WM300-2749 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 88 minutes each session rather than daily due to an 8-block schedule.

Polo CUSD 222 – Ogle, Lee, Whiteside (SD 45/HD 90) / Expiration: 2007-08 school year
WM300-2773 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 85 minutes each session rather than daily due to an 8-block schedule.

Pana CUSD 8 – Christian (SD 49/HD 98) / Expiration: 2007-08 school year
WM300-2799 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 80 minutes each session rather than daily due to an 8-block schedule.

Mendon CUSD 4 – Adams (SD 47/HD 93) / Expiration: 2007-08 school year
WM300-2839 – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 who are also enrolled in Tech Prep to participate in physical

education every other day for 92 minutes each session rather than daily due to an 8-block schedule.

Thornton THSD 205 – Cook (SD 15/HD 29) / Expiration: 2007-08 school year
WM300-2848-2 – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education for 90 minutes each session either every other day the entire school year or every day for one semester rather than daily due to block scheduling.

Prairie State Achievement Examination – Instructional Time

Ottawa HSD 140 – LaSalle (SD 38/HD 76) / Expiration: 2002-03 school year
WM300-2637 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24 and to not hold school on these days for students in grades 9, 10 and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Elmhurst CUSD 205 – DuPage (SD 21/HD 41) / Expiration: 2006-07 school year
WM300-2645 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10 and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

La Salle-Peru THSD 120 – LaSalle (SD 38/HD 76) / Expiration: 2002-03 school year
WM300-2683 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school for a half of day in the afternoon of April 23 and have no school on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Rantoul THSD 193 – Champaign (SD 52/HD 104) / Expiration: 2006-07 school year
WM300-2690 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Yorkville CUSD 115 – Kendall (SD 25/HD 50) / Expiration: 2006-07 school year
WM300-2714 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Moline USD 40 – Rock Island (SD 36/HD 72) / Expiration: 2002-03 school year
WM300-2719 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school April 23 in the afternoon and will have a non-attendance day on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil

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attendance required by Section 10-19.

Washington CHSD 308 – Tazewell (SD 53/HD 106) / **Expiration: 2002-03 school year**

WM300-2721 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grades 9, 10, and 11 following the administration of the Prairie State Achievement Examination on April 23 and 24 and to not hold school on these days for students in grade 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Rock Island-Milan SD 41 – Rock Island (SD 36/HD 72) / **Expiration: 2002-03 school year**

WM300-2722 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school April 23 in the afternoon and will have a non-attendance day on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Geneseo CUSD 228 – Henry (SD 45/HD 90) / **Expiration: 2002-03 school year**

WM300-2737 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school April 23 in the afternoon and will have a non-attendance day on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Thornton THSD 205 – Cook (SD 15/HD 29) / **Expiration: 2006-07 school year**

WM300-2741 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on May 7 and 8 (make-up testing days) and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Champaign CUSD 4 – Champaign (SD 52/HD 103) / **Expiration: 2002-03 school year**

WM300-2742 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school in the afternoon on both testing days. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Leiden CHSD 212 – Cook (SD 39/HD 77) / **Expiration: 2006-07 school year**

WM300-2748 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April. Students in grades 9 and 10 will attend school in the morning on both these testing days, while students in grade 12 will attend school in the morning for one day and have a nonattendance day on other day. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / **Expiration: 2006-07 school year**

WM300-2750-2 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance

time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

East Peoria CHSD 309 – Tazewell (SD 46/HD 91) / Expiration: 2006-07 school year
WM300-2754 – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Round Lake Area Schools – District 116 – Lake (SD 26/HD 52) / Expiration: 2006-07 school year

WM300-2795 – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Rich THSD 227 – Cook (SD 19/HD 38) / Expiration: 2006-07 school year

WM300-2812 – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

City of Chicago PSD 299 – Cook (SD 3/HD 5) / Expiration: 2006-07 school year

WM300-2820 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to not hold school for students in grades 9, 10, and 12 on the first day of the Prairie State Achievement Examination in April. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to this day so that it can be counted among the 176 days of pupil attendance required by Section 10-19.

School Food Program

Oak Park ESD 97 – Cook (SD 4/HD 7) / Expiration: 2006-07 school year

WM400-2648 – Modification of Administrative Rule (23 Illinois Administrative Code 305.15(b) and (f)) allows the district to permit school-based groups and student organizations to sell food during regularly scheduled break and lunch periods and to use the proceeds from the sales for their respective organizations rather than returning the money to the school food program.

Substitute Teachers

Sandridge SD 172 – Cook (SD 40/HD 80) / Expiration: 2002-03 school year

WM300-2709 – Modification of School Code (Section 21-9) allows the district to employ a substitute teacher up to 130 paid school days for a single school year instead of 90 paid days. The district used one of its substitutes for a classroom lacking a certified teacher for 39 days at the start of the school year. The substitute is only one of two who regularly work in the district, and the extension is needed to enable the district to meet its needs through the end of the school year.

SECTION III

Applications Returned to Applicants

Listed below are several categories of requests that have been returned to school districts or

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other entities. Some of these applicants sought permission for actions that were already permissible under the law or rules. Other requests were returned because they were ineligible under the law (e.g., mandates not found in the School Code, applicant is not eligible to apply, application incomplete).

ALREADY PERMISSIBLE BY LAW/RULE

School Nurse

Norridge SD 80 – Cook (SD 10/HD 20) / Expiration: 2007-08 school year
WM100-2792-1 (renewal) – Waiver of School Code (Section 10-22.23). The district requested to be allowed to employ registered nurses to perform professional nursing services and noninstructional activities, without requiring that they hold school nurse certification.

NO WAIVER NEEDED

Holidays

Hoyleton CSD 29 – Washington (SD 58/HD 115) / Expiration: 2003-04 school year
WM300-2786 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district currently has an approved modification for this time period.

INELIGIBLE

Bond Proceeds

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / Expiration: 2007-08 school year
WM100-2651 –Waiver of School Code (Section 5-22). The district requested to be allowed to use the proceeds from the sale of land purchased with bonds to further equip the school rather than to reduce the bond levy. The district failed to provide proper notice of the public hearing held to consider the request.

Driver Education

Oak Park – River Forest HSD 200 – Cook (SD 39/HD 78) / Expiration: 2007-08 school year
WM100-2834 –Waiver of School Code (Section 27-23). The district requested to be allowed to charge a reasonable fee not to exceed \$350 of students who participate in driver education courses. The district failed to provide proper notice of the public hearing held to consider the request.

Holidays

Freeport SD 145 – Stephenson (SD 45/HD 89) / Expiration: 2006-07 school year
WM300-2631 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Kansas CUSD 3 – Edgar, Coles, Clark (SD 55/HD 109) / Expiration: 2007-08 school year
WM300-2668 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Rock Falls THSD 301 – Whiteside (SD 45/HD 90) / Expiration: 2007-08 school year
WM300-2681 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Western Springs SD 101 – Cook (SD 41/HD 82) / Expiration: 2006-07 school year

WM300-2692 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Harvey SD 152 – Cook (SD 19/HD 38) / **Expiration: 2006-07 school year**

WM300-2693 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to hold a public hearing to consider the request.

Kaneland CUSD 302 – Kane (SD 25/HD 50) / **Expiration: 2007-08 school year**

WM300-2703 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Venice CUSD 3 – Madison (SD 57/HD 114) / **Expiration: 2006-07 school year**

WM300-2713 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Dieterich CUSD 30 – Effingham (SD 54/HD 108) / **Expiration: 2007-08 school year**

WM300-2796 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Armstrong THSD 225 – Vermilion (SD 52/HD 104) / **Expiration: 2007-08 school year**

WM300-2806 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Cary CCSD 26 – McHenry (SD 32/HD 64) / **Expiration: 2007-08 school year**

WM300-2845 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Northwestern CUSD 2 – Maucopin (SD 49/HD 97) / **Expiration: 2007-08 school year**

WM300-2860 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Limitation of Administrative Cost

Panhandle CUSD 2 – Montgomery (SD 49/HD 98) / **Expiration: 2002-03 school year**

WM100-2689 – Waiver of School Code (Section 24-2). The district requested to be allowed to exceed the 5 percent limit on administrative costs due to circumstances beyond its control. The district failed to provide proper notice of the public hearing held to consider the request.

Parent-Teacher Conferences

North Boone CUSD 200 – Boone (SD 35/HD 69) / **Expiration: 2007-08 school year**

WM100-2836-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to schedule four parent-teacher conferences during the school year that are three-and-a-half hours long in an evening following a full day of attendance rather than two full days of parent-teacher conferences. The district failed to provide proper notice of the public hearing held to consider the request.

Prairie State Achievement Examination – Instructional Time

Rock Island-Milan SD 41 – Rock Island (SD 36/HD 72) / Expiration: 2002-03 school year
WM300-2702 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)). The district requested to be allowed to shorten the instructional day on the days when the Prairie State Achievement Examination is given. The district failed to provide proper notice of the public hearing held to consider the request.

School Improvement/Inservice Training

North Boone CUSD 200 – Boone (SD 35/HD 69) / Expiration: 2007-08 school year
WM100-2836-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)). The district requested to be allowed to use two full days for school improvement/inservice training rather than four half days. The district failed to provide proper notice of the public hearing held to consider the request.

SECTION IV

Applications by Senate and House Districts

All requests received during this waiver cycle are presented numerically by Senate and House district, and then alphabetically by school district or eligible applicant. Requests are noted with the action needed or taken; that is, requests for waivers upon which the General Assembly must act are noted as “waivers”, modifications already acted upon by the State Board of Education are noted as “modifications”, and requests that were returned include the reasons that the requests were not considered.

SD 3/HD 5

City of Chicago PSD 299 – Cook (SD 3/HD 5) / Expiration: 2006-07 school year
WM300-2820 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to not hold school for students in grades 9, 10, and 12 on the first day of the Prairie State Achievement Examination on April 23. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to this day so that it can be counted among the 176 days of pupil attendance required by Section 10-19.

SD 4/HD 7

Forest Park SD 91 – Cook (SD 4/HD 7) / Expiration: 2007-08 school year
WM300-2791 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Oak Park ESD 97 – Cook (SD 4/HD 7) / Expiration: 2006-07 school year
WM400-2648 – Modification of Administrative Rule (23 Illinois Administrative Code 305.15(b) and (f)) allows the district to permit school-based groups and student organizations to sell food during regularly scheduled break and lunch periods and to use the proceeds from the sales for their respective organizations rather than returning the money to the school food program.

Oak Park ESD 97 – Cook (SD 4/HD 7) / Expiration: 2007-08 school year
WM300-2824 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 8/HD 15

Fairview SD 72 – Cook (SD 8/HD 15) / Expiration: 2007-08 school year
WM100-2777 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 4 to participate in daily physical education every other day for 30 minutes for grades 1 through 4 and 25 minutes for kindergarten in order to improve

student performance in other academic areas (reading, writing, math, etc.).

SD 8/HD 16

Niles Township District for Special Education – Cook (SD 8/HD 16) / Expiration: 2004-05 school year

WM300-2832 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 9/HD 17

Northfield THSD 225 – Cook (SD 9/HD 17) / Expiration: 2007-08 school year

WM300-2677 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 90 minutes each session rather than daily due to an 8-block schedule.

Sunset Ridge SD 29 – Cook (SD 9/HD 17) / Expiration: 2005-06 school year

WM300-2800 – Modification of School Code (Section 24-2) allows the district to have a teacher institute on the holiday honoring all veterans of foreign wars. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of honored individuals will be provided through instructional activities rather than observing the legal school holiday.

SD 10/HD 20

Norridge SD 80 – Cook (SD 10/HD 20) / Expiration: 2007-08 school year

WM100-2792-1 (renewal) – Waiver of School Code (Section 10-22.23). The district requested to be allowed to employ registered nurses to perform professional nursing services and noninstructional activities, without requiring that they hold school nurse certification.

Norridge SD 80 – Cook (SD 10/HD 20) / Expiration: 2007-08 school year

WM100-2792-2 (renewal) – Waiver of School Code (Section 10-22.34b) request to allow the district to employ teacher aides without their being under the direct supervision of a certified teacher so that students can participate in additional one-on-one and small-group activities. The district intends to employ individuals who hold teaching certificates in as many instances as possible. The instructional aides will be required to complete an inservice training program before being assigned to a classroom.

Norridge SD 80 – Cook (SD 10/HD 20) / Expiration: 2007-08 school year

WM300-2792-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 11/HD 21

Argo/Summit Bedford Park SD 104 – Cook (SD 11/HD 21) / Expiration: 2002-03 school year

WM100-2661 (renewal) – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district has experienced an overall increase of 20 percent in its health care costs.

SD 12/HD 24

J. Sterling Morton HSD 201 – Cook (SD 12/HD 24) / Expiration: 2006-07 school year

WM300-2666 – Modification of School Code (Section 24-2) allows the district to hold school or a teacher institute on the school holiday honoring Abraham Lincoln. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of Abraham Lincoln will be provided rather than observing the legal school

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holiday.

J. Sterling Morton HSD 201 – Cook (SD 12/HD 24) / Expiration: 2007-08 school year

WM300-2852 – Modification of School Code (Section 24-2) allows the district to have either school attendance or teacher institutes on the holidays honoring Abraham Lincoln and all veterans of foreign wars. The institute programs are subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of honored individuals will be provided through instructional activities rather than observing the legal school holidays.

SD 15/HD 29

Thornton THSD 205 – Cook (SD 15/HD 29) / Expiration: 2006-07 school year

WM300-2741 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on May 7 and 8 (make-up testing days) and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Thornton THSD 205 – Cook (SD 15/HD 29) / Expiration: 2007-08 school year

WM100-2848-1 – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grade 9 who score 9 or below on the EXPLORE test from daily physical education in order for those students to receive academic tutoring necessary to bring them up to grade level and to succeed academically. The request is being made in order to continue a comprehensive reform strategy designed to remove the district's schools from the Academic Early Warning List.

Thornton THSD 205 – Cook (SD 15/HD 29) / Expiration: 2007-08 school year

WM300-2848-2 – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education for 90 minutes each session either every other day the entire school year or every day for one semester rather than daily due to block scheduling.

Thornton THSD 205 – Cook (SD 15/HD 29) / Expiration: 2007-08 school year

WM100-2850 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$350 of students who participate in driver education courses.

SD 15/HD 30

Forest Ridge SD 142 – Cook (SD 15/HD 30) / Expiration: 2004-05 school year

WM300-2818 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Midlothian SD 143 – Cook (SD 15/HD 30) / Expiration: 2007-08 school year

WM100-2729 (renewal) – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The most-qualified substitutes will be employed; each must meet the approval of the building principal in order to continue their employment.

SD 18/HD 36

Evergreen Park CHSD 231 – Cook (SD 18/HD 36) / Expiration: 2007-08 school year

WM100-2864 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$125 of students who participate in driver education courses.

Oak Lawn CHSD 218 – Cook (SD 18/HD 36) / Expiration: 2002-03 school year

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WM100-2747 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. Due to early retirements this year, the district's obligations for early retirement and pensions have increased from \$881,921 in school year 2001-2002 to \$3,914,492 for the current school year.

Oak Lawn CHSD 229 – Cook (SD 18/HD 36) / Expiration: 2007-08 school year

WM100-2755-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$100 of students who participate in driver education courses.

Oak Lawn CHSD 229 – Cook (SD 18/HD 36) / Expiration: 2007-08 school year

WM100-2755-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference in the evening following at least five clock-hours of student attendance. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

SD 19/HD 37

Orland SD 135 – Cook (SD 19/HD 37) / Expiration: 2007-08 school year

WM300-2782 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Orland Park CHSD 230 – Cook (SD 19/HD 37) / Expiration: 2007-08 school year

WM100-2810-1 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

Orland Park CHSD 230 – Cook (SD 19/HD 37) / Expiration: 2007-08 school year

WM300-2810-2 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Tinley Park CCSD 146 – Cook (SD 19/HD 37) / Expiration: 2003-04 school year

WM100-2858 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold five full-day teacher inservice sessions instead of 10 half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

SD 19/HD 38

Harvey SD 152 – Cook (SD 19/HD 38) / Expiration: 2006-07 school year

WM300-2693 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to hold a public hearing to consider the request.

Harvey SD 152 – Cook (SD 19/HD 38) / Expiration: 2006-07 school year

WM300-2739 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Prairie Hills ESD 144 – Cook (SD 19/HD 38) / Expiration: 2002-03 school year

WM300-2658 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Rich THSD 227– Cook (SD 19/HD 38) / Expiration: 2006-07 school year

WM300-2812 – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to

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dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

SD 21/HD 41

Butler SD 53 – DuPage (SD 21/HD 41) / Expiration: 2007-08 school year

WM300-2644 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

DuPage HSD 88 – DuPage (SD 21/HD 41) / Expiration: 2007-08 school year

WM100-2762-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

DuPage HSD 88 – DuPage (SD 21/HD 41) / Expiration: 2005-06 school year

WM100-2762-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from daily physical education in order for them to enroll in more academic classes. The request complements the district's revised graduation requirements, which it says will enable students to improve their performance in the core curriculum, particularly in mathematics and sciences.

Elmhurst CUSD 205 – DuPage (SD 21/HD 41) / Expiration: 2006-07 school year

WM300-2645 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10 and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

SD 22/HD 43

Carpentersville CUSD 300 – Kane (SD 22/HD 43) / Expiration: 2008-09 school year

WM300-2698 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor. This modification takes effect in the 2004-2005 school year.

Carpentersville CUSD 300 – Kane (SD 22/HD 43) / Expiration: 2007-08 school year

WM100-2699 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

SD 23/HD 45

Benjamin SD 25 – DuPage (SD 23/HD 45) / Expiration: 2001-02 school year

WM100-2625 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. At the end of the 2001-2002 school year, the district found that the addition of a position for director of student services and programs caused it to exceed the 5 percent limitation. While the district had changed the business manager position to part time, the savings was not sufficient to keep the district within the mandated limit.

Carol Stream CCSD 93 – DuPage (SD 23/HD 45) / Expiration: 2006-07 school year

WM300-2678 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 24/HD 47

Downers Grove CHSD 99 – DuPage (SD 24/HD 47) / **Expiration: 2002-03 school year**

WM300-2682 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Woodridge SD 68 – DuPage (SD 24/HD 47) / **Expiration: 2007-08 school year**

WM300-2688 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 25/HD 49

Geneva CUSD 304 – Kane (SD 25/HD 49) / **Expiration: 2007-08 school year**

WM300-2662 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 25/HD 50

Kaneland CUSD 302 – Kane (SD 25/HD 50) / **Expiration: 2007-08 school year**

WM300-2703 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Kaneland CUSD 302 – Kane (SD 25/HD 50) / **Expiration: 2007-08 school year**

WM300-2720 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, members of the armed forces killed in war, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Kendall County Special Education Cooperative – Kendall (SD 25/HD 50) / **Expiration: 2006-07 school year**

WM300-2635 – Modification of School Code (Section 24-2) allows the cooperative to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Miller Township CCSD 210 – LaSalle (SD 25/HD 50) / **Expiration: 2007-08 school year**

WM300-2784 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Yorkville CUSD 115 – Kendall (SD 25/HD 50) / **Expiration: 2006-07 school year**

WM300-2714 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

SD 26/HD 51

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Fremont SD 79 – Lake (SD 26/HD 51) / Expiration: 2006-07 school year
WM300-2630 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / Expiration: 2007-08 school year
WM100-2651 –Waiver of School Code (Section 5-22). The district requested to be allowed to use the proceeds from the sale of land purchased with bonds to further equip the school rather than to reduce the bond levy. The district failed to provide proper notice of the public hearing held to consider the request.

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / Expiration: 2007-08 school year
WM100-2680 – Waiver of School Code (Section 5-22) request to allow the district to use the proceeds from the sale of land purchased with bonds to further equip the school rather than to reduce the bond levy.

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / Expiration: 2007-08 school year
WM300-2750-1 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Lake Zurich CUSD 95 – Lake (SD 26/HD 51) / Expiration: 2006-07 school year
WM300-2750-2 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Libertyville SD 70 – Lake (SD 26/HD 51) / Expiration: 2007-08 school year
WM300-2821 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 26/HD 52

Big Hollow School District 38 – Lake (SD 26/HD 52) / Expiration: 2002-03 school year
WM300-2736 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Round Lake Area Schools – District 116 – Lake (SD 26/HD 52) / Expiration: 2006-07 school year
WM300-2795 – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

SD 28/HD 56

Keeneyville SD 20 – DuPage (SD 28/HD 56) / Expiration: 2007-08 school year
WM300-2701 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 29/HD 57

East Maine SD 63 – Cook (SD 29/HD 57) / Expiration: 2007-08 school year

WM100-2657 – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of “excellent, satisfactory, and unsatisfactory” for the teacher evaluation process with a scale of “meets (district) standards and criteria of effective teaching” or “does not meet (district) standards and criteria of effective teaching”.

River Trails SD 26 – Cook (SD 29/HD 57) / Expiration: 2007-08 school year

WM300-2628 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 29/HD 58

Deerfield SD 109 – Lake (SD 29/HD 58) / Expiration: 2005-06 school year

WM300-2694 (renewal) – Modification of School Code (Section 24-2) allows the district to have either school attendance or a teacher institute on the holiday honoring Abraham Lincoln. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of Abraham Lincoln will be provided through instructional activities rather than observing a school holiday in his honor.

Deerfield SD 109 – Lake (SD 29/HD 58) / Expiration: 2002-03 school year

WM100-2775 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district's cost for medical insurance increased 19 percent for school year 2002-2003. In addition, the district has hired a person to provide special education cooperative administrative services for its middle schools that were previously provided by the local special education cooperative.

Highland Park THSD 113 – Lake (SD 29/HD 58) / Expiration: 2004-05 school year

WM300-2643 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Christopher Columbus through instructional activities rather than observing a school holiday in his honor.

Lake Forest SD 67 – Lake (SD 29/HD 58) / Expiration: 2006-07 school year

WM100-2723 – Waiver of School Code (Section 24A-5) request to allow the district to evaluate teachers every year based on mutually agreed upon goals. Teachers whose previous evaluation yielded either a “satisfactory” or an “excellent” will receive no ratings as a result of this process. Teachers deemed in “noncompliance” with one or more areas will be placed on a two-year evaluation process that includes steps stipulated in Section 24A-5 of the School Code.

SD 30/HD 59

Mundelein ESD 75 – Lake (SD 30/HD 59) / Expiration: 2007-08 school year

WM100-2760 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in daily physical education three times a week and in bodily kinesthetic classes during music and art two times a week. The district is making the request due to inadequate facilities but maintains that all learning experiences in these classes are tied to the Illinois Learning Standards for Physical Development and Health.

Mundelein ESD 75 – Lake (SD 30/HD 59) / Expiration: 2007-08 school year

WM300-2761 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Wauconda CUSD 118 – Lake (SD 30/HD 59) / Expiration: 2007-08 school year

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WM300-2660 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

SD 30/HD 60

Waukegan CUSD 60 – Lake (SD 30/HD 60) / **Expiration: 2007-08 school year**

WM300-2659 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Waukegan CUSD 60 – Lake (SD 30/HD 60) / **Expiration: 2003-04 school year**

WM100-2758 (renewal) – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The most-qualified substitutes will be employed, and allowing their use will reduce the need to use special teachers when substitutes cannot be found.

SD 31/HD 61

Beach Park CCSD 3 – Lake (SD 31/HD 61) / **Expiration: 2006-07 school year**

WM300-2669 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Gavin SD 37 – Lake (SD 31/HD 61) / **Expiration: 2007-08 school year**

WM300-2816 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Grant CHSD 124 – Lake (SD 31/HD 61) / **Expiration: 2006-07 school year**

WM100-2725 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

SD 31/HD 62

Woodland CCSD 50 – Lake (SD 31/HD 62) / **Expiration: 2003-04 school year**

WM100-2856-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten to participate in physical education twice a week for 20 minutes each session due to inadequate facilities. The kindergarten students attend school on a part-time basis and for the 2003-04 school year, 740 students will share one gymnasium.

Woodland CCSD 50 – Lake (SD 31/HD 62) / **Expiration: 2003-04 school year**

WM100-2856-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 3 to participate in physical education three times a week for 30 minutes each session rather than daily for 15 to 18 minutes each session due to inadequate facilities. During the 2003-04 school year, more than 2,400 students will share four gymnasiums; therefore, the district can provide a higher quality physical education program more safely if it is offered on less than a daily basis.

SD 32/HD 63

Harvard CUSD 50 – McHenry (SD 32/HD 63) / **Expiration: 2007-08 school year**

WM300-2759 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Johnsburg CUSD 12 – McHenry (SD 32/HD 63) / **Expiration: 2007-08 school year**

WM300-2817 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Richmond-Burton CHSD 157 – McHenry (SD 32/HD 63) / **Expiration: 2006-07 school year**
WM300-2808 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

SD 32/HD 64

Cary CCSD 26 – McHenry (SD 32/HD 64) / **Expiration: 2007-08 school year**
WM300-2845 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

SD 33/HD 65

Des Plaines CCSD 62 – Cook (SD 33/HD 65) / **Expiration: 2007-08 school year**
WM300-2771 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 34/HD 67

Boone-Winnebago Regional Learning Academy – Boone, Winnebago (SD 34/HD 67) / **Expiration: 2007-08 school year**
WM100-2851 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the regional office to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19 for alternative schools established under Article 13A. The regional office will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Rockford SD 205 – Winnebago (SD 34/HD 67) / **Expiration: 2007-08 school year**
WM100-2865-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Rockford SD 205 – Winnebago (SD 34/HD 67) / **Expiration: 2007-08 school year**
WM100-2865-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(1) and Section 18-8.05(F)(2)(a)) request to allow the district to count the attendance of students enrolled full time in its middle and high schools in much the same way as the attendance of students enrolled part time is counted, by claiming 1/6 day for each class period of at least 50 minutes attended by a student (up to a maximum of six classes per day).

Rockford SD 205 – Winnebago (SD 34/HD 67) / **Expiration: 2007-08 school year**
WM100-2866 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

SD 34/HD 68

Harlem CCSD 122 – Winnebago (SD 34/HD 68) / **Expiration: 2007-08 school year**
WM100-2849 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$120 of students who participate in driver education courses.

SD 35/HD 69

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North Boone CUSD 200 – Boone (SD 35/HD 69) / Expiration: 2007-08 school year
WM100-2836-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to schedule four parent-teacher conferences during the school year that are three-and-a-half hours long in an evening following a full day of attendance rather than two full days of parent-teacher conferences. The district failed to provide proper notice of the public hearing held to consider the request.

North Boone CUSD 200 – Boone (SD 35/HD 69) / Expiration: 2007-08 school year
WM100-2836-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)). The district requested to be allowed to use two full days for school improvement/in-service training rather than four half days. The district failed to provide proper notice of the public hearing held to consider the request.

North Boone CUSD 200 – Boone (SD 35/HD 69) / Expiration: 2007-08 school year
WM100-2870-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher in-service sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

North Boone CUSD 200 – Boone (SD 35/HD 69) / Expiration: 2007-08 school year
WM100-2870-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling four times during the school year a parent-teacher conference of three and half hours in length in the evening following a full day of student attendance. For each two such conferences held, a nonattendance day will be scheduled. The four evening sessions will be counted as two of the 176 days of pupil attendance required by Section 10-19.

SD 35/HD 70

Kings CSD 144 – Ogle (SD 35/HD 70) / Expiration: 2006-07 school year
WM300-2696 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Meridian CUSD 223 – Ogle, Winnebago (SD 35/HD 70) / Expiration: 2006-07 school year
WM300-2735 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 36/HD 71

Carbon Cliff-Barstow SD 36 – Rock Island (SD 36/HD 71) / Expiration: 2002-03 school year
WM300-2664 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 36/HD 72

Moline USD 40 – Rock Island (SD 36/HD 72) / Expiration: 2002-03 school year
WM300-2719 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school April 23 in the afternoon and will have a non-attendance day on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Moline USD 40 – Rock Island (SD 36/HD 72) / Expiration: 2007-08 school year

WM100-2738 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades kindergarten through grade 6 to participate in daily physical education for three or four days per week due to inadequate facilities. The district will provide instruction in other learning areas when students are not in physical education, thus increasing their academic performance in those areas. In addition, the regular classroom teachers will lead students in movement activities in the classroom.

Rock Island-Milan SD 41 – Rock Island (SD 36/HD 72) / Expiration: 2002-03 school year

WM300-2702 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)). The district requested to be allowed to shorten the instructional day on the days when the Prairie State Achievement Examination is given. The district failed to provide proper notice of the public hearing held to consider the request.

Rock Island-Milan SD 41 – Rock Island (SD 36/HD 72) / Expiration: 2002-03 school year

WM300-2722 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school April 23 in the afternoon and will have a non-attendance day on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

SD 37/HD 73

Dunlap CUSD 323 – Peoria (SD 37/HD 73) / Expiration: 2002-03 school year

WM100-2684-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In the 2001-2002 school year, the district employed its former director of curriculum and instruction, who had already retired, on a part-time basis in order to give the superintendent to be hired after July 1, 2002, an opportunity to choose a replacement. A full-time director of curriculum and instruction has since been hired and his salary and benefit package will cause the district to exceed the 5 percent limitation.

Dunlap CUSD 323 – Peoria (SD 37/HD 73) / Expiration: 2007-08 school year

WM100-2684-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from daily physical education for ongoing participation in cheerleading and pom-poms. This request will allow these students more time during the school day to take additional academic courses.

Germantown Hills SD 69 – Woodford (SD 37/HD 73) / Expiration: 2007-08 school year

WM100-2843 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 5 through 8 to participate in daily physical education on less than a daily basis. Students in grades 5 and 6 will participate in physical education four times a week and those in grades 7 and 8 will participate in physical education three times a week; all sessions will be 45 minutes long. Students will be participating in computer technology courses when they are not in physical education.

Midland CUSD 7 – Marshall (SD 37/HD 73) / Expiration: 2006-07 school year

WM300-2638 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 37/HD 74

Bureau Valley CUSD 340 – Bureau (SD 37/HD 74) / Expiration: 2007-08 school year

WM300-2744 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski,

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Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Ohio CHSD 505 – Bureau (SD 37/HD 74) / **Expiration: 2007-08 school year**
WM100-2823-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$75 of students who participate in driver education courses.

Ohio CHSD 505 – Bureau (SD 37/HD 74) / **Expiration: 2007-08 school year**
WM300-2823-2 – Waiver of Administrative Rule (23 Ill. Adm. Code 252.20(b)(1)) allows the district to provide classroom and behind-the-wheel instruction only during the evenings, on Saturdays, and in the summer.

SD 38/HD 75

Bourbonnais SD 53 – Kankakee (SD 38/HD 75) / **Expiration: 2007-08 school year**
WM300-2831 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Channahon School District 17 – Will (SD 38/HD 75) / **Expiration: 2006-07 school year**
WM300-2640 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Coal City CUSD 1 – Grundy, Will (SD 38/HD 75) / **Expiration: 2007-08 school year**
WM300-2788 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / **Expiration: 2007-08 school year**
WM300-2728 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Marseilles ESD 150 – LaSalle (SD 38/HD 75) / **Expiration: 2003-04 school year**
WM300-2787 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Reed-Custer CUSD 255U – Will (SD 38/HD 75) / **Expiration: 2007-08 school year**
WM300-2767 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Serena CUSD 2 – LaSalle (SD 38/HD 75) / **Expiration: 2007-08 school year**
WM300-2825 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 38/HD 76

Dalzell SD 98 – Bureau (SD 38/HD 76) / **Expiration: 2007-08 school year**
WM100-2842 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 8 to participate in daily physical education three times a week in order for the students to receive additional help in academic areas or to complete classroom assignments.

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DePue USD 103 – Bureau (SD 38/HD 76) / Expiration: 2007-08 school year

WM100-2802 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to offer physical education to students in grades 9 through 12 as an elective class. Students would instead enroll in foreign language courses, band, music, art, or technology, or participate in tutoring or other supervised study, thus increasing student performance in those areas.

La Moille CUSD 303 – Bureau (SD 38/HD 76) / Expiration: 2006-07 school year

WM300-2627 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

La Salle-Peru THSD 120 – LaSalle (SD 38/HD 76) / Expiration: 2002-03 school year

WM300-2683 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school for a half of day in the afternoon of April 23 and have no school on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Ottawa HSD 140 – LaSalle (SD 38/HD 76) / Expiration: 2002-03 school year

WM300-2637 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24 and to not hold school on these days for students in grades 9, 10 and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Ottawa ESD 141 – LaSalle (SD 38/HD 76) / Expiration: 2007-08 school year

WM100-2724 (renewal) – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of “excellent, satisfactory, and unsatisfactory” for the teacher evaluation process with a scale of “meets or exceeds district standards” or “does not meet district standards”.

Peru ESD 124 – LaSalle (SD 38/HD 76) / Expiration: 2007-08 school year

WM300-2793 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Rutland CCSD 230 – LaSalle (SD 38/HD 76) / Expiration: 2003-04 school year

WM100-2801 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In keeping with the contract for the district’s teachers, the superintendent will receive a 10 percent salary increase for the two years preceding retirement. If approved, this waiver takes effect in the 2003-04 school year.

Spring Valley CCSD 99 – Bureau (SD 38/HD 76) / Expiration: 2002-03 school year

WM100-2691 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district’s insurance premium increased by 9 percent. In addition, the district purchased a new computer for the superintendent at a cost of \$2,000 and raised the salary of the superintendent’s secretary commensurate with the level in the collective bargaining agreement for noncertified staff.

Wallace CCSD 195 – LaSalle (SD 38/HD 76) / Expiration: 2003-04 school year

WM100-2815 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. In keeping with

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the contract for the district's teachers, the superintendent will receive a 10 percent salary increase for the two years preceding retirement. If approved, this waiver takes effect in the 2003-04 school year.

SD 39/HD 77

Elmwood Park CUSD 401 – Cook (SD 39/HD 77) / Expiration: 2007-08 school year
WM300-2763 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Elmwood Park CUSD 401 – Cook (SD 39/HD 77) / Expiration: 2007-08 school year
WM100-2764 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference of three and a half hours in the evening following at least five clock-hours of student attendance. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Leyden CHSD 212 – Cook (SD 39/HD 77) / Expiration: 2006-07 school year
WM300-2748 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April. Students in grades 9 and 10 will attend school in the morning on both these testing days, while students in grade 12 will attend school in the morning for one day and have a nonattendance day on other day. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

River Grove SD 85.5 – Cook (SD 39/HD 77) / Expiration: 2006-07 school year
WM300-2751 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 39/HD 78

Oak Park – River Forest HSD 200 – Cook (SD 39/HD 78) / Expiration: 2007-08 school year
WM100-2834 – Waiver of School Code (Section 27-23). The district requested to be allowed to charge a reasonable fee not to exceed \$350 of students who participate in driver education courses. The district failed to provide proper notice of the public hearing held to consider the request.

SD 40/HD 79

Bradley-Bourbonnais CHSD 307 – Kankakee (SD 40/HD 79) / Expiration: 2007-08 school year
WM300-2772 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Grant Park CUSD 6 – Kankakee (SD 40/HD 79) / Expiration: 2007-08 school year
WM300-2780 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Kankakee Area Special Education Cooperative – Kankakee (SD 40/HD 79) / Expiration: 2007-08 school year
WM300-2746 – Modification of School Code (Section 24-2) allows the cooperative to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather

than observing school holidays in their honor.

Kankakee SD 111 – Kankakee (SD 40/HD 79) / Expiration: 2007-08 school year

WM300-2774 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Momence CUSD 1 – Kankakee (SD 40/HD 79) / Expiration: 2007-08 school year

WM300-2753 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

St. Anne CHSD 302 – Kankakee, Iroquois (SD 40/HD 79) / Expiration: 2004-05 school year

WM100-2776 – Waiver of School Code (Section 2-3.25d) request to allow the district to remain on the Academic Early Warning list rather than being placed on the Academic Watch list. The district maintains that placement on the watch list, which could include appointment of an oversight panel, will impede the district's efforts to continue the implementation of programs and instructional activities designed to improve student performance.

SD 40/HD 80

Crete-Monee SD 201-U – Will (SD 40/HD 80) / Expiration: 2006-07 school year

WM300-2745 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Homewood SD 153 – Cook (SD 40/HD 80) / Expiration: 2004-05 school year

WM300-2770 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Sandridge SD 172 – Cook (SD 40/HD 80) / Expiration: 2002-03 school year

WM300-2709 – Modification of School Code (Section 21-9) allows the district to employ a substitute teacher up to 130 paid school days for a single school year instead of 90 paid days. The district used one of its substitutes for a classroom lacking a certified teacher for 39 days at the start of the school year. The substitute is only one of two who regularly work in the district, and the extension is needed to enable the district to meet its needs through the end of the school year.

Sandridge SD 172 – Cook (SD 40/HD 80) / Expiration: 2003-04 school year

WM100-2838-1 – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. The district already employs two, full-time substitutes, who also serve as teachers' aides. Since the district has been unable to find additional substitutes, it wishes to continue using the employees who know the students and are familiar with the operations of the district and its schools.

Sandridge SD 172 – Cook (SD 40/HD 80) / Expiration: 2003-04 school year

WM300-2838-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 41/HD 81

Lincoln-Way CHSD 210 – Will (SD 41/HD 81) / Expiration: 2007-08 school year

WM100-2868 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$125 of students who participate in driver education courses.

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Morris ESD 54 – Grundy (SD 41/HD 81) / Expiration: 2002-03 school year

WM100-2732 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district created a new position of activities/athletic coordinator, whose duties were previously performed by the building principal and assistant principal. A new position was necessary due to an increase in the number of interscholastic competitions and additional responsibilities placed on the assistant principal.

SD 41/HD 82

LaGrange ESD 105 – Cook (SD 41/HD 82) / Expiration: 2007-08 school year

WM300-2757 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Lyons THSD 204 – Cook (SD 41/HD 82) / Expiration: 2007-08 school year

WM100-2649 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference in the evening following at least five clock-hours of student attendance. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Lyons THSD 204 – Cook (SD 41/HD 82) / Expiration: 2007-08 school year

WM100-2695 – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of “excellent, satisfactory, and unsatisfactory” for the teacher evaluation process with a scale of “meets (district) expectations” or “does not meet expectations”.

Lyons THSD 204 – Cook (SD 41/HD 82) / Expiration: 2007-08 school year

WM100-2768 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$350 of students who participate in driver education courses.

Pleasantdale SD 107 – Cook (SD 41/HD 82) / Expiration: 2006-07 school year

WM300-2639 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Western Springs SD 101 – Cook (SD 41/HD 82) / Expiration: 2006-07 school year

WM300-2692 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Western Springs SD 101 – Cook (SD 41/HD 82) / Expiration: 2006-07 school year

WM300-2700 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

SD 42/HD 83

Aurora East SD 131 – Kane (SD 42/HD 83) / Expiration: 2005-06 school year

WM100-2837-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Aurora East SD 131 – Kane (SD 42/HD 83) / Expiration: 2005-06 school year

WM300-2837-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional

activities rather than observing school holidays in their honor.

SD 44/HD 87

Delavan CUSD 703 – Tazewell (SD 44/HD 87) / Expiration: 2006-07 school year

WM100-2716 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 8 to participate in physical education every other day if they are enrolled in band or chorus.

Maroa-Forsyth CUSD 2 – Macon (SD 44/HD 87) / Expiration: 2006-07 school year

WM300-2629 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Tazewell-Mason Counties Special Education Association – Tazewell (SD 44/HD 87) /

Expiration: 2005-06 school year

WM300-2674 – Modification of School Code (Section 24-2) allows the association to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 44/HD 88

McLean County UD 5 – McLean (SD 44/HD 88) / Expiration: 2007-08 school year

WM100-2828 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$300 of students who participate in driver education courses.

SD 45/HD 89

Dakota CUSD 201 – Stephenson (SD 45/HD 89) / Expiration: 2006-07 school year

WM100-2646 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during the school year a parent-teacher conference in the evening following at least five clock-hours of student attendance and a five-hour parent-teacher conference the following day, with no student attendance. The evening and morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Dakota CUSD 201 – Stephenson (SD 45/HD 89) / Expiration: 2006-07 school year

WM300-2647 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Forrestville Valley SD 221 – Ogle (SD 45/HD 89) / Expiration: 2006-07 school year

WM300-2653 – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 85 minutes each session rather than daily due to an 8-block schedule.

Forrestville Valley SD 221 – Ogle (SD 45/HD 89) / Expiration: 2007-08 school year

WM300-2708 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Freeport SD 145 – Stephenson (SD 45/HD 89) / Expiration: 2006-07 school year

WM300-2631 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Freeport SD 145 – Stephenson (SD 45/HD 89) / Expiration: 2006-07 school year

WM300-2671 – Modification of School Code (Section 24-2) allows the district to recognize

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the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Galena USD 120 – Jo Daviess (SD 45/HD 89) / **Expiration: 2006-07 school year**
WM300-2663 (renewal) – Modification of School Code (Section 24-2) allows the district to hold school or a teacher institute on the legal holiday honoring Casimir Pulaski. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individual will be provided through instructional activities rather than observing the legal school holiday.

Galena USD 120 – Jo Daviess (SD 45/HD 89) / **Expiration: 2007-08 school year**
WM300-2743 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 86 minutes each session rather than daily due to an 8-block schedule.

Winnebago CUSD 323 – Winnebago (SD 45/HD 89) / **Expiration: 2007-08 school year**
WM100-2855 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$200 of students who participate in driver education courses.

SD 45/HD 90

Dixon USD 170 – Lee (SD 45/HD 90) / **Expiration: 2007-08 school year**
WM300-2675 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Geneso CUSD 228 – Henry (SD 45/HD 90) / **Expiration: 2002-03 school year**
WM300-2737 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school April 23 in the afternoon and will have a non-attendance day on April 24. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Lee Center CUSD 271 – Lee (SD 45/HD 90) / **Expiration: 2007-08 school year**
WM300-2626 (renewal) – Modification of School Code (Section 10-21.9) allows the district to submit to the Illinois State Police fingerprint cards for all applicants for employment required to undergo criminal background checks. This request was made so that all relevant material would be given to the State Police at one time, rather than only in those situations where the initial review indicates possible criminal convictions.

Polo CUSD 222 – Ogle, Lee, Whiteside (SD 45/HD 90) / **Expiration: 2007-08 school year**
WM300-2773 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 85 minutes each session rather than daily due to an 8-block schedule.

Rock Falls THSD 301 – Whiteside (SD 45/HD 90) / **Expiration: 2007-08 school year**
WM300-2681 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Rock Falls THSD 301 – Whiteside (SD 45/HD 90) / **Expiration: 2007-08 school year**
WM300-2705 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Sterling CUD 5 – Whiteside (SD 45/HD 90) / **Expiration: 2006-07 school year**

WM300-2656 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Sterling CUD 5 – Whiteside (SD 45/HD 90) / **Expiration: 2007-08 school year**

WM100-2871-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in physical education two times a week for 30 minutes each session due to inadequate facilities. The district states that the 30-minute blocks of time are longer than what could be provided under a daily schedule, will minimize instructional disruptions, and will increase instructional time over providing physical education for shorter periods of time each day.

Sterling CUD 5 – Whiteside (SD 45/HD 90) / **Expiration: 2007-08 school year**

WM100-2871-2 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$300 of students who participate in driver education courses.

Steward ESD 220 – Lee (SD 45/HD 90) / **Expiration: 2007-08 school year**

WM300-2718 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, members of the armed forces killed in war, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 46/HD 91

East Peoria CHSD 309 – Tazewell (SD 46/HD 91) / **Expiration: 2006-07 school year**

WM300-2754 – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Lewistown SD 97 – Fulton (SD 46/HD 91) / **Expiration: 2007-08 school year**

WM300-2712 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Oak Grove SD 68 – Peoria (SD 46/HD 91) / **Expiration: 2007-08 school year**

WM300-2711 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Pekin SD 108 – Tazewell (SD 46/HD 91) / **Expiration: 2007-08 school year**

WM100-2853 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 100 percent of the preceding year's per capita tuition costs to those students in grades 7 and 8 enrolled in the Spring Lake school district in order for the those students to take advantage of a more diverse curriculum and smaller classes, leading to improved student performance.

South Pekin SD 137 – Tazewell (SD 46/HD 91) / **Expiration: 2006-07 school year**

WM100-2789 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount of 67 percent of the preceding year's per capita tuition costs to those students in grades 7 and 8 enrolled in the Spring Lake school district. The district maintains that combining the students from the two districts allows the South Pekin district to offer a more diverse curriculum and smaller classes, leading to improved student performance.

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Spoon River Valley CUSD 4 – Fulton (SD 46/HD 91) / **Expiration: 2007-08 school year**
WM100-2857-1 (renewal) – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of “excellent, satisfactory, and unsatisfactory” for the teacher evaluation process with a scale of “meets or exceeds district standards” or “does not meet district standards”.

Spoon River Valley CUSD 4 – Fulton (SD 46/HD 91) / **Expiration: 2007-08 school year**
WM300-2857-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, members of the labor force, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Spring Lake CCSD 606 – Tazewell (SD 46/HD 91) / **Expiration: 2007-08 school year**
WM100-2819 (renewal) – Waiver of School Code (Section 10-21.4) request to allow the district to employ a part-time superintendent in a district with up to five teachers (current exception is districts with up to four teachers).

Tazewell Regional Safe School – Tazewell (SD 46/HD 91) / **Expiration: 2006-07 school year**
WM300-2636 – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor for schools established under Article 13A.

SD 47/HD 93

Mendon CUSD 4 – Adams (SD 47/HD 93) / **Expiration: 2007-08 school year**
WM300-2839 – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 who are also enrolled in Tech Prep to participate in physical education every other day for 92 minutes each session rather than daily due to an 8-block schedule.

Meredosia-Chambersburg CUSD 11 – Morgan (SD 47/HD 93) / **Expiration: 2006-07 school year**
WM300-2686 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 47/HD 94

Dallas City CUSD 336 – Hancock, Henderson (SD 47/HD 94) / **Expiration: 2002-03 school year**
WM100-2862 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. Based on the recommendation of the district’s auditor, the district has changed function account numbers to correspond to quarterly expenditure reports and is now using a different responsibility center for each grant that it receives. The difference in accounting methods caused some expenses associated with grants to be moved to a line item that is included in the 5 percent cost cap limitation.

Macomb CUSD 185 – McDonough (SD 47/HD 94) / **Expiration: 2007-08 school year**
WM300-2811 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Christopher Columbus through instructional activities rather than observing a school holiday in his honor.

Monmouth USD 38 – Warren (SD 47/HD 94) / **Expiration: 2007-08 school year**
WM100-2841 – Waiver of School Code (Section 11A-2) request to allow the district to waive the requirement that school districts seeking to consolidate must have contiguous boundaries.

Roseville CUSD 200 – Warren (SD 47/HD 94) / **Expiration: 2007-08 school year**

WM100-2844 – Waiver of School Code (Section 11A-2) request to allow the district to waive the requirement that school districts seeking to consolidate must have contiguous boundaries.

Southern CUSD 120 – Henderson (SD 47/HD 94) / **Expiration: 2006-07 school year**
WM300-2642 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 48/HD 95

Batavia USD 101 – Kane (SD 48/HD 95) / **Expiration: 2006-07 school year**
WM300-2730-1 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Batavia USD 101 – Kane (SD 48/HD 95) / **Expiration: 2007-08 school year**
WM300-2730-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Batavia USD 101 – Kane (SD 48/HD 95) / **Expiration: 2007-08 school year**
WM100-2867 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$400 of students who participate in driver education courses.

West Chicago HSD 94 – DuPage (SD 48/HD 95) / **Expiration: 2007-08 school year**
WM100-2707 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$200 of students who participate in driver education courses.

Wheaton CUSD 200 – DuPage (SD 48/HD 95) / **Expiration: 2007-08 school year**
WM100-2790 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$250 of students who participate in driver education courses.

SD 48/HD 96

Indian Prairie CUSD 204 – DuPage (SD 48/HD 96) / **Expiration: 2007-08 school year**
WM100-2783 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$200 of students who participate in driver education courses.

SD 49/HD 97

Calhoun CUSD 40 – Calhoun (SD 49/HD 97) / **Expiration: 2006-07 school year**
WM300-2710 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Northwestern CUSD 2 – Maucopin (SD 49/HD 97) / **Expiration: 2007-08 school year**
WM300-2860 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Triopia CUSD 27 – Morgan (SD 49/HD 97) / **Expiration: 2003-04 school year**
WM300-2665 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 49/HD 98

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Christian - Montgomery Safe School Program – Christian, Montgomery (SD 49/HD 98) / Expiration: 2006-07 school year

WM300-2715 – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor for this school established under Article 13A.

Gillespie CUSD 7 – Macoupin (SD 49/HD 98) / Expiration: 2006-07 school year

WM300-2654 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Girard CUSD 3 – Macoupin (SD 49/HD 98) / Expiration: 2002-03 school year

WM300-2679 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Pana CUSD 8 – Christian (SD 49/HD 98) / Expiration: 2007-08 school year

WM300-2799 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 80 minutes each session rather than daily due to an 8-block schedule.

Panhandle CUSD 2 – Montgomery (SD 49/HD 98) / Expiration: 2002-03 school year

WM100-2689 – Waiver of School Code (Section 24-2). The district requested to be allowed to exceed the 5 percent limit on administrative costs due to circumstances beyond its control. The district failed to provide proper notice of the public hearing held to consider the request.

Panhandle CUSD 2 – Montgomery (SD 49/HD 98) / Expiration: 2002-03 school year

WM100-2727 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. During the 2001-2002 school year, the district employed two interim superintendents, each of whom served on a part-time basis. Once a permanent superintendent was hired, both the salary and the cost of benefits, which were not paid to the interims, increased substantially.

South Fork CUSD 14 – Christian (SD 49/HD 98) / Expiration: 2006-07 school year

WM300-2676 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 50/HD 99

Springfield SD 186 – Sangamon (SD 50/HD 99) / Expiration: 2007-08 school year

WM100-2847 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 8 and those in grades 11 and 12 to participate in physical education on less than a daily basis (in kindergarten through grade 4, twice a week for 30 minutes each session, and in grades 5 through 8, every other day all year or every day for one semester). In the elementary grades, the district lacks sufficient space to provide daily physical education for all of its students. Students in grades 5 through 8 will alternate physical education with additional electives. In grades 11 and 12, students will be excused from daily physical education in order to enroll in other academic courses.

SD 50/HD 100

Capital Area Career Center – Sangamon (SD 50/HD 100) / Expiration: 2007-08 school year

WM300-2830 – Modification of School Code (Section 24-2) allows the center to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Salt Creek Academy Regional Safe School – Menard (SD 50/HD 100) / **Expiration: 2006-07 school year**

WM300-2685 – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor for this school established under Article 13A.

SD 51/HD 101

Mt. Zion CUSD 3 – Macon, Moultrie (SD 51/HD 101) / **Expiration: 2007-08 school year**

WM100-2752 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students from daily physical education for two out of four years of high school, provided that the students are enrolled in six academic classes. Two years of daily physical education will be required for all students, and students who are not enrolled in six academic classes will continue to participate in daily physical education even if they have met this two-year requirement. Enrollment in additional elective courses, as well as in dual credit classes with the local community college, will improve student performance.

SD 51/HD 102

Bond County CUSD 2 – Bond (SD 51/HD 102) / **Expiration: 2006-07 school year**

WM300-2667 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Brownstown CUSD 201 – Fayette (SD 51/HD 102) / **Expiration: 2007-08 school year**

WM300-2673 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lebanon CUSD 9 – St. Clair (SD 51/HD 102) / **Expiration: 2006-07 school year**

WM300-2740 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

O'Fallon CCSD 90 – St. Clair (SD 51/HD 102) / **Expiration: 2007-08 school year**

WM300-2805 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

St. Elmo CUSD 202 – Fayette (SD 51/HD 102) / **Expiration: 2007-08 school year**

WM300-2731 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Vandalia CUSD 203 – Fayette (SD 51/HD 102) / **Expiration: 2007-08 school year**

WM300-2804 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 52/HD 103

Champaign CUSD 4 – Champaign (SD 52/HD 103) / **Expiration: 2002-03 school year**

WM300-2742 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on April 23 and 24. Students in grades 9, 10, and 12 will attend school in the afternoon on both testing days. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so

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that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Champaign CUSD 4 – Champaign (SD 52/HD 103) / Expiration: 2006-07 school year

WM300-2781 – Waiver of Administrative Rule (23 Ill. Adm. Code 252.20(c)(4) and (5)) allows the district to offer the classroom portion of driver education for 120 minutes per session for three weeks rather than for 90 minutes per session for four weeks.

SD 52/HD 104

Armstrong THSD 225 – Vermilion (SD 52/HD 104) / Expiration: 2007-08 school year

WM300-2806 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars. The district failed to provide proper notice of the public hearing held to consider the request.

Bismarck-Henning CUSD 1 – Vermilion (SD 52/HD 104) / Expiration: 2006-07 school year

WM300-2687 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Gifford CCSD 188 – Champaign (SD 52/HD 104) / Expiration: 2007-08 school year

WM300-2652 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Heritage CUSD 8 – Champaign (SD 52/HD 104) / Expiration: 2007-08 school year

WM300-2704 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Jamaica CUSD 12 – Vermilion (SD 52/HD 104) / Expiration: 2006-07 school year

WM300-2641 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Rantoul City SD 137– Champaign (SD 52/HD 104) / Expiration: 2007-08 school year

WM300-2733 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Rantoul THSD 193 – Champaign (SD 52/HD 104) / Expiration: 2006-07 school year

WM300-2690 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grade 11 following the administration of the Prairie State Achievement Examination on two days in April and to not hold school on these days for students in grades 9, 10, and 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

SD 53/HD 105

Ford-Iroquois County Special Education Association – Ford, Iroquois (SD 53/HD 105) /

Expiration: 2006-07 school year

WM300-2672 – Modification of School Code (Section 24-2) allows the association to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Milford THSD 233 – Iroquois (SD 53/HD 105) / **Expiration: 2003-04 school year**

WM100-2863 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 110 percent of the preceding year's per capita tuition costs to those students in grades 9 through 12 enrolled in the Sheldon school district. The two districts are in the process of reorganization but may not be ready to merge in time for the start of the 2003-2004 school year. The waiver would allow Sheldon students to attend a school with a comprehensive curriculum staffed by fully qualified teachers, leading to improved student performance.

Paxton-Buckley-Loda CUSD 10 – Ford (SD 53/HD 105) / **Expiration: 2007-08 school year**

WM100-2869 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during a five-day period a parent-teacher conference in the evening following a full day of student attendance. One day during the week will be a nonattendance day. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Rossville-Alvin CUSD 7 – Vermilion (SD 53/HD 105) / **Expiration: 2007-08 school year**

WM300-2809 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 53/HD 106

Chenoa CUSD 9 – McLean (SD 53/HD 106) / **Expiration: 2007-08 school year**

WM300-2833 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Olympia CUSD 16 – McLean (SD 53/HD 106) / **Expiration: 2007-08 school year**

WM100-2854-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling twice during a five-day period a parent-teacher conference in the evening following a full day of student attendance. One day during the week will be a nonattendance day. The two evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Olympia CUSD 16 – McLean (SD 53/HD 106) / **Expiration: 2007-08 school year**

WM100-2854-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold a full-day teacher inservice session instead of two half days, and to count the day among the 176 days of pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards this day.

Washington CHSD 308 – Tazewell (SD 53/HD 106) / **Expiration: 2002-03 school year**

WM300-2721 (renewal) – Modification of School Code (Section 18-8.05(F)(2)(d)) allows the district to dismiss students in grades 9, 10, and 11 following the administration of the Prairie State Achievement Examination on April 23 and 24 and to not hold school on these days for students in grade 12. The district will accumulate sufficient student attendance time beyond the five-clock-hour instructional day to be applied to these days so that they can be counted among the 176 days of pupil attendance required by Section 10-19.

Washington District 50 Schools – Tazewell (SD 53/HD 106) / **Expiration: 2007-08 school year**

WM100-2778 – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 8 to participate in daily physical education every other day in order for them to enroll in music, fine arts, and computer instruction. Time per session will vary from 30 minutes for kindergarten to grade 3; 35 minutes for grades 4 and 5; and 48 minutes for grades 6 through 8. The district states that under the proposed waiver, additional time can be devoted to the core academic curriculum, thus helping to decrease the number of

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students who are not achieving state standards.

SD 54/HD 107

Breese SD 12 – Clinton (SD 54/HD 107) / Expiration: 2007-08 school year

WM100-2785 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 8 to participate in daily physical education every other day in order for the students to enroll in fine arts classes. The district offers daily physical activities for students, as well as extracurricular activities. The waiver has allowed the district to reduce the size of physical education classes by 30 percent, allowing increased teacher-student contact and opportunities for individual students to participate in activities.

Ina CCSD 8 – Jefferson (SD 54/HD 107) / Expiration: 2007-08 school year

WM300-2859 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 54/HD 108

Dieterich CUSD 30 – Effingham (SD 54/HD 108) / Expiration: 2007-08 school year

WM300-2796 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

East Richland CUSD 1 – Richland (SD 54/HD 108) / Expiration: 2007-08 school year

WM300-2840 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Pontiac THSD 90 – Livingston (SD 54/HD 108) / Expiration: 2007-08 school year

WM300-2846 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 55/HD 109

Edgar County CUSD 6 – Edgar (SD 55/HD 109) / Expiration: 2007-08 school year

WM300-2765 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Edgar County CUSD 6 – Edgar (SD 55/HD 109) / Expiration: 2007-08 school year

WM100-2766 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 6 through 8 to participate in physical education every other day for 42 minutes for one semester due to inadequate facilities. While not in physical education classes, students will participate in fine art classes.

Effingham CUSD 40 – Effingham (SD 55/HD 109) / Expiration: 2007-08 school year

WM300-2779 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Kansas CUSD 3 – Edgar, Coles, Clark (SD 55/HD 109) / Expiration: 2007-08 school year

WM300-2668 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Kansas CUSD 3 – Edgar, Coles, Clark (SD 55/HD 109) / Expiration: 2007-08 school year

WM300-2697 (renewal) – Modification of School Code (Section 24-2) allows the district to

recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Oblong CUSD 4 – Crawford (SD 55/HD 109) / **Expiration: 2002-03 school year**
WM300-2734 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Windsor CUSD 1 – Shelby (SD 55/HD 109) / **Expiration: 2007-08 school year**
WM300-2798 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 55/HD 110

Tuscola CUSD 301 – Douglas (SD 55/HD 110) / **Expiration: 2007-08 school year**
WM300-2726 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Christopher Columbus and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Tuscola CUSD 301 – Douglas (SD 55/HD 110) / **Expiration: 2007-08 school year**
WM100-2835 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 4 to participate in physical education every other day in order for them to enroll in more academic classes, thereby improving student performance in those courses. The district states that student performance has increased since the inception of the original waiver, particularly in reading.

SD 56/HD 111

Alton CUSD 11 – Madison, Jersey (SD 56/HD 111) / **Expiration: 2007-08 school year**
WM100-2829 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed \$225 of students who participate in driver education courses.

SD 56/HD 112

Central SD 104 – St. Clair (SD 56/HD 112) / **Expiration: 2007-08 school year**
WM300-2827 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 57/HD 113

Granite City CUSD 9 – Madison (SD 57/HD 113) / **Expiration: 2005-06 school year**
WM300-2861 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 57/HD 114

Madison CUSD 12 – Madison (SD 57/HD 114) / **Expiration: 2003-04 school year**
WM100-2826 – Waiver of School Code (Section 2-3.25d) request to allow the district to remain on the Academic Early Warning list rather than being placed on the Academic Watch list. The district maintains that placement on the watch list, which could include appointment of an oversight panel, will impede the district's efforts to continue the implementation of programs and instructional activities designed to improve student performance.

O'Fallon THSD 203 – St. Clair (SD 57/HD 114) / **Expiration: 2007-08 school year**
WM300-2797 – Modification of School Code (Section 24-2) allows the district to recognize

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the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Shiloh Village SD 85 – St. Clair (SD 57/HD 114) / **Expiration: 2007-08 school year**
WM300-2807 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Venice CUSD 3 – Madison (SD 57/HD 114) / **Expiration: 2006-07 school year**
WM300-2713 – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district failed to provide proper notice of the public hearing held to consider the request.

Venice CUSD 3 – Madison (SD 57/HD 114) / **Expiration: 2006-07 school year**
WM300-2769 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 58/HD 115

DeSoto CCSD 86 – Jackson (SD 58/HD 115) / **Expiration: 2007-08 school year**
WM300-2756 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Giant City SD 130 – Jackson (SD 58/HD 115) / **Expiration: 2006-07 school year**
WM300-2634 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Hoyleton CSD 29 – Washington (SD 58/HD 115) / **Expiration: 2003-04 school year**
WM300-2786 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal holiday honoring Abraham Lincoln. The district currently has an approved modification for this time period.

Jonesboro CCSD 43 – Union (SD 58/HD 115) / **Expiration: 2006-07 school year**
WM100-2632-1 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 100 percent of the preceding year's per capita tuition costs to those students in neighboring districts that are participating in an intergovernmental agreement. The districts that are participating in the agreement will adopt a mutually acceptable tuition rate that will not be detrimental to any district.

Jonesboro CCSD 43 – Union (SD 58/HD 115) / **Expiration: 2006-07 school year**
WM100-2632-2 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge non-resident pupil tuition in an amount that is less than 100 percent of the preceding year's per capita tuition costs to those students whose parents are employees of the district.

Jonesboro CCSD 43 – Union (SD 58/HD 115) / **Expiration: 2007-08 school year**
WM300-2633 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Lick Creek SD 16 – Union (SD 58/HD 115) / **Expiration: 2002-03 school year**
WM300-2670 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., members of the armed forces killed in war, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Nashville CCSD 49 – Washington (SD 58/HD 115) / **Expiration: 2007-08 school year**

WM100-2813 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 4 to participate in daily physical education twice a week in order for the students to enroll in music and art. Students in grades 5 through 8 will participate in physical education four days a week during the first semester and three days a week during the second semester in order to enroll in fine arts and technology. The district indicates that the proposed schedule increases the amount of time available for other academic areas, leading to improved student performance on the Illinois Standards Achievement Test.

Shawnee CUSD 84 – Union, Jackson, Alexander (SD 58/HD 115) / **Expiration: 2007-08 school year**

WM300-2803 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 58/HD 116

Chester CUSD 139 – Randolph (SD 58/HD 116) / **Expiration: 2007-08 school year**

WM300-2749 (renewal) – Modification of School Code (Section 27-6) allows the district to permit students in grades 9 through 12 to participate in physical education every other day for 88 minutes each session rather than daily due to an 8-block schedule.

Marissa CUSD 40 – St. Clair (SD 58/HD 116) / **Expiration: 2003-04 school year**

WM300-2794 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Steeleville CUSD 138 – Randolph (SD 58/HD 116) / **Expiration: 2006-07 school year**

WM300-2655 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Valmeyer CUSD 3 – Monroe (SD 58/HD 116) / **Expiration: 2007-08 school year**

WM300-2717 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 59/HD 117

Frankfort CUSD 168 – Franklin (SD 59/HD 117) / **Expiration: 2007-08 school year**

WM300-2822 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 59/HD 118

Anna-Jonesboro CHSD 81 – Union (SD 59/HD 118) / **Expiration: 2007-08 school year**

WM300-2706 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Massac USD 1 – Massac (SD 59/HD 118) / **Expiration: 2002-03 school year**

WM300-2650 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Norris City-Omaha-Enfield CUSD 3 – White (SD 59/HD 118) / **Expiration: 2003-04 school year**

WM300-2814 (renewal) – Modification of School Code (Section 24-2) allows the district to

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recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

The President of the Senate placed the foregoing report before the Senate, which was ordered received and placed on file in the Secretary's Office.

COMMITTEE REPORT CORRECTION

The following correction was made on the report from the Senate Executive Committee, which reported **House Bill No. 318** as "Do Pass" on May 1, 2003, which should have been reported "Do Pass as Amended".

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 138

Offered by Senator Watson and all Senators::

Mourns the death of Private Jonathan Lee Gifford, United States Marine Corps, of Decatur

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

Senator Hunter offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 139

WHEREAS, Drug use and addiction continue to be one of the major contributing factors to the perpetration of criminal activity in Illinois communities; and

WHEREAS, The Cook County State's Attorney's Office has begun an Offender Accountability Initiative that will provide substance abuse screening, assessment, and treatment alternatives to every offender sentenced to probation in Cook County demonstrating drug use or addiction, the goal being to intervene in the cycle of drug use and criminal behavior; and

WHEREAS, The Offender Accountability initiative stands as a national model strategy for collaboration and the development of broad-based approaches for providing substance abuse interventions to large numbers of drug-involved offenders in urban criminal justice settings; and

WHEREAS, The impact of the Offender Accountability Initiative will significantly inform criminal justice and drug policy practice and procedure in Illinois, as well as nationally; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Department of Human Services shall convene a Task Force to evaluate the impact of the Cook County Offender Accountability Initiative; the Task Force shall consist of the Associate Director of the Office of Alcoholism and Substance Abuse, or his or her designee, who shall serve as co-chair; the Cook County State's Attorney, or his or her designee, who shall serve as co-chair; the presiding judge of the Criminal Division of the Cook County Circuit Court; a representative from the Cook County probation department; the president of TASC, Inc.; and the president or executive director of a drug abuse treatment provider in Cook County, to be named by the Office of Alcoholism and Substance Abuse; and be it further

RESOLVED, That the purpose of the Task Force shall be to evaluate the impact of the program initiated by the Cook County State's Attorney's Office wherein all eligible probationers are screened for substance abuse and given access to education, intervention, and treatment services; the Task Force shall examine, along with any other issues it chooses to investigate with respect to this program, the following issues: (1) the numbers of offenders who participate in this program, and the type and manner of services they receive, (2) the impact of the program on caseloads and case processing in the Cook County criminal justice system, (3) the impact of the program on the Cook County substance abuse intervention and treatment system, (4) the impact of the program in terms of reduction or increase in rearrest rates, violations of probation, drug use of participants, and other factors pertaining to recidivism, and (5) the financial impact of the system on all involved parties and recommendations for funding to support the program; and be it further

RESOLVED, That the members of the Task Force, at their discretion, may involve additional

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skilled experts and enlist additional members and support staff; and be it further

RESOLVED, That the Task Force shall convene at least one public hearing on or before September 1, 2003, to present its research methodology and strategic plan for evaluation of the program, and to entertain public testimony; and be it further

RESOLVED, That the Task Force shall report its preliminary findings to the General Assembly on or before June 30, 2004, at which point further direction shall be given by the General Assembly.

MESSAGE FROM THE HOUSE

A message from the House by

Mr. Rossi, Clerk:

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

HOUSE JOINT RESOLUTION NO. 30

WHEREAS, In order to ensure the safety, quality, reliability, and efficiency of our country's vital transportation network and to preserve our national defense, America needs a balanced, integrated transportation system and the American people need diverse transportation choices; and

WHEREAS, Passenger rail is a critical component of a modern multi-modal transportation system and needs to have financial support, unified policy development, and oversight similar to that afforded to our air, highway, and mass transit modes, therefore be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we urge Congress and the President of the United States to fully institute the following passenger rail components, which are critical to the future of passenger rail in the United States, within the upcoming reauthorization of the Transportation Equity Act for the 21st Century (TEA 21) or Amtrak Reauthorization legislation:

1. Establish a dedicated, multi-year federal capital funding program for intercity passenger rail, patterned after the existing federal highway, airport, and mass transit programs.

2. Establish, as federal policy, a preserved and improved national passenger rail system - a nationwide, interconnected passenger rail system that stimulates higher levels of efficiency, innovation, and responsiveness. Direct the Federal Railroad Administration, or another agency within the U.S. Department of Transportation, to - with state and local input - develop, fund, and oversee this federal policy.

3. Provide full federal funding of Amtrak to maintain the national network during the period that the new federal plans and policies are being developed. Then, fully fund implementation of the national passenger rail system - with its new efficiencies, innovation, and responsiveness - in subsequent years; and be it further

RESOLVED, That suitable copies of this resolution be delivered to the president pro tempore of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the Illinois congressional delegation.

Adopted by the House, May 1, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 30, was referred to the Committee on Rules.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 4 to House Bill 463

Senate Floor Amendment No. 1 to House Bill 561

Senate Floor Amendment No. 1 to House Bill 562

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Senate Floor Amendment No. 1 to House Bill 579
Senate Floor Amendment No. 1 to House Bill 691
Senate Floor Amendment No. 1 to House Bill 696
Senate Floor Amendment No. 1 to House Bill 760
Senate Floor Amendment No. 1 to House Bill 761
Senate Floor Amendment No. 1 to House Bill 975
Senate Floor Amendment No. 1 to House Bill 1031
Senate Floor Amendment No. 3 to House Bill 2370
Senate Floor Amendment No. 2 to House Bill 2797
Senate Floor Amendment No. 3 to House Bill 2797
Senate Floor Amendment No. 1 to House Bill 3023

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Jacobs, **House Bill No. 2** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 30** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 39** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 59** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **House Bill No. 60** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 85** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 87** was taken up and read by title a second time. Committee Amendment No. 1 was held in the Committee on Rules. There being no further amendments the bill was ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 102** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator W. Jones, **House Bill No. 105** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 115** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 116** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 117** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 120** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 121** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 123** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 136** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 138** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **House Bill No. 176** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 176 on page 1, lines 18 and 19, by deleting "or animals from shelters other than no-kill shelters".

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

On motion of Senator Harmon, **House Bill No. 183** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **House Bill No. 197** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 209** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 210** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 211** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 221** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 236** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 249** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 263** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 273** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 274** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 277** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 298** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Walsh, **House Bill No. 300** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 312** having been printed, was taken up and 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 House Bill 312 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 24-3.5 as follows:
(720 ILCS 5/24-3.5)

Sec. 24-3.5. Unlawful purchase of a firearm. (a) For purposes of this Section, "firearms transaction record form" means a form:

(1) executed by a transferee of a firearm stating: (i) the transferee's name and address (including county or similar political subdivision); (ii) whether the transferee is a citizen of the United States; (iii) the transferee's State of residence; and (iv) the date and place of birth, height, weight, and race of the transferee; and

(2) on which the transferee certifies that he or she is not prohibited by federal law from transporting or shipping a firearm in interstate or foreign commerce or receiving a firearm that has been shipped or transported in interstate or foreign commerce or possessing a firearm in or affecting commerce.

(b) A person commits the offense of unlawful purchase of a firearm who knowingly purchases or attempts to purchase a firearm with the intent to deliver that firearm to another person who is prohibited by federal or State law from possessing a firearm.

(c) A person commits the offense of unlawful purchase of a firearm when he or she, in purchasing or attempting to purchase a firearm, intentionally provides false or misleading information on a United States Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms firearms transaction record form.

(d) Exemption. It is not a violation of subsection (b) of this Section for a person to make a gift or loan of a firearm to a person who is not prohibited by federal or State law from possessing a firearm if the transfer of the firearm is made in accordance with Section 3 of the Firearm Owners Identification Card Act.

(e) Sentence.

(1) A person who commits the offense of unlawful purchase of a firearm ~~by purchasing a firearm with intent to deliver the firearm in violation of subsection (b) or by purchasing a firearm in violation of subsection (c):~~

(A) is guilty of a Class 4 felony for purchasing or attempting to purchase one firearm;

(B) is guilty of a Class 3 felony for purchasing or attempting to purchase not less than 2 firearms and not more than 5 firearms at the same time or within a one year period;

(C) is guilty of a Class 2 felony for purchasing or attempting to purchase not less than 6 firearms and not more than 10 firearms at the same time or within a 2 year period;

(D) is guilty of a Class 1 felony for purchasing or attempting to purchase not less than 11 firearms and not more than 20 firearms at the same time or within a 3 year period;

(E) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 30 years for purchasing or attempting to purchase not less than 21 firearms and not more than 30 firearms at the same time or within a 4 year period;

(F) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 40 years for purchasing or attempting to purchase not less than 31 firearms and not more than 40 firearms at the same time or within a 5 year period;

(G) is guilty of a Class X felony for which the person shall be sentenced to a term of imprisonment of not less than 6 years and not more than 50 years for purchasing or attempting to purchase more than 40 firearms at the same time or within a 6 year period.

(2) In addition to any other penalty that may be imposed for a violation of this Section, the court may sentence a person convicted of a violation of subsection (c) of this Section to a fine not to exceed \$250,000 for each violation.

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(Source: P.A. 91-265, eff. 1-1-00.) Section 99. Effective date. This Act takes effect upon becoming law."

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

On motion of Senator Shadid, **House Bill No. 313** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 318** having been printed, was taken up and 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 House Bill 318 as follows:
on page 1, by replacing lines 7 through 11 with the following:

"Under the control" means within the reach of the cashier or protected by other security, surveillance, or detection methods, including but not limited to electronic scanners.

"Within the line of sight" means visible to a cashier or other employee, whether directly or by means of mirrors or monitors.

"Tobacco specialty store" means a business establishment devoted primarily to the sale of tobacco, tobacco products, and accessories and in which the sale of other products is incidental."; and
by replacing lines 17 through 30 on page 1 and lines 1 through 6 on page 2 with the following:

"Section 10. Tobacco product displays. It is unlawful for any person who sells tobacco products over the counter to maintain such products in any location accessible to customers that is not within the line of sight, or under the control, of a cashier or other employee during regular business hours, except that this condition does not apply to: (i) business establishments to which persons under the age of 18 are not admitted or to which such persons are not admitted unless accompanied by a parent or other adult, or (ii) tobacco specialty stores."

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

On motion of Senator Haine, **House Bill No. 336** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 345** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 407** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 414** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 462** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 468** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 495** was taken up and read by title a second time.
Committee Amendment No. 1 was tabled in the Committee on Education.
There being no further amendments the bill was ordered to a third reading.

On motion of Senator Collins, **House Bill No. 506** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 514** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Roskam, **House Bill No. 515** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 524** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 525** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 528** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 538** 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 Demuzio, **House Bill No. 544** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 548** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 552** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 553** 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 E. Jones, **House Bill No. 555** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 556** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 557** was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:30 o'clock p.m., Senator Halvorson presiding.

On motion of Senator E. Jones, **House Bill No. 558** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 559** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 560** having been printed, was taken up and 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 House Bill 560 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 12-4 and adding Section 21-9 as follows:

(720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

Sec. 12-4. Aggravated Battery. (a) A person who, in committing a battery, intentionally or

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knowingly causes great bodily harm, or permanent disability or disfigurement commits aggravated battery.

(b) In committing a battery, a person commits aggravated battery if he or she:

- (1) Uses a deadly weapon other than by the discharge of a firearm;
- (2) Is hooded, robed or masked, in such manner as to conceal his identity;
- (3) Knows the individual harmed to be a teacher or other person employed in any school and such teacher or other employee is upon the grounds of a school or grounds adjacent thereto, or is in any part of a building used for school purposes;
- (4) Knows the individual harmed to be a supervisor, director, instructor or other person employed in any park district and such supervisor, director, instructor or other employee is upon the grounds of the park or grounds adjacent thereto, or is in any part of a building used for park purposes;
- (5) Knows the individual harmed to be a caseworker, investigator, or other person employed by the State Department of Public Aid, a County Department of Public Aid, or the Department of Human Services (acting as successor to the Illinois Department of Public Aid under the Department of Human Services Act) and such caseworker, investigator, or other person is upon the grounds of a public aid office or grounds adjacent thereto, or is in any part of a building used for public aid purposes, or upon the grounds of a home of a public aid applicant, recipient, or any other person being interviewed or investigated in the employee's discharge of his duties, or on grounds adjacent thereto, or is in any part of a building in which the applicant, recipient, or other such person resides or is located;
- (6) Knows the individual harmed to be a peace officer, a community policing volunteer, a correctional institution employee, an employee of the Department of Human Services supervising or controlling sexually dangerous persons or sexually violent persons, or a fireman while such officer, volunteer, employee or fireman is engaged in the execution of any official duties including arrest or attempted arrest, or to prevent the officer, volunteer, employee or fireman from performing official duties, or in retaliation for the officer, volunteer, employee or fireman performing official duties, and the battery is committed other than by the discharge of a firearm;
- (7) Knows the individual harmed to be an emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel engaged in the performance of any of his or her official duties, or to prevent the emergency medical technician - ambulance, emergency medical technician - intermediate, emergency medical technician - paramedic, ambulance driver, other medical assistance, first aid personnel, or hospital emergency room personnel from performing official duties, or in retaliation for performing official duties;
- (8) Is, or the person battered is, on or about a public way, public property or public place of accommodation or amusement;
- (9) Knows the individual harmed to be the driver, operator, employee or passenger of any transportation facility or system engaged in the business of transportation of the public for hire and the individual assaulted is then performing in such capacity or then using such public transportation as a passenger or using any area of any description designated by the transportation facility or system as a vehicle boarding, departure, or transfer location;
- (10) Knowingly and without legal justification and by any means causes bodily harm to an individual of 60 years of age or older;
- (11) Knows the individual harmed is pregnant;
- (12) Knows the individual harmed to be a judge whom the person intended to harm as a result of the judge's performance of his or her official duties as a judge;
- (13) Knows the individual harmed to be an employee of the Illinois Department of Children and Family Services engaged in the performance of his authorized duties as such employee;
- (14) Knows the individual harmed to be a person who is physically handicapped;
- (15) Knowingly and without legal justification and by any means causes bodily harm to a merchant who detains the person for an alleged commission of retail theft under Section 16A-5 of this Code. In this item (15), "merchant" has the meaning ascribed to it in Section 16A-2.4 of this Code;
- (16) Is, or the person battered is, in any building or other structure used to provide shelter or other services to victims or to the dependent children of victims of domestic violence pursuant to the Illinois Domestic Violence Act of 1986 or the Domestic Violence Shelters Act, or the person battered is within 500 feet of such a building or other structure while going to or from such a building or other structure. "Domestic violence" has the meaning ascribed to it in Section 103 of the Illinois Domestic Violence Act of 1986. "Building or other structure used to provide shelter" has the meaning ascribed to "shelter" in Section 1 of the Domestic Violence Shelters Act; ~~or~~

(17) Knows the individual harmed to be an employee of a police or sheriff's department engaged in the performance of his or her official duties as such employee; or -

(18) Knows the individual harmed to be a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant in the athletic contest held at the athletic facility. For the purposes of this paragraph (18), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee, and "coach" means a person recognized as a coach by the sanctioning authority that conducted the athletic contest.

For the purpose of paragraph (14) of subsection (b) of this Section, a physically handicapped person is a person who suffers from a permanent and disabling physical characteristic, resulting from disease, injury, functional disorder or congenital condition.

(c) A person who administers to an individual or causes him to take, without his consent or by threat or deception, and for other than medical purposes, any intoxicating, poisonous, stupefying, narcotic, anesthetic, or controlled substance commits aggravated battery.

(d) A person who knowingly gives to another person any food that contains any substance or object that is intended to cause physical injury if eaten, commits aggravated battery.

(d-3) A person commits aggravated battery when he or she knowingly and without lawful justification shines or flashes a laser gunsight or other laser device that is attached or affixed to a firearm, or used in concert with a firearm, so that the laser beam strikes upon or against the person of another.

(d-5) An inmate of a penal institution or a sexually dangerous person or a sexually violent person in the custody of the Department of Human Services who causes or attempts to cause a correctional employee of the penal institution or an employee of the Department of Human Services to come into contact with blood, seminal fluid, urine, or feces, by throwing, tossing, or expelling that fluid or material commits aggravated battery. For purposes of this subsection (d-5), "correctional employee" means a person who is employed by a penal institution.

(e) Sentence.

Aggravated battery is a Class 3 felony, except a violation of subsection (a) is a Class 2 felony when the person knows the individual harmed to be a peace officer engaged in the execution of any of his or her official duties, or the battery is to prevent the officer from performing his or her official duties, or in retaliation for the officer performing his or her official duties. (Source: P.A. 91-357, eff. 7-29-99; 91-488, eff. 1-1-00; 91-619, eff. 1-1-00; 91-672, eff. 1-1-00; 92-16, eff. 6-28-01; 92-516, eff. 1-1-02; 92-841, eff. 8-22-02; 92-865, eff. 1-3-03; revised 1-9-03.)

(720 ILCS 5/21-9 new)

Sec. 21-9. Criminal trespass to the playing field of a professional sports team.

(a) A person commits the offense of criminal trespass to the playing field of a professional sports team when he or she knowingly and without lawful authority enters or remains on the playing field of a professional sports team after having received notice that entry to the playing field is forbidden.

(b) A person has received notice within the meaning of subsection (a) if he or she has been notified personally, either orally or in writing, or if a printed or written notice forbidding such entry has been conspicuously posted or exhibited at the entrance to the playing field.

(c) Criminal trespass to the playing field of a professional sports team is a Class A misdemeanor.

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

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

Sec. 5-5-3. Disposition. (a) Every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.

(3) A term of conditional discharge.

(4) A term of imprisonment.

(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961.

(6) A fine.

(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.

(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of

this Code.

Whenever an individual is sentenced for an offense based upon an arrest for a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and the professional evaluation recommends remedial or rehabilitative treatment or education, neither the treatment nor the education shall be the sole disposition and either or both may be imposed only in conjunction with another disposition. The court shall monitor compliance with any remedial education or treatment recommendations contained in the professional evaluation. Programs conducting alcohol or other drug evaluation or remedial education must be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may accept an alcohol or other drug evaluation or remedial education program in the state of such individual's residence. Programs providing treatment must be licensed under existing applicable alcoholism and drug treatment licensure standards.

In addition to any other fine or penalty required by law, any individual convicted of a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of local ordinance, whose operation of a motor vehicle while in violation of Section 11-501 or such ordinance proximately caused an incident resulting in an appropriate emergency response, shall be required to make restitution to a public agency for the costs of that emergency response. Such restitution shall not exceed \$500 per public agency for each such emergency response. For the purpose of this paragraph, emergency response shall mean any incident requiring a response by: a police officer as defined under Section 1-162 of the Illinois Vehicle Code; a fireman carried on the rolls of a regularly constituted fire department; and an ambulance as defined under Section ~~3.85~~ ~~4.05~~ of the Emergency Medical Services (EMS) Systems Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.

(B) Attempted first degree murder.

(C) A Class X felony.

(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.

(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.

(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(H) Criminal sexual assault, except as otherwise provided in subsection (e) of this Section.

(I) Aggravated battery of a senior citizen.

(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.

(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.

(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds \$300.

(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.

(O) A violation of Section 12-6.1 of the Criminal Code of 1961.

(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of

the Criminal Code of 1961.

(Q) A violation of Section 20-1.2 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) A violation of Section 11-501(c-1)(3) of the Illinois Vehicle Code.

(3) A minimum term of imprisonment of not less than 5 days or 30 days of community service as may be determined by the court shall be imposed for a second violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance. In the case of a third or subsequent violation committed within 5 years of a previous violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, a minimum term of either 10 days of imprisonment or 60 days of community service shall be imposed.

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) A minimum term of 30 consecutive days of imprisonment, 40 days of 24 hour periodic imprisonment or 720 hours of community service, as may be determined by the court, shall be imposed for a violation of Section 11-501 of the Illinois Vehicle Code during a period in which the defendant's driving privileges are revoked or suspended, where the revocation or suspension was for a violation of Section 11-501 or Section 11-501.1 of that Code.

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was

committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) When a person is convicted of violating Section 11-501 of the Illinois Vehicle 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 that person is convicted of violating Section 11-501 of the Illinois Vehicle Code while transporting a child under the age of 16:

(A) For a first violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501: a mandatory minimum of 100 hours of community service and a minimum fine of \$500.

(B) For a second violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 10 years: a mandatory minimum of 2 days of imprisonment and a minimum fine of \$1,250.

(C) For a third violation of subsection (a) of Section 11-501, in addition to any other penalty that may be imposed under subsection (c) of Section 11-501 within 20 years: a mandatory minimum of 90 days of imprisonment and a minimum fine of \$2,500.

(D) For a fourth or subsequent violation of subsection (a) of Section 11-501: ineligibility for a sentence of probation or conditional discharge and a minimum fine of \$2,500.

(11) The court shall impose a minimum fine of \$1,000 for a first offense and \$2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for (1) criminal trespass to the playing field of a professional sports team or for (2) battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. The court shall require a person convicted of or placed on supervision for a violation described in this paragraph (11) to undergo an alcohol or drug abuse evaluation. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for criminal sexual assault or aggravated criminal sexual abuse under Section 12-13 or 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of

the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, or any violation of the Cannabis Control Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substance Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds \$300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement. (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00; 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff. 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698, eff. 7-19-02; revised 2-17-03.)

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

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

On motion of Senator E. Jones, **House Bill No. 561** was taken up and read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator E. Jones, **House Bill No. 562** was taken up and read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

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

On motion of Senator E. Jones, **House Bill No. 563** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 564** 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 E. Jones, **House Bill No. 567** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 568** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 569** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 570** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 571** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 572** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 575** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 576** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 577** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 578** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 579** was taken up and read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today. There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 580** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 581** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 582** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 583** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 584** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 585** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 586** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 587** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 588** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 589** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 590** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 591** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 592** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 593** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 594** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 595** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 596** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 617** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 618** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 619** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 621** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 622** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 623** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 625** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 626** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 627** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 628** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 629** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 630** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 631** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 632** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 633** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 634** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 635** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 636** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 637** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 658** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 659** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 660** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 661** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 662** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 663** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 664** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 665** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 666** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 667** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 668** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 669** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 670** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 671** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 672** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 673** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 674** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 675** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 676** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 677** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 678** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 679** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 680** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 681** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 682** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 683** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 684** having been printed, was taken up and 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 House Bill 684 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Disabilities Services Act of 2003.

Section 5. Purpose. It is the purpose of this Act to create an advisory committee to develop and implement a disabilities services implementation plan as provided in Section 20 to ensure compliance by the State of Illinois with the Americans with Disabilities Act and the decision in *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999).

Section 10. Application of Act; definitions.

(a) This Act applies to persons with disabilities. The disabilities included are defined for purposes of this Act as follows:

"Disability" means a disability as defined by the Americans with Disabilities Act of 1990 that is attributable to a developmental disability, a mental illness, or a physical disability, or combination of those.

"Developmental disability" means a disability that is attributable to mental retardation or a related condition. A related condition must meet all of the following conditions:

(1) It must be attributable to cerebral palsy, epilepsy, or autism, or any other condition (other than mental illness) found to be closely related to mental retardation because that condition results in impairment of general intellectual functioning or adaptive behavior similar to that of individuals with mental retardation, and requires treatment or services similar to those required for those individuals.

(2) It must be manifested before the individual reaches age 22.

(3) It must be likely to continue indefinitely.

(4) It must result in substantial functional limitations in 3 or more of the following areas of major life activity: self-care, language, learning, mobility, self-direction, and capacity for independent living.

"Mental Illness" means a mental or emotional disorder verified by a diagnosis contained in the Diagnostic and Statistical Manual of Mental Disorders-Fourth Edition, published by the American Psychiatric Association (DSM-IV) or International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) that substantially impairs a person's cognitive, emotional, or behavioral functioning, or any combination of those, excluding (i) conditions that may be the focus of clinical attention but are not of sufficient duration or severity to be categorized as a mental illness, such as parent-child relational problems, partner-relational problems, sexual abuse of a child, bereavement, academic problems, phase-of-life problems, and occupational problems (collectively, "V codes"), (ii)

organic disorders such as substance intoxication dementia, substance withdrawal dementia, Alzheimer's disease, vascular dementia, dementia due to HIV infection, and dementia due to Creutzfeld-Jakob disease and disorders associated with known or unknown physical conditions such as hallucinosis, amnesic disorders and delirium, and psychoactive substance-induced organic disorders, and (iii) mental retardation or psychoactive substance use disorders.

"Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested before the age of 22 years.

"Physical disability" means a disability as defined by the Americans with Disabilities Act of 1990 that meets the following criteria:

(1) It is attributable to a physical impairment.

(2) It results in a substantial functional limitation in 3 or more of the following areas of major life activity: (i) self-care, (ii) receptive and expressive language, (iii) learning, (iv) mobility, (v) self-direction, (vi) capacity for independent living, and (vii) economic sufficiency.

(3) It reflects the person's need for a combination and sequence of special, interdisciplinary, or general care, treatment, or other services that are of lifelong or of extended duration and must be individually planned and coordinated.

(b) In this Act:

"Chronological age-appropriate services" means services, activities, and strategies for persons with disabilities that are representative of the lifestyle activities of nondisabled peers of similar age in the community.

"Comprehensive evaluation" means procedures used by qualified professionals selectively with an individual to determine whether a person has a disability and the nature and extent of the services that the person with a disability needs.

"Department" means the Department on Aging, the Department of Human Services, the Department of Public Health, the Department of Public Aid, the University of Illinois Division of Specialized Care for Children, the Department of Children and Family Services, and the Illinois State Board of Education, where appropriate, as designated in the implementation plan developed under Section 20.

"Family" means a natural, adoptive, or foster parent or parents or other person or persons responsible for the care of an individual with a disability in a family setting.

"Family or individual support" means those resources and services that are necessary to maintain an individual with a disability within the family home or his or her own home. These services may include, but are not limited to, cash subsidy, respite care, and counseling services.

"Independent service coordination" means a social service that enables persons with disabilities and their families to locate, use, and coordinate resources and opportunities in their communities on the basis of individual need. Independent service coordination is independent of providers of services and funding sources and is designed to ensure accessibility, continuity of care, and accountability and to maximize the potential of persons with disabilities for independence, productivity, and integration into the community. Independent service coordination includes, at a minimum: (i) outreach to identify eligible individuals; (ii) assessment and periodic reassessment to determine each individual's strengths, functional limitations, and need for specific services; (iii) participation in the development of a comprehensive individual service or treatment plan; (iv) referral to and linkage with needed services and supports; (v) monitoring to ensure the delivery of appropriate services and to determine individual progress in meeting goals and objectives; and (vi) advocacy to assist the person in obtaining all services for which he or she is eligible or entitled.

"Individual service or treatment plan" means a recorded assessment of the needs of a person with a disability, a description of the services recommended, the goals of each type of element of service, an anticipated timetable for the accomplishment of the goals, and a designation of the qualified professionals responsible for the implementation of the plan.

"Least restrictive environment" means an environment that represents the least departure from the normal patterns of living and that effectively meets the needs of the person receiving the service.

Section 15. Services. Services shall be provided in accordance with the individual service or treatment plan developed for an individual under this Section. The individual shall initially be screened for potential eligibility by the appropriate State agency and, if the individual is deemed probably eligible for a disability service or program, a comprehensive evaluation of the individual shall be conducted to determine the services and programs appropriate for that individual. The array of available services shall be described in the Disabilities Services Implementation Plan required under this Act and shall include, but need not be limited to:

(1) Comprehensive evaluation and diagnosis. A person with a suspected disability who is applying for Department-authorized disability services must receive, after an initial screening and a

determination of probable eligibility for a disability service or program, a comprehensive diagnosis and evaluation, including an assessment of skills, abilities, and potential for residential and work placement, adapted to his or her primary language, cultural background, and ethnic origin. All components of a comprehensive evaluation must be administered by a qualified examiner.

(2) Individual service or treatment plan. A person with a disability shall receive services in accordance with a current individual service or treatment plan. A person with a disability who is receiving services shall be provided periodic reevaluation and review of the individual service or treatment plan, at least annually, in order to measure progress, to modify or change objectives if necessary, and to provide guidance and remediation techniques.

A person with a disability and his or her guardian have the right to participate in the planning and decision-making process regarding the person's individual service or treatment plan and to be informed in writing, or in that person's mode of communication, of progress at reasonable time intervals. Each person must be given the opportunity to make decisions and exercise options regarding the plan, consistent with the person's capabilities. Family members and other representatives of the person with a disability must be allowed, encouraged, and supported to participate as well, if the person with a disability consents to that participation.

(3) Nondiscriminatory access to services. A person with a disability may not be denied program services because of sex, ethnic origin, marital status, ability to pay (except where contrary to law), or criminal record. Specific program eligibility requirements with regard to disability, level of need, age, and other matters may be established by the Department by rule. The Department may set priorities for the provision of services and for determining the need and eligibility for services in accordance with available funding.

(4) Family or individual support. A person with a disability must be provided family or individual support services, or both, whenever possible and appropriate, to prevent unnecessary out-of-home placement and to foster independent living skills when authorized for such services.

(5) Residential choices and options. A person with a disability who requires residential placement in a supervised or supported setting must be provided choices among various residential options when authorized for those services. The placement must be offered in the least restrictive environment appropriate to the individual.

(6) Education. A person with a disability has the right to a free, appropriate public education as provided in both State and federal law. Each local educational agency must prepare persons with disabilities for adult living. In anticipation of adulthood, each person with a disability has the right to a transition plan developed and ready for implementation before the person's exit by no later than the school year in which the person reaches age 14, consistent with the requirements of the federal Individuals with Disabilities Education Act and Article XIV of the School Code.

(7) Vocational training. A person with a disability must be provided vocational training, when appropriate, that contributes to the person's independence and employment potential. This training should include strategies and activities in programs that lead to employment and reemployment in the least restrictive environment appropriate to the individual.

(8) Employment. A person with a disability has the right to be employed free from discrimination, pursuant to the Constitution and laws of this State.

(9) Independent service coordination. A person with a disability who is receiving direct services from the Department must be provided independent service coordination when needed.

(10) Due process. A person with a disability retains the rights of citizenship. Any person aggrieved by a decision of a department regarding services provided under this Act must be given an opportunity to present complaints at a due process hearing before an impartial hearing officer designated by the director of that department. Any person aggrieved by a final administrative decision rendered following the due process hearing may seek judicial review of that decision pursuant to the Administrative Review Law. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure. Attorney's fees and costs may be awarded to a prevailing complainant in any due process hearing or action for judicial review under this Act.

The right to a hearing under this item (10) is in addition to any other rights under federal, State, or local laws, however nothing in this Section shall be construed as requiring the establishment of a new due process hearing procedure if one already exists for a particular service or program.

Section 20. Implementation.

(a) The Governor shall appoint an advisory committee to assist in the development and implementation of a Disabilities Services Implementation Plan that will ensure compliance by the State of Illinois with the Americans with Disabilities Act and the decision in *Olmstead v. L.C.*, 119 S.Ct. 2176 (1999). The advisory committee shall be known as the Illinois Disabilities Services Advisory Committee

and shall be composed of no more than 33 members, including: persons who have a physical disability, a developmental disability, or a mental illness; senior citizens; advocates for persons with physical disabilities; advocates for persons with developmental disabilities; advocates for persons with mental illness; advocates for senior citizens; representatives of providers of services to persons with physical disabilities, developmental disabilities, and mental illness; representatives of providers of services to senior citizens; and representatives of organized labor.

In addition, the following State officials shall serve on the committee as ex-officio non-voting members: the Secretary of Human Services or his or her designee; the State Superintendent of Education or his or her designee; the Director of Aging or his or her designee; the Executive Director of the Illinois Housing Development Authority or his or her designee; the Director of Public Aid or his or her designee; and the Director of Employment Security or his or her designee.

The advisory committee shall select officers, including a chair and a vice-chair.

The advisory committee shall meet at least quarterly and shall keep official meeting minutes. Committee members shall not be compensated but shall be paid for their expenses related to attendance at meetings.

(b) The implementation plan must include, but need not be limited to, the following:

(1) Establishing procedures for completing comprehensive evaluations, including provisions for Department review and approval of need determinations. The Department may utilize independent evaluators and targeted or sample reviews during this review and approval process, as it deems appropriate.

(2) Establishing procedures for the development of an individual service or treatment plan for each person with a disability, including provisions for Department review and authorization.

(3) Identifying core services to be provided by agencies of the State of Illinois or other agencies.

(4) Establishing minimum standards for individualized services.

(5) Establishing minimum standards for residential services in the least restrictive environment.

(6) Establishing minimum standards for vocational services.

(7) Establishing due process hearing procedures.

(8) Establishing minimum standards for family support services.

(9) Securing financial resources necessary to fulfill the purposes and requirements of this Act, including but not limited to obtaining approval and implementing waivers or demonstrations authorized under federal law.

(c) The Governor, with the assistance of the Illinois Disabilities Services Advisory Committee and the Secretary of Human Services, is responsible for the completion of the implementation plan. The Governor must submit a report to the General Assembly by November 1, 2004, which must include the following:

(1) The implementation plan.

(2) A description of current and planned programs and services necessary to meet the requirements of the individual service or treatment plans required by this Act, together with the actions to be taken by the State of Illinois to ensure that those plans will be implemented. This description shall include a report of related program and service improvements or expansions implemented by the Department since the effective date of this Act.

(3) The estimated costs of current and planned programs and services to be provided under the implementation plan.

(4) A report on the number of persons with disabilities who may be eligible to receive services under this Act, together with a report on the number of persons who are currently receiving those services.

(5) Any proposed changes in State policies, laws, or regulations necessary to fulfill the purposes and requirements of this Act.

(d) The Governor, with the assistance of the Secretary of Human Services, shall annually update the implementation plan and report changes to the General Assembly by July 1 of each year. Initial implementation of the plan is required by July 1, 2005. The requirement of annual updates and reports expires in 2008, unless otherwise extended by the General Assembly.

Section 25. Appropriations. Services shall be provided under this Act to the extent that appropriations are made available by the General Assembly for the programs and services indicated in the implementation plan.

Section 30. Entitlements. This Act does not create any new entitlement to a service, program, or benefit, but shall not be construed to affect any entitlement to a service, program, or benefit created by any other law.

(405 ILCS 80/1-1 rep.)

[May 6, 2003]

(405 ILCS 80/1-2 rep.)

(405 ILCS 80/1-3 rep.)

(405 ILCS 80/1-4 rep.)

(405 ILCS 80/1-5 rep.)

Section 90. The Developmental Disability and Mental Disability Services Act is amended by repealing Sections 1-1, 1-2, 1-3, 1-4, and 1-5 (the Developmental Disabilities Services Law).

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

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

On motion of Senator Link, **House Bill No. 685** having been printed, was taken up and 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 House Bill 685 by replacing the title with the following:

"AN ACT concerning public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by adding Sections 5-2.05 and 5-2.4 as follows:

(305 ILCS 5/5-2.05 new)

Sec. 5-2.05. Use of Medicaid spend-down. Persons described in item 2(a) of Section 5-2, who fail to qualify for basic maintenance under Article III of this Code on the basis of need because of excess income or assets, or both, may establish prospective eligibility for that basic maintenance by prepaying their monthly spend-down amount under this Article (as described in 42 CFR 435.831) to the Department of Public Aid or by having a third party pay that amount to the Department. The Department shall establish appropriate procedures to permit such a prepayment of spend-down amounts.

(305 ILCS 5/5-2.4 new)

Sec. 5-2.4. Determination of spend-down eligibility. In the case of community-based services, long-term care services, and services received in a supportive living facility described in Section 5-5.01a, when determining whether a person has met a spend-down requirement for eligibility under paragraph 2 of Section 5-2, the Department of Public Aid shall allow bills for those services at the usual, customary, or competitive rate for community-based services, as funded by the Department of Human Services and as established by the community-based service provider as part of the provider's policy and procedure concerning the establishment of fees for services.

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

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

On motion of Senator E. Jones, **House Bill No. 686** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 687** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 688** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 689** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 690** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 691** 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 E. Jones, **House Bill No. 692** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 693** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 694** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 695** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 696** 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 E. Jones, **House Bill No. 697** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 699** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 700** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 701** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 702** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 703** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 704** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 705** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 706** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 707** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 708** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 709** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 711** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 712** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 736** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 737** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 738** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 739** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 740** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 742** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 743** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 744** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 745** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 746** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 747** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 748** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 749** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 750** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 752** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 753** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 754** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 755** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 756** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 757** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 758** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 759** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 760** was taken up and read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today. There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 761** was taken up, read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today. There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 762** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 763** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 765** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 766** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 767** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 768** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 769** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 770** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 771** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 772** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 773** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 774** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 775** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 776** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 797** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 798** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 799** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 800** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 801** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 802** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 803** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 804** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 805** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 806** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 807** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 808** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 809** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 810** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 811** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 812** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 813** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 814** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 815** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 837** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 838** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 839** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 840** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 841** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 843** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 844** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 845** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 846** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 848** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 849** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 850** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 851** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 852** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 853** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 854** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 855** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 856** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 857** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 858** was taken up and read by title a second time.

[May 6, 2003]

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.
There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 859** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 860** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 861** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 862** was taken up and read by title a second time.
Floor Amendment No. 1 was referred to the Committee on Rules earlier today.
There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 863** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 864** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 865** was taken up and read by title a second time.
Floor Amendment No. 1 was referred to the Committee on Rules earlier today.
There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 866** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 867** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 868** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 869** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 870** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 871** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 872** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 873** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 874** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 875** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 876** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 877** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 878** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 879** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 880** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 881** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 882** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 883** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 884** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 885** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 886** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 887** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 888** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 889** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 890** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 891** was taken up and read by title a second time. Committee Amendment No.1 was held in the Committee on Rules. There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 892** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 893** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 894** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 895** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 896** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 897** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 898** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 899** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 900** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 901** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 902** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 903** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 904** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 905** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 906** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 907** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 908** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 910** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 911** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 913** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 916** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 917** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 918** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 919** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 920** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 921** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 922** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 923** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 924** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 925** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 926** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 927** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 928** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 929** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 930** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 931** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 932** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 933** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 934** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 935** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 936** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 937** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 938** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 940** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 941** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 942** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **House Bill No. 943** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 943 by replacing the title with the following:

"AN ACT in relation to public employee benefits."; and

by replacing everything after the enacting clause with the following:

"Section 5. The State Employees Group Insurance Act of 1971 is amended by changing Section 8 as follows:

(5 ILCS 375/8) (from Ch. 127, par. 528)

Sec. 8. Eligibility. (a) Each member eligible under the provisions of this Act and any rules and regulations promulgated and adopted hereunder by the Director shall become immediately eligible and covered for all benefits available under the programs. Members electing coverage for eligible dependents shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

(1) Every member originally eligible to elect dependent coverage, but not electing it during the original eligibility period, may subsequently obtain dependent coverage only in the event of a qualifying change in status, special enrollment, special circumstance as defined by the Director, or during the annual Benefit Choice Period.

(2) Members described above being transferred from previous coverage towards which the State has been contributing shall be transferred regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled.

(3) Eligible and covered members that are eligible for coverage as dependents except for the fact of being members shall be transferred to, and covered under, dependent status regardless of preexisting conditions, waiting periods, or other requirements that might jeopardize claim payments to which they would otherwise have been entitled upon cessation of member status and the election of dependent coverage by a member eligible to elect that coverage.

(b) New employees shall be immediately insured for the basic group life insurance and covered by the program of health benefits on the first day of active State service. Optional coverages or benefits, if elected during the relevant eligibility period, will become effective on the date of employment. Optional coverages or benefits applied for after the eligibility period will be effective, subject to satisfactory evidence of insurability when applicable, or other necessary qualifications, pursuant to the requirements of the applicable benefit program, unless there is a change in status that would confer new eligibility for change of enrollment under rules established supplementing this Act, in which event application must be made within the new eligibility period.

(c) As to the group health benefits program contracted to begin or continue after June 30, 1973, each retired employee shall become immediately eligible and covered for all benefits available under that program. Retired employees may elect coverage for eligible dependents and shall have the coverage effective immediately, provided that the election is properly filed in accordance with required filing dates and procedures specified by the Director.

Except as otherwise provided in this Act, where husband and wife are both eligible members, each shall be enrolled as a member and coverage on their eligible dependent children, if any, may be under the enrollment and election of either.

Regardless of other provisions herein regarding late enrollment or other qualifications, as appropriate, the Director may periodically authorize open enrollment periods for each of the benefit programs at which time each member may elect enrollment or change of enrollment without regard to age, sex, health, or other qualification under the conditions as may be prescribed in rules and regulations

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supplementing this Act. Special open enrollment periods may be declared by the Director for certain members only when special circumstances occur that affect only those members.

(d) Beginning with fiscal year 2003 and for all subsequent years, eligible members may elect not to participate in the program of health benefits as defined in this Act. The election must be made during the annual benefit choice period, subject to the conditions in this subsection.

(1) Members must furnish proof of health benefit coverage, either comprehensive major medical coverage or comprehensive managed care plan, from a source other than the Department of Central Management Services in order to elect not to participate in the program.

(2) Members may re-enroll in the Department of Central Management Services program of health benefits upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions, provided that there was not a break in coverage of more than 63 days.

(3) Members may also re-enroll in the program of health benefits during any annual benefit choice period, without evidence of insurability.

(4) Members who elect not to participate in the program of health benefits shall be furnished a written explanation of the requirements and limitations for the election not to participate in the program and for re-enrolling in the program. The explanation shall also be included in the annual benefit choice options booklets furnished to members.

(e) Notwithstanding any other provision of this Act or the rules adopted under this Act, if a person participating in the program of health benefits as the dependent spouse of an eligible member becomes an annuitant, the person may elect, at the time of becoming an annuitant or during any subsequent annual benefit choice period, to continue participation as a dependent rather than as an eligible member for as long as the person continues to be an eligible dependent.

An eligible member who has elected to participate as a dependent may re-enroll in the program of health benefits as an eligible member (i) during any subsequent annual benefit choice period or (ii) upon showing a qualifying change in status, as defined in the U.S. Internal Revenue Code, without evidence of insurability and with no limitations on coverage for pre-existing conditions.

A person who elects to participate in the program of health benefits as a dependent rather than as an eligible member shall be furnished a written explanation of the consequences of electing to participate as a dependent and the conditions and procedures for re-enrolling as an eligible member. The explanation shall also be included in the annual benefit choice options booklet furnished to members. (Source: P.A. 91-390, eff. 7-30-99; 92-600, eff. 6-28-02.)

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

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

On motion of Senator E. Jones, **House Bill No. 944** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 945** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 946** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 947** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 948** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 949** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 950** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 951** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator E. Jones, **House Bill No. 952** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 953** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 954** having been printed, was taken up and 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 House Bill 954 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 2 as follows:

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings. (a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the requirement that public bodies meet in the open, and therefore, the exceptions are to be strictly construed, extending only to subjects clearly within their scope. The exceptions authorize but do not require the holding of a closed meeting to discuss a subject included within an enumerated exception.

(c) Exceptions. A public body may hold closed meetings to consider the following subjects:

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body, including hearing testimony on a complaint lodged against an employee to determine its validity.

(2) Collective negotiating matters between the public body and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees.

(3) The selection of a person to fill a public office, as defined in this Act, including a vacancy in a public office, when the public body is given power to appoint under law or ordinance, or the discipline, performance or removal of the occupant of a public office, when the public body is given power to remove the occupant under law or ordinance.

(4) Evidence or testimony presented in open hearing, or in closed hearing where specifically authorized by law, to a quasi-adjudicative body, as defined in this Act, provided that the body prepares and makes available for public inspection a written decision setting forth its determinative reasoning.

(5) The purchase or lease of real property for the use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts.

(8) Security procedures and the use of personnel and equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any insurer of the public body or any intergovernmental risk management association or self insurance pool of which the public body is a member.

(13) Conciliation of complaints of discrimination in the sale or rental of housing, when closed meetings are authorized by the law or ordinance prescribing fair housing practices and creating a

commission or administrative agency for their enforcement.

(14) Informant sources, the hiring or assignment of undercover personnel or equipment, or ongoing, prior or future criminal investigations, when discussed by a public body with criminal investigatory responsibilities.

(15) Professional ethics or performance when considered by an advisory body appointed to advise a licensing or regulatory agency on matters germane to the advisory body's field of competence.

(16) Self evaluation, practices and procedures or professional ethics, when meeting with a representative of a statewide association of which the public body is a member.

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body.

(18) Deliberations for decisions of the Prisoner Review Board.

(19) Review or discussion of applications received under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Employees Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

"Quasi-judicative body" means an administrative body charged by law or ordinance with the responsibility to conduct hearings, receive evidence or testimony and make determinations based thereon, but does not include local electoral boards when such bodies are considering petition challenges.

(e) Final action. No final action may be taken at a closed meeting. Final action shall be preceded by a public recital of the nature of the matter being considered and other information that will inform the public of the business being conducted. (Source: P.A. 90-144, eff. 7-23-97; 91-730, eff. 1-1-01.)

Section 10. 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 all information determined to be confidential under Section 4002 of the Technology Advancement and Development Act. 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, and other construction related technical documents for projects not constructed or developed in whole or in part with public funds and the same for projects constructed or developed with public funds, but only 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.

(ll) Vulnerability assessments, security measures, and response policies or plans that are designed to identify, prevent, or respond to potential attacks upon a community's population or systems, facilities, or installations, the destruction or contamination of which would constitute a clear and present danger to the health or safety of the community, but only to the extent that disclosure could reasonably be expected to jeopardize the effectiveness of the measures or the safety of the personnel who implement them or the public. Information exempt under this item may include such things as details pertaining to the mobilization or deployment of personnel or equipment, to the operation of communication systems or protocols, or to tactical operations.

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

(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.)

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

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

On motion of Senator E. Jones, **House Bill No. 955** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 956** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 957** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 958** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 959** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator E. Jones, **House Bill No. 960** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 961** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 963** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 964** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 965** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 966** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 967** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 968** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 969** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 970** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 971** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 972** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 973** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 974** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 975** was taken up and read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today. There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 976** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 977** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 978** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 979** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 980** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 981** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 982** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 983** 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 E. Jones, **House Bill No. 984** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 985** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 986** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 987** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 988** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 989** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 990** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 991** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 992** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 993** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 994** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 995** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 996** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 997** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 998** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator E. Jones, **House Bill No. 1020** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1021** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1022** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1023** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1024** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1025** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1026** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1027** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1028** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1029** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1030** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1031** was taken up and read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today. There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1032** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1033** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1034** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1035** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1036** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1037** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1038** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator E. Jones, **House Bill No. 1060** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1061** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1062** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1063** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1064** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1065** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1066** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1067** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1068** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1069** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1070** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1071** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1072** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1073** was taken up, read by title a second time. Floor Amendment No. 1 was referred to the Committee on Rules earlier today. There being no further amendments the bill was ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1074** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1075** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1076** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1077** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1078** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator E. Jones, **House Bill No. 1080** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1081** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1082** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1083** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1084** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1085** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1086** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 1087** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 1089** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 1091** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 1096** having been printed, was taken up and read by title a second time.

The following amendment was offered in the Committee on Agriculture & Conservation, adopted and ordered printed:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1096 on page 1, in line 5 by replacing "and 2.26" with ", 2.26, 3.2, 3.27, 3.29, and 3.30"; and on page 5, by inserting after line 32 the following:

"(520 ILCS 5/3.2) (from Ch. 61, par. 3.2)

Sec. 3.2. Hunting license; application; instruction. Before the Department or any county, city, village, township, incorporated town clerk or his duly designated agent or any other person authorized or designated by the Department to issue hunting licenses shall issue a hunting license to any person, the person shall file his application with the Department or other party authorized to issue licenses on a form provided by the Department and further give definite proof of identity and place of legal residence. Each clerk designating agents to issue licenses and stamps shall furnish the Department, within 10 days following the appointment, the names and mailing addresses of the agents. Each clerk or his duly designated agent shall be authorized to sell licenses and stamps only within the territorial area for which he was elected or appointed. No duly designated agent is authorized to furnish licenses or stamps for issuance by any other business establishment. Each application shall be executed and sworn to and shall set forth the name and description of the applicant and place of residence.

No hunting license shall be issued to any person born on or after January 1, 1980 unless he presents the person authorized to issue the license evidence that he has held a hunting license issued by the State of Illinois or another state in a prior year, or a certificate of competency as provided in this Section. Persons under 16 years of age may be issued a Lifetime Hunting or Sportsmen's Combination License as provided under Section 20-45 of the Fish and Aquatic Life Code but shall not be entitled to hunt unless they have a certificate of competency as provided in this Section and they shall have the certificate in their possession while hunting.

The Department of Natural Resources shall authorize personnel of the Department or certified

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volunteer instructors to conduct courses, of not less than 10 hours in length, in firearms and hunter safety, which may include training in bow and arrow safety, at regularly specified intervals throughout the State. Persons successfully completing the course shall receive a certificate of competency. The Department of Natural Resources may further cooperate with any reputable association or organization in establishing courses if the organization has as one of its objectives the promotion of safety in the handling of firearms or bow and arrow.

The Department of Natural Resources shall designate any person found by it to be competent to give instruction in the handling of firearms, hunter safety, and bow and arrow. The persons so appointed shall give the course of instruction and upon the successful completion shall issue to the person instructed a certificate of competency in the safe handling of firearms, hunter safety, and bow and arrow. No charge shall be made for any course of instruction except for materials or ammunition consumed. The Department of Natural Resources shall furnish information on the requirements of hunter safety education programs to be distributed free of charge to applicants for hunting licenses by the persons appointed and authorized to issue licenses. Funds for the conducting of firearms and hunter safety courses shall be taken from the fee charged for the Firearm Owners Identification Card.

The fee for a hunting license to hunt all species for a resident of Illinois is \$7. For residents age 65 or older, the fee is one-half of the fee charged for a hunting license to hunt all species for a resident of Illinois. Nonresidents shall be charged \$50 for a hunting license.

Nonresidents may be issued a nonresident hunting license for a period not to exceed 10 consecutive days' hunting in the State and shall be charged a fee of \$28.

A special nonresident hunting license authorizing a nonresident to take game birds by hunting on a game breeding and hunting preserve area only, established under Section 3.27, shall be issued upon proper application being made and payment of a fee equal to that for a resident hunting license. The expiration date of this license shall be on the same date March 31 of each year that game breeding and hunting preserve area licenses expire.

Each applicant for a State Migratory Waterfowl Stamp, regardless of his residence or other condition, shall pay a fee of \$10 and shall receive a stamp. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Each applicant for a State Habitat Stamp, regardless of his residence or other condition, shall pay a fee of \$5 and shall receive a stamp. Except as provided under Section 20-45 of the Fish and Aquatic Life Code, the stamp shall be signed by the person or affixed to his license or permit in a space designated by the Department for that purpose.

Nothing in this Section shall be construed as to require the purchase of more than one State Habitat Stamp by any person in any one license year.

The Department shall furnish the holders of hunting licenses and stamps with an insignia as evidence of possession of license, or license and stamp, as the Department may consider advisable. The insignia shall be exhibited and used as the Department may order.

All other hunting licenses and all State stamps shall expire upon March 31 of each year.

Every person holding any license, permit, or stamp issued under the provisions of this Act shall have it in his possession for immediate presentation for inspection to the officers and authorized employees of the Department, any sheriff, deputy sheriff, or any other peace officer making a demand for it. This provision shall not apply to Department owned or managed sites where it is required that all hunters deposit their license, permit, or Firearm Owner's Identification Card at the check station upon entering the hunting areas. (Source: P.A. 89-75, eff. 1-1-96; 89-338, eff. 1-1-96; 89-445, eff. 2-7-96; 89-626, eff. 8-9-96; 90-225, eff. 7-25-97.)

(520 ILCS 5/3.27) (from Ch. 61, par. 3.27)

Sec. 3.27. Any person owning, holding or controlling, by lease, which possession must be for a term of 5 or more years, any contiguous tract of land having an area of not less than 200 acres, and not more than 1280 acres, with at least 100 acres of suitable wildlife habitat, who desires to establish a game breeding and hunting preserve area, to propagate, preserve and hunt game birds shall make application to the Department for a license as herein provided. Such application shall be made under oath of the applicant or under oath of one of its principal officers if the applicant is an association, club or corporation. In the case of releasing and harvesting hand reared mallards, the tract of land, with the approval of the Department, may be smaller than that required in this Section but in all other respects the applicant shall conform to the provisions of this Act. The application shall be accompanied by a license fee of not to exceed \$100 for a Class A license or a license fee not to exceed \$200 for a Class B license.

Every licensee under this Section shall release not less than 250 Bobwhite quail or pheasants each season.

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Upon receipt of such application, the Department shall inspect the proposed licensed area described in such application and the premises and facilities where game birds are to be propagated and the cover for game birds and the ability of the applicant to operate a property of this character. If the Department finds that the area meets the requirements of all applicable laws and administrative rules and that the game birds are reasonably healthy and disease free; and that the issuing of the license will otherwise be in the public interest; the Department shall approve the application and issue the license for the operation of the property described in the application with the rights and subject to the limitations in this Act prescribed.

All game breeding and hunting preserve area licenses expire on April 30 of each year.

Upon receipt of such license, the licensee shall promptly post such licensed areas at intervals of not more than 500 feet with signs to be prescribed by the Department. The boundaries of such licensed game breeding and hunting preserve areas shall also be clearly defined by natural or artificial boundaries and by signs. (Source: P.A. 85-152.)

(520 ILCS 5/3.29) (from Ch. 61, par. 3.29)

Sec. 3.29. For the purpose of this Act, game birds shall be released upon licensed game breeding and hunting preserve areas in a manner satisfactory to the Department. The licensee shall keep a register on forms prescribed by the Department which shall clearly show the number and kind of game birds released ~~and propagated~~ each year, the month date of release, and also the number and kind of game birds taken, the month date when taken and the disposition made of such game birds, and shall submit such reports under oath as to game birds released, ~~propagated~~ and taken, to the Department not later than 10 days following the end of each month during the season. The Department shall keep an adequate record of the number of birds released ~~and propagated~~ on each licensed game breeding and hunting preserve area in each year and of the birds taken.

The Department shall prepare special tags suitable for use upon legs of game birds, including hand reared mallard ducks, which tags shall be of a type not removable without breaking and mutilating the tag, such tags to be used to designate birds taken upon a licensed game breeding and hunting preserve area, and such tag shall remain upon the leg of such game bird until such bird is finally prepared for consumption. Those licensed areas which dress game birds may affix the tag to the bag in which the dressed game birds ~~are~~ bird is contained. Upon application and payment of a fee of 10 cents for each such tag, the Department shall furnish licensees with such tags; ~~provided that the Department shall not in any year furnish any licensee a number of tags in excess of the number of game birds which may lawfully be taken from such licensed area as hereinbefore provided.~~ All game birds harvested on licensed areas are to be properly banded on the same day they are taken. (Source: P.A. 84-150.)

(520 ILCS 5/3.30) (from Ch. 61, par. 3.30)

Sec. 3.30. Game birds may be taken upon a Class A game breeding and hunting preserve area only during the period from September 1st to April 15th, ~~or as otherwise determined by the Director through the issuance of an Administrative Rule,~~ of each year, both dates inclusive. Game birds may be taken upon a Class B game breeding and hunting preserve area all year.

Before any person shall take or attempt to take game birds upon such licensed game breeding and hunting preserve areas, he shall first secure a hunting license in accordance with this Act. (Source: P.A. 85-152.)"

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1096 on page 1, line 9, by changing "~~as provided by administrative rule,~~" to "as provided by administrative rule,".

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

On motion of Senator Garrett, **House Bill No. 1103** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1111** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1112** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1113** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator E. Jones, **House Bill No. 1114** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 1119** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Jones, **House Bill No. 1121** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 1150** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **House Bill No. 1161** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Brady, **House Bill No. 1185** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 1186** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **House Bill No. 1189** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 1193** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1194** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 1195** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1195 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Fire Department Promotion Act.

Section 5. Definitions. In this Act:

"Affected department" or "department" means a full-time municipal fire department that is subject to a collective bargaining agreement or the fire department operated by a full-time fire protection district that is subject to a collective bargaining agreement. The terms do not include fire departments operated by the State, a university, or a municipality with a population over 1,000,000 or any unit of local government other than a municipality or fire protection district. The terms also do not include a combined department that was providing both police and firefighting services on January 1, 2002.

"Appointing authority" means the Board of Fire and Police Commissioners, Board of Fire Commissioners, Civil Service Commissioners, Superintendent or Department Head, Fire Protection District Board of Trustees, or other entity having the authority to administer and grant promotions in an affected department.

"Promotion" means any appointment or advancement to a rank within the affected department (1) for which an examination was required before January 1, 2001; (2) that is included within a bargaining unit; or (3) that is the next rank immediately above the highest rank included within a bargaining unit, provided such rank is not the only rank between the Fire Chief and the highest rank included within the bargaining unit, or is a rank otherwise accepted under item (i), (ii), (iii), (iv), or (v) of this definition "Promotion" does not include appointments (i) that are for fewer than 180 days; (ii) to the positions of Superintendent, Chief, or other chief executive officer; (iii) to an exclusively administrative or executive rank for which an examination is not required; (iv) to a rank that was exempted by a home rule

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municipality prior to January 1, 2001, provided that after the effective date of this Act no home rule municipality may exempt any future or existing ranks from the provisions of this Act; or (v) to an administrative rank immediately below the Superintendent, Chief, or other chief executive officer of an affected department, provided such rank shall not be held by more than 2 persons and there is a promoted rank immediately below it. Notwithstanding the exceptions to the definition of "promotion" set forth in items (i), (ii), (iii), (iv), and (v) of this definition, promotions shall include any appointments to ranks covered by the terms of a collective bargaining agreement in effect on the effective date of this Act.

"Preliminary promotion list" means the rank order of eligible candidates established in accordance with subsection (b) of Section 20 prior to applicable veteran's preference points. A person on the preliminary promotion list who is eligible for veteran's preference under the laws and agreements applicable to the appointing authority may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated in accordance with Section 55 and applied as an addition to the person's total point score on the examination. The appointing authority shall make adjustments to the preliminary promotion list based on any veteran's preference claimed and the final adjusted promotion list shall then be posted by the appointing authority.

"Final adjusted promotion list" means the promotion list for the position that is in effect on the date the position is created or the vacancy occurs. If there is no final adjusted promotion list in effect for that position on that date, or if all persons on the current final adjusted promotion list for that position refuse the promotion, the affected department shall not make a permanent promotion until a new final adjusted promotion list has been prepared in accordance with this Act, but may make a temporary appointment to fill the vacancy. Temporary appointments shall not exceed 180 days.

Each component of the promotional test shall be scored on a scale of 100 points. The component scores shall then be reduced by the weighting factor assigned to the component on the test and the scores of all components shall be added to produce a total score based on a scale of 100 points.

Section 10. Applicability.

(a) This Act shall apply to all positions in an affected department, except those specifically excluded in items (i), (ii), (iii), (iv), and (v) of the definition of "promotion" in Section 5 unless such positions are covered by a collective bargaining agreement in force on the effective date of this Act. Existing promotion lists shall continue to be valid until their expiration dates, or up to a maximum of 3 years after the effective date of this Act.

(b) Notwithstanding any statute, ordinance, rule, or other laws to the contrary, all promotions in an affected department to which this Act applies shall be administered in the manner provided for in this Act. Provisions of the Illinois Municipal Code, the Fire Protection District Act, municipal ordinances, or rules adopted pursuant to such authority and other laws relating to promotions in affected departments shall continue to apply to the extent they are compatible with this Act, but in the event of conflict between this Act and any other law, this Act shall control.

(c) A home rule or non-home rule municipality may not administer its fire department promotion process in a manner that is inconsistent with 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 the powers and functions exercised by the State.

(d) This Act is intended to serve as a minimum standard and shall be construed to authorize and not to limit:

(1) An appointing authority from establishing different or supplemental promotional criteria or components, provided that the criteria are job-related and applied uniformly to identify merit factors for the promotion of the candidate of the highest rank.

(2) The negotiation by an employer and an exclusive bargaining representative of clauses within a collective bargaining agreement relating to conditions of procedures for the promotion of employees who are members of bargaining units who are not specifically excluded under the definition of "promotion" in Section 10 of this Act.

(3) The negotiation by an employer and an exclusive bargaining representative of provisions within a collective bargaining agreement to achieve affirmative action objectives, provided that such clauses are consistent with applicable law.

Section 15. Promotion process.

(a) For the purpose of granting promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, administer a promotion process in accordance with this Act.

(b) Eligibility requirements to participate in the promotional process may include a minimum

requirement as to the length of employment, education, training, and certification in subjects and skills related to fire fighting. After the effective date of this Act, any such eligibility requirements shall be published at least one year prior to the date of the beginning of the promotional process and all members of the affected department shall be given an equal opportunity to meet those eligibility requirements.

(c) All aspects of the promotion process shall be equally accessible to all eligible employees of the department. Every component of the testing and evaluation procedures shall be published to all eligible candidates when the announcement of promotional testing is made. The scores for each component of the testing and evaluation procedures shall be disclosed to each candidate as soon as practicable after the component is completed.

(d) The appointing authority shall provide a separate promotional examination for each rank that is filled by promotion. All examinations for promotion shall be competitive among the members of the next lower rank who meet the established eligibility requirements and desire to submit themselves to examination. The appointing authority may employ consultants to design and administer promotion examinations or may adopt any job-related examinations or study materials that may become available, so long as they comply with the requirements of this Act.

Section 20. Promotion lists.

(a) For the purpose of granting a promotion to any rank to which this Act applies, the appointing authority shall from time to time, as necessary, prepare a preliminary promotion list in accordance with this Act. The preliminary promotion list shall be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(b) A person's position on the preliminary promotion list shall be determined by a combination of factors which may include any of the following: (i) the person's score on the written examination for that rank, determined in accordance with Section 35; (ii) the person's seniority within the department, determined in accordance with Section 40; (iii) the person's ascertained merit, determined in accordance with Section 45; and (iv) the person's score on the subjective evaluation, determined in accordance with Section 50. Candidates shall be ranked on the list in rank order based on the highest to the lowest total points scored on all of the components of the test. Promotional components, as defined herein, shall be determined and administered in accordance with the referenced Section, unless otherwise modified or agreed to as provided by paragraph (1) or (2) of subsection (e) of Section 10. The use of physical criteria, including but not limited to fitness testing, agility testing, and medical evaluations, is specifically barred from the promotion process.

(c) A person on the preliminary promotion list who is eligible for a veteran's preference under the laws and agreements applicable to the department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The preference shall be calculated as provided under Section 55 and added to the total score achieved by the candidate on the test. The appointing authority shall then make adjustments to the rank order of the preliminary promotion list based on any veteran's preferences awarded. The final adjusted promotion list shall then be distributed, posted, or otherwise made conveniently available by the appointing authority to all members of the department.

(d) Whenever a promotional rank is created or becomes vacant due to resignation, discharge, promotion, death, or the granting of a disability or retirement pension, or any other cause, the appointing authority shall appoint to that position the person with the highest ranking on the final promotion list for that rank, except that the appointing authority shall have the right to pass over that person and appoint the next highest ranked person on the list if the appointing authority has reason to conclude that the highest ranking person has demonstrated substantial shortcomings in work performance or has engaged in misconduct affecting the person's ability to perform the duties of the promoted rank since the posting of the promotion list. If the highest ranking person is passed over, the appointing authority shall document its reasons for its decision to select the next highest ranking person on the list. Unless the reasons for passing over the highest ranking person are not remedial, no person who is the highest ranking person on the list at the time of the vacancy shall be passed over more than once. Any dispute as to the selection of the first or second highest-ranking person shall be subject to resolution in accordance with any grievance procedure in effect covering the employee. Local authorities affected by this Section may agree to waive this Section and bargain on its contents.

A vacancy shall be deemed to occur in a position on the date upon which the position is vacated, and on that same date, a vacancy shall occur in all ranks inferior to that rank, provided that the position or positions continue to be funded and authorized by the corporate authorities. If a vacated position is not filled due to a lack of funding or authorization and is subsequently reinstated, the final promotion list shall be continued in effect until all positions vacated have been filled or for a period up to 5 years beginning from the date on which the position was vacated. In such event, the candidate or candidates

who would have otherwise been promoted when the vacancy originally occurred shall be promoted.

Any candidate may refuse a promotion once without losing his or her position on the final adjusted promotion list. Any candidate who refuses promotion a second time shall be removed from the final adjusted promotion list, provided that such action shall not prejudice a person's opportunities to participate in future promotion examinations.

(e) A final adjusted promotion list shall remain valid and unaltered for a period of not less than 2 nor more than 3 years after the date of the initial posting. Integrated lists are prohibited and when a list expires it shall be void, except as provided in subsection (d) of this Section. If a promotion list is not in effect, a successor list shall be prepared and distributed within 180 days after a vacancy, as defined in subsection (d) of this Section.

(f) This Section 20 does not apply to the initial hiring list.

Section 25. Monitoring.

(a) All aspects of the promotion process, including without limitation the administration, scoring, and posting of scores for the written examination and subjective evaluation and the determination and posting of seniority and ascertained merit scores, shall be subject to monitoring and review in accordance with this Section and Sections 30 and 50.

(b) Two impartial persons who are not members of the affected department shall be selected to act as observers by the exclusive bargaining agent. The appointing authorities may also select 2 additional impartial observers.

(c) The observers monitoring the promotion process are authorized to be present and observe when any component of the test is administered or scored. Except as otherwise agreed to in a collective bargaining agreement, observers may not interfere with the promotion process, but shall promptly report any observed or suspected violation of the requirements of this Act or an applicable collective bargaining agreement to the appointing authority and all other affected parties.

(d) The provisions of this Section do not apply to the extent that they are inconsistent with provisions otherwise agreed to in a collective bargaining agreement.

Section 30. Promotion examination components. Promotion examinations that include components consisting of written examinations, seniority points, ascertained merit, or subjective evaluations shall be administered as provided in Sections 35, 40, 45 and 50. The weight, if any, that is given to any such component included in a test may be set at the discretion of the appointing authority provided that such weight shall be subject to modification by the terms of any collective bargaining agreement in effect on the effective date of this Act or thereafter by negotiations between the employer and an exclusive bargaining representative. If the appointing authority establishes a minimum passing score, such score shall be announced prior to the date of the promotion process and it must be an aggregate of all components of the testing process. All candidates shall be allowed to participate in all components of the testing process irrespective of their score on any one component. The provisions of this Section do not apply to the extent that they are inconsistent with provisions otherwise agreed to in a collective bargaining agreement.

Section 35. Written examinations.

(a) The appointing authority may not condition eligibility to take the written examination on the candidate's score on any of the previous components of the examination. The written examination for a particular rank shall consist of matters relating to the duties regularly performed by persons holding that rank within the department. The examination shall be based only on the contents of written materials that the appointing authority has identified and made readily available to potential examinees at least 90 days before the examination is administered. The test questions and material must be pertinent to the particular rank for which the examination is being given. The written examination shall be administered after the determination and posting of the seniority list, ascertained merit points, and subjective evaluation scores. The written examination shall be administered, the test materials opened, and the results scored and tabulated.

(b) Written examinations shall be graded at the examination site on the day of the examination immediately upon completion of the test in front of the observers if such observers are appointed under Section 25, or if the tests are graded offsite by a bona fide testing agency, the observers shall witness the sealing and the shipping of the tests for grading and the subsequent opening of the scores upon the return from the testing agency. Every examinee shall have the right (i) to obtain his or her score on the examination on the day of the examination or upon the day of its return from the testing agency (or the appointing authority shall require the testing agency to mail the individual scores to any address submitted by the candidates on the day of the examination); and (ii) to review the answers to the examination that the examiners consider correct. The appointing authority may hold a review session after the examination for the purpose of gathering feedback on the examination from the candidates.

(c) Sample written examinations may be examined by the appointing authority and members of the department, but no person in the department or the appointing authority (including the Chief, Civil Service Commissioners, Board of Fire and Police Commissioners, Board of Fire Commissioners, or Fire Protection District Board of Trustees and other appointed or elected officials) may see or examine the specific questions on the actual written examination before the examination is administered. If a sample examination is used, actual test questions shall not be included. It is a violation of this Act for any member of the department or the appointing authority to obtain or divulge foreknowledge of the contents of the written examination before it is administered.

(d) Each department shall maintain reading and study materials for its current written examination and the reading list for the last 2 written examinations or for a period of 5 years, whichever is less, for each rank and shall make these materials available and accessible at each duty station.

(e) The provisions of this Section do not apply to the extent that they are in conflict with provisions otherwise agreed to in a collective bargaining agreement.

Section 40. Seniority points.

(a) Seniority points shall be based only upon service with the affected department and shall be calculated as of the date of the written examination. The weight of this component and its computation shall be determined by the appointing authority or through a collective bargaining agreement.

(b) A seniority list shall be posted before the written examination is given and before the preliminary promotion list is compiled. The seniority list shall include the seniority date, any breaks in service, the total number of eligible years, and the number of seniority points.

Section 45. Ascertained merit.

(a) The promotion test may include points for ascertained merit. Ascertained merit points may be awarded for education, training, and certification in subjects and skills related to the fire service. The basis for granting ascertained merit points, after the effective date of this Act, shall be published at least one year prior to the date ascertained merit points are awarded and all persons eligible to compete for promotion shall be given an equal opportunity to obtain ascertained merit points unless otherwise agreed to in a collective bargaining agreement.

(b) Total points awarded for ascertained merit shall be posted before the written examination is administered and before the promotion list is compiled.

Section 50. Subjective evaluation.

(a) A promotion test may include subjective evaluation components. Subjective evaluations may include an oral interview, tactical evaluation, performance evaluation, or other component based on subjective evaluation of the examinee. The methods used for subjective evaluations may include using any employee assessment centers, evaluation systems, chief's points, or other methods.

(b) Any subjective component shall be identified to all candidates prior to its application, be job-related, and be applied uniformly to all candidates. Every examinee shall have the right to documentation of his or her score on the subjective component upon the completion of the subjective examination component or its application.

(c) Where chief's points or other subjective methods are employed that are not amenable to monitoring, monitors shall not be required, but any disputes as to the results of such methods shall be subject to resolution in accordance with any collectively bargained grievance procedure in effect at the time of the test.

(d) Where performance evaluations are used as a basis for promotions, they shall be given annually and made readily available to each candidate for review and they shall include any disagreement or documentation the employee provides to refute or contest the evaluation. These annual evaluations are not subject to grievance procedures.

(e) Total points awarded for subjective components shall be posted before the written examination is administered and before the promotion list is compiled.

Section 55. Veterans' preference. A person on a preliminary promotion list who is eligible for veteran's preference under any law or agreement applicable to an affected department may file a written application for that preference within 10 days after the initial posting of the preliminary promotion list. The veteran's preference shall be calculated as provided in the applicable law and added to the applicant's total score on the preliminary promotion list. Any person who has received a promotion from a promotion list on which his or her position was adjusted for veteran's preference, under this Act or any other law, shall not be eligible for any subsequent veteran's preference under this Act.

Section 60. Right to review. Any affected person or party who believes that an error has been made with respect to eligibility to take an examination, examination result, placement or position on a promotion list, or veteran's preference shall be entitled to a review of the matter by the appointing authority or as otherwise provided by law.

Section 65. Violations.

(a) A person who knowingly divulges or receives test questions or answers before a written examination, or otherwise knowingly violates or subverts any requirement of this Act commits a violation of this Act and may be subject to charges for official misconduct.

(b) A person who is the knowing recipient of test information in advance of the examination shall be disqualified from the promotion examination or demoted from the rank to which he was promoted, as applicable and otherwise subjected to disciplinary actions.

Section 900. 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 999. Effective date. This Act takes effect upon becoming law."

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

On motion of Senator DeLeo, **House Bill No. 1205** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 1235** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1235 as follows:

on page 11, lines 29 and 30, by deleting "the professional personnel leadership committee"; and

on page 18, line 26, after "(i)", by inserting "up to"; and

on page 19, line 1, after the period, by inserting the following:

"The size of the committee shall be determined by the certified classroom teachers and other certificated personnel at the attendance center, including the principal."; and

on page 19, line 21, by replacing "7 candidates in the election" with "the same number of candidates in the election as the number of members to be elected"; and

on page 19, immediately below line 24, by inserting the following:

"(d) All committee meetings shall be held before or after school with no loss of instructional time. Committee members shall receive no compensation for their activities as committee members."; and

on page 19, line 25, by replacing "(d)" with "(e)"; and

on page 19, line 27, by replacing "or questionnaires" with ", on noninstructional time"; and

on page 19, by replacing lines 32 through 34 with the following:

"to make recommendations to the principal regarding the specific methods and contents of the school's curriculum and to make other educational"; and

on page 20, line 2, by replacing "shall" with "may"; and

on page 20, line 8, by replacing "shall" with "may".

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

On motion of Senator Haine, **House Bill No. 1237** having been printed, was taken up and 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 House Bill 1237 on page 1, below line 3, by inserting the following:

"Section 3. 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.

(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. 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.

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

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

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

(h) 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 4. The Snowmobile Registration and Safety Act is amended by changing Sections 2-2, 5-7.1, 5-7.2, 5-7.3, 5-7.4, and 5-7.5 and adding Section 5-7.6 as follows:

(625 ILCS 40/2-2) (from Ch. 95 1/2, par. 602-2)

Sec. 2-2. Inspection; seizure; impoundment. (a) Agents of the Department or other duly authorized police officers may stop and inspect any snowmobile at any time for the purpose of determining if the provisions of this Act are being complied with. If the inspecting officer or agent discovers any violation of the provisions of this Act, he must issue a summons to the operator of such snowmobile requiring that the operator appear before the circuit court for the county within which the offense was committed.

(b) Every snowmobile subject to this Act, if under way and upon being hailed by a designated law enforcement officer, must stop immediately.

(c) Agents of the Department and other duly authorized police officers may seize and impound, at the owner's expense, any snowmobile involved in an accident or a violation of subsection B of Section 5-1 or of Section 5-7 of this Act.

(d) If a snowmobile is causing a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of subsection B of Section 5-1 or Section 5-7 of this Act or similar provision of a local ordinance, is likely, upon release, to commit a subsequent violation of subsection B of Section 5-1 or Section 5-7 or a similar provision of a local ordinance, the arresting officer shall have the snowmobile which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of the arrest. The snowmobile may be released by the arresting law enforcement agency without impoundment, or may be released prior to the end of the impoundment period, however, if:

(1) the snowmobile was not owned by the person under arrest, and the lawful owner requesting release of the snowmobile possesses proof of ownership, and would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act; or

(2) the snowmobile is owned by the person under arrest, and the person under arrest gives permission to another person to operate the snowmobile, and the other person would not, as determined by the arresting law enforcement agency: (i) indicate a lack of ability to operate a snowmobile in a safe manner, or (ii) otherwise, by operating the snowmobile, be in violation of this Act.

(Source: P.A. 77-1312.)

[May 6, 2003]

(625 ILCS 40/5-7)

Sec. 5-7. Operating a snowmobile while under the influence of alcohol or other drug or drugs, intoxicating compound or compounds, or a combination of them; criminal penalties; suspension of operating privileges.

(a) A person may not operate or be in actual physical control of a snowmobile within this State while:

1. The alcohol concentration in that person's blood or breath is a concentration at which driving a motor vehicle is prohibited under subdivision (1) of subsection (a) of Section 11-501 of the Illinois Vehicle Code;

2. The person is under the influence of alcohol;

3. The person is under the influence of any other drug or combination of drugs to a degree that renders that person incapable of safely operating a snowmobile;

3.1. The person is under the influence of any intoxicating compound or combination of intoxicating compounds to a degree that renders the person incapable of safely operating a snowmobile;

4. The person is under the combined influence of alcohol and any other drug or drugs or intoxicating compound or compounds to a degree that renders that person incapable of safely operating a snowmobile; or

5. There is any amount of a drug, substance, or compound in that person's breath, blood, or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, ~~or~~ controlled substance listed in the Illinois Controlled Substances Act, or intoxicating compound listed in the use of Intoxicating Compounds Act.

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

(c) Every person convicted of violating this Section or a similar provision of a local ordinance is guilty of a Class A misdemeanor, except as otherwise provided in this Section.

(d) Every person convicted of violating this Section is guilty of a Class 4 felony if:

1. The person has a previous conviction under this Section; ~~or~~

2. The offense results in personal injury where a person other than the operator suffers great bodily harm or permanent disability or disfigurement, when the violation was a proximate cause of the injuries. A person guilty of a Class 4 felony under this paragraph 2, if sentenced to a term of imprisonment, shall be sentenced to not less than one year nor more than 12 years; or

3. The offense occurred during a period in which the person's privileges to operate a snowmobile are revoked or suspended, and the revocation or suspension was for a violation of this Section or was imposed under Section 5-7.1.

(e) Every person convicted of violating this Section is guilty of a Class 2 felony if the offense results in the death of a person. A person guilty of a Class 2 felony under this subsection (e), if sentenced to a term of imprisonment, shall be sentenced to a term of not less than 3 years and not more than 14 years.

(e-1) Every person convicted of violating this Section or a similar provision of a local ordinance who had a child under the age of 16 on board the snowmobile at the time of offense shall be subject to a mandatory minimum fine of \$500 and shall be subject to a mandatory minimum of 5 days of community service in a program benefiting children. The assignment under this subsection shall not be subject to suspension nor shall the person be eligible for probation in order to reduce the assignment.

(e-2) Every person found guilty of violating this Section, whose operation of a snowmobile 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.

(e-3) In addition to any other penalties and liabilities, a person who is found guilty of violating this Section, including any person placed on court supervision, shall be fined \$100, payable to the circuit clerk, who shall distribute the money to the law enforcement agency that made the arrest. In the event that more than one agency is responsible for the arrest, the \$100 shall be shared equally. Any moneys received by a law enforcement agency under this subsection (e-3) shall be used to purchase law enforcement equipment or to provide law enforcement training that will assist in the prevention of alcohol related criminal violence throughout the State. Law enforcement equipment shall include, but is not limited to, in-car video cameras, radar and laser speed detection devices, and alcohol breath testers.

(f) In addition to any criminal penalties imposed, the Department of ~~Natural Resources Conservation~~ shall suspend the snowmobile operation privileges of a person convicted or found guilty of a misdemeanor under this Section for a period of one year, except that first-time offenders receiving

supervision are exempt from this mandatory one year suspension.

(g) In addition to any criminal penalties imposed, the Department of Natural Resources shall suspend for a period of 5 years the snowmobile operation privileges of any person convicted or found guilty of a felony under this Section or for a period of 5 years if the person is convicted of a felony under this Section. (Source: P.A. 92-615, eff. 1-1-03.)

(625 ILCS 40/5-7.1)

Sec. 5-7.1. Implied consent. (a) A person who operates or is in actual physical control of a snowmobile in this State is deemed to have given consent to a chemical test or tests of blood, breath, or urine for the purpose of determining the content of alcohol, or other drug or drugs, intoxicating compound or compounds, or a combination of them in content of that person's blood if arrested for a violation of Section 5-7. The chemical test or tests shall be administered at the direction of the arresting officer. The law enforcement agency employing the officer shall designate which tests shall be administered. A urine test may be administered even after a blood or breath test or both has been administered.

(a-1) For the purposes of this Section, an Illinois law enforcement officer of this State who is investigating the person for any offense defined in Section 5-7 may travel into an adjoining state, where the person has been transported for medical care to complete an investigation and to request that the person submit to the test or tests set forth in this Section. The requirements of this Section that the person be arrested are inapplicable, but the officer shall issue the person a uniform citation for an offense as defined in Section 5-7 or a similar provision of a local ordinance prior to requesting that the person submit to the test or tests. The issuance of the uniform citation shall not constitute an arrest, but shall be for the purpose of notifying the person that he or she is subject to the provisions of this Section and of the officer's belief of the existence of probable cause to arrest. Upon returning to this State, the officer shall file the uniform citation with the circuit clerk of the county where the offense was committed and shall seek the issuance of an arrest warrant or a summons for the person.

(a-2) Notwithstanding any ability to refuse under this Act to submit to these tests or any ability to revoke the implied consent to these tests, if a law enforcement officer has probable cause to believe that a snowmobile operated by or under actual physical control of a person under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them has caused the death or personal injury to another, that person shall submit, upon the request of a law enforcement officer, to a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the alcohol content or the presence of any other drug or combination of both. For the purposes of this Section, a personal injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene for immediate professional attention in either a doctor's office or a medical facility.

(b) A person who is dead, unconscious, or who is otherwise in a condition rendering that person incapable of refusal, is deemed not to have withdrawn the consent provided in subsection (a), and the test or tests may be administered.

(c) A person requested to submit to a test as provided in this Section shall be verbally advised by the law enforcement officer requesting the test that a refusal to submit to the test will result in suspension of that person's privilege to operate a snowmobile for a minimum of 2 years.

(d) Following this warning, if a person under arrest refuses upon the request of a law enforcement officer to submit to a test designated by the officer, no tests test may be given, but the law enforcement officer shall file with the clerk of the circuit court for the county in which the arrest was made, and with the Department of Natural Resources, a sworn statement naming the person refusing to take and complete the chemical test or tests requested under the provisions of this Section. The sworn statement shall identify the arrested person, the person's current residence address and shall specify that a refusal by that person to take the chemical test or tests was made. The sworn statement shall include a statement that the officer had reasonable cause to believe the person was operating or was in actual physical control of the snowmobile within this State while under the influence of alcohol, or other drug or drugs, an intoxicating compound or compound, or a combination of them and that a chemical test or tests were requested as an incident to and following the lawful arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance, and that the person, after being arrested for an offense arising out of acts alleged to have been committed while operating a snowmobile, refused to submit to and complete a chemical test or tests as requested by the law enforcement officer.

(e) The law enforcement officer submitting the sworn statement shall serve immediate written notice upon the person refusing the chemical test or tests that the person's privilege to operate a snowmobile within this State will be suspended for a period of 2 years unless, within 28 days from the date of the notice, the person requests in writing a hearing on the suspension. The clerk shall notify the person in

~~writing that the person's privilege to operate a snowmobile will be suspended for a minimum of 2 years unless, within 28 days from the date of mailing of the notice, that person requests a hearing in writing.~~

If the person desires a hearing, the person shall file a complaint in the circuit court in the county where that person was arrested within 28 days from the date ~~of mailing~~ of the notice. The hearing shall proceed in the court in the same manner as other civil proceedings. The hearing shall cover only the following issues: (1) whether the person was placed under arrest for an offense as defined in Section 5-7 or a similar provision of a local ordinance as evidenced by the issuance of a uniform citation; (2) whether the arresting officer had reasonable grounds to believe that the person was operating a snowmobile while under the influence of alcohol, ~~or other drug or drugs, an intoxicating compound or compounds, or a combination of them;~~ and (3) whether that person refused to submit to and complete the chemical test or tests upon the request of the law enforcement officer. Whether the person was informed that the person's privilege to operate a snowmobile would be suspended if that person refused to submit to the chemical test or tests may not be an issue in the hearing.

~~If the person fails to request a hearing in writing within 28 days of the date of the notice, or if a hearing is held and the court finds against the person on the issues before the court, the clerk shall immediately notify the Department of Natural Resources Conservation of the court's decision, and the Department shall suspend the snowmobile operation privileges of that person for at least 2 years.~~

~~(f) (Blank) If the person fails to request a hearing in writing within 28 days of the date of mailing of the notice, the clerk shall immediately notify the Department of Conservation that no request for a hearing was received within the statutory time period, and the Department shall suspend the snowmobile operation privileges of that person for at least 2 years.~~

(f-1) If the person submits to a test that discloses an alcohol concentration of 0.08 or more, or any amount of a drug, substance, or intoxicating compound in the person's breath, blood, or urine resulting from the unlawful use 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, the law enforcement officer shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources, certifying that the test or tests was or were requested under subsection (a-1) of this Section and the person submitted to testing that disclosed an alcohol concentration of 0.08 or more.

In cases where the blood alcohol concentration of 0.08 or greater or any amount of drug, substance, or compound resulting from the unlawful use of cannabis, a controlled substance, or an intoxicating compound is established by a subsequent analysis of blood or urine collected at the time of arrest, the arresting officer or arresting agency shall immediately submit a sworn report to the circuit clerk of venue and the Department of Natural Resources upon receipt of the test results.

(g) A person must submit to each chemical test offered by the law enforcement officer in order to comply with implied consent provisions of this Section.

(h) The provision of Section 11-501.2 of the Illinois Vehicle Code concerning the certification and use of chemical tests applies to the use of those tests under this Section. (Source: P.A. 89-55, eff. 1-1-96.)

(625 ILCS 40/5-7.2)

Sec. 5-7.2. Chemical and other tests. (a) Upon the trial of a civil or criminal action or proceeding arising out of acts alleged to have been committed while under the influence of alcohol, the concentration of alcohol in the person's blood or breath at the time alleged as shown by analysis of the person's blood, urine, breath, or other bodily substance gives rise to the presumptions specified in subdivisions 1, 2, and 3 of subsection (b) of Section 11-501.2 of the Illinois Vehicle Code.

(b) The provisions of subsection (a) shall not be construed as limiting the introduction of any other relevant evidence bearing upon the question whether the person was under the influence of alcohol.

(c) If a person under arrest refuses to submit to a chemical test under the provisions of Section 5-7.1, evidence of refusal is admissible in a civil or criminal action or proceeding arising out of acts alleged to have been committed while the person under the influence of alcohol, ~~or other drug or drugs, an intoxicating compound or compounds, or a combination of them~~ was operating a snowmobile. (Source: P.A. 89-55, eff. 1-1-96; 90-215, eff. 1-1-98.)

(625 ILCS 40/5-7.3)

Sec. 5-7.3. Supervision of operator; notification; 6 hour operating limitation.

(a) The owner of a snowmobile or person given supervisory authority over a snowmobile, may not knowingly permit a snowmobile to be operated by a person under the influence of alcohol, ~~other drug or drugs, an intoxicating compound or compounds, or a combination of them.~~

(b) Whenever a person is convicted or found guilty of a violation of Section 5-7, including any person placed on court supervision, the court shall notify the Office of Law Enforcement of the

Department of Natural Resources with the records essential for the performance of the Department's duties to monitor and enforce an order of suspension or revocation concerning the person's privilege to operate a snowmobile.

(c) A person who has been arrested and charged with violating Section 5-7 may not operate a snowmobile within this State for a period of 24 ~~6~~ hours after that person's arrest. (Source: P.A. 89-55, eff. 1-1-96.)

(625 ILCS 40/5-7.4)

Sec. 5-7.4. Admissibility of chemical tests of blood conducted in the regular course of providing emergency medical treatment ~~alcohol tests.~~

(a) Notwithstanding any other provision of law, the ~~written~~ results of blood ~~alcohol~~ tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood conducted upon persons receiving medical treatment in a hospital emergency room, are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for a violation of Section 5-7 of this Act or a similar provision of a local ordinance or in prosecutions for reckless homicide brought under the Criminal Code of 1961.

The results of the tests are admissible only when each of the following criteria are met:

1. The chemical tests performed upon an individual's blood were ordered in the regular course of providing emergency treatment and not at the request of law enforcement authorities; and ~~The blood alcohol tests were ordered by a physician on duty at the hospital emergency room and were performed in the regular course of providing emergency medical treatment in order to assist the physician in diagnosis or treatment;~~

2. The chemical tests performed upon an individual's blood were performed by the laboratory routinely used by the hospital. ~~The blood alcohol tests were performed by the hospital's own laboratory; and~~

3. (Blank) ~~The written results of the blood alcohol tests were received and considered by the physician on duty at the hospital emergency room to assist that physician in diagnosis or treatment.~~

Results of chemical tests performed upon an individual's blood are admissible into evidence regardless of the time that the records were prepared.

(b) The confidentiality provisions of law pertaining to medical records and medical treatment are not applicable with regard to ~~chemical blood alcohol~~ tests performed upon a person's blood or urine under the provisions of this Section in prosecutions as specified in subsection (a) of this Section. No person shall be liable for civil damages as a result of the evidentiary use of the results of chemical testing of the individual's blood alcohol tests results under this Section or as a result of that person's testimony made available under this Section. (Source: P.A. 89-55, eff. 1-1-96; 89-626, eff. 8-9-96.)

(625 ILCS 40/5-7.5)

Sec. 5-7.5. Preliminary breath screening test. If a law enforcement officer has reasonable suspicion ~~probable cause~~ to believe that a person is violating or has violated Section 5-7 or a similar provision of a local ordinance, the officer, before an arrest, may request the person to provide a sample of his or her breath for a preliminary breath screening test using a portable device approved by the Department of State Police. The results of this preliminary breath screening test may be used by the law enforcement officer for the purpose of assisting with the determination of whether to require a chemical test, as authorized under Sections 5-7.1 and 5-7.2 and the appropriate type of test to request. Any chemical test authorized under Sections 5-7.1 and 5-7.2 may be requested by the officer regardless of the result of the preliminary breath screening test if probable cause for an arrest exists. The result of a preliminary breath screening test may be used by the defendant as evidence in an administrative or court proceeding involving a violation of Section 5-7 ~~or 5-7.1~~. (Source: P.A. 91-828, eff. 1-1-01.)

(625 ILCS 40/5-7.6 new)

Sec. 5-7.6. Reporting of test results of blood or urine conducted in the regular course of providing emergency medical treatment.

(a) Notwithstanding any other provision of law, the results of blood or urine tests performed for the purpose of determining the content of alcohol, other drug or drugs, intoxicating compound or compounds, or any combination of them in an individual's blood or urine, conducted upon persons receiving medical treatment in a hospital emergency room for injuries resulting from a snowmobile accident, shall be disclosed to the Department of Natural Resources, or local law enforcement agencies of jurisdiction, upon request. The blood or urine tests are admissible in evidence as a business record exception to the hearsay rule only in prosecutions for violations of Section 5-7 of this Code or a similar provision of a local ordinance, or in prosecutions for reckless homicide brought under the Criminal Code of 1961.

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(b) The confidentiality provisions of the law pertaining to medical records and medical treatment shall not be applicable with regard to tests performed upon an individual's blood or urine under the provisions of subsection (a) of this Section. No person shall be liable for civil damages or professional discipline as a result of disclosure or reporting of the tests or the evidentiary use of an individual's blood or urine test results under this Section or Section 5-7.4 or as a result of that person's testimony made available under this Section or Section 5-7.4, except for willful or wanton misconduct."; and on page 15, line 19, after "Code," by inserting "Section 5-7 of the Snowmobile Registration and Safety Act," and on page 15, line 22, after "11-501," by inserting "Section 5-7".

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

On motion of Senator Walsh, **House Bill No. 1246** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 1250** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 1267** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 1279** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 1273** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 1284** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 1285** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1300** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1301** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1312** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1313** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1336** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1337** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1339** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1340** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1341** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator E. Jones, **House Bill No. 1342** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1343** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 1356** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 1359** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Petka, **House Bill No. 1377** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 1400** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1402** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1403** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1404** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1405** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1406** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1407** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1408** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1409** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1410** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1411** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 1412** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 1423** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 1437** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Righter, **House Bill No. 1448** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 1455** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 1459** having been printed, was taken up and 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 House Bill 1459 on page 1, line 14, by replacing "\$6,200,000,000" with "\$8,200,000,000 ~~\$6,200,000,000~~".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Cullerton, **House Bill No. 1469** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **House Bill No. 1475** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 1487** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 1489** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 1491** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1519** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1520** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **House Bill No. 1574** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 1580** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 1584** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 1586** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 1632** 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 Sieben, **House Bill No. 1751** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 1809** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2136** having been printed, was taken up and read by title a second time.

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

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2136 by replacing everything after the enacting clause with the following:

"Section 5. The Adoption Act is amended by changing Sections 18.2, 18.3a, and 18.4 as follows:
(750 ILCS 50/18.2) (from Ch. 40, par. 1522.2)

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

BIRTH PARENT REGISTRATION IDENTIFICATION

(Insert all known information)

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

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

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

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

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

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

Name of adoptive parents, if known:

Other identifying information:

.....
(Signature of parent)

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

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

**ADOPTED PERSON
REGISTRATION IDENTIFICATION**

(Insert all known information)

I,, state the following:

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

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

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

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

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

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

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

I was adopted through: (name of agency).

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

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

Other identifying information:

.....
(signature of adoptee)

(date) (printed name of adoptee)

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

SURRENDERED PERSON REGISTRATION IDENTIFICATION

(Insert all known information)

I,, state the following:

- Surrendered Person's present name: (first) (middle) (last).
Surrendered Person's name at birth (if known): (first) (middle) (last),(birth date), (city and state of birth), (sex), (race).
Name of guardian father: (first) (middle) (last), (race).
Maiden name of guardian mother: (first) (middle) (last), (race).
Name of birth mother (if known): (first) (middle) (last) (race).
Name of birth father (if known): (first) (middle) (last),(race).
Name(s) at birth of sibling(s) having a common birth parent with surrendered person (if known): (first) (middle) (last), (race), and name of common birth parent: (first) (middle) (last), (race).

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

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

Other identifying information:

..... (signature of surrendered person)

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

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

INFORMATION EXCHANGE AUTHORIZATION

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

- [] 1. Only my name and last known address.
[] 2. A copy of my Illinois Adoption Registry Application.
[] 3. A copy of the original certificate of live birth.

I am fully aware that I can only be supplied with any information about my (birth parent) (birth sibling) (surrendered child) if such person has duly executed an Information Exchange Authorization for such information which has not been revoked; that I can be contacted by writing to: (own name or name of person to contact) (address) (phone number).

Dated (insert date).

..... (witness) (signature)

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

DENIAL OF INFORMATION EXCHANGE

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

Dated (insert date).

..... (witness) (signature)

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

State of

County of

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

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

.....

(signature)

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

State of.....

County of.....

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

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

.....
(signature)

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

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

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

(75 ILCS 50/18.3a) (from Ch. 40, par. 1522.3a)

Sec. 18.3a. Confidential intermediary. (a) General purposes. Notwithstanding any other provision of this Act, any adopted person 21 years of age or over, any adoptive parent or legal guardian of an adopted person under the age of 21, or any birth parent of an adopted person who is 21 years of age or over may petition the court in any county in the State of Illinois for appointment of a confidential intermediary as provided in this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives. Additionally, in cases where an adopted or surrendered person is deceased, an adult child of the adopted or surrendered person may file a petition under this Section and in cases where the birth parent is deceased, an adult birth sibling of the adopted person or of the deceased birth parent may file a petition under this Section for the purpose of exchanging medical information with one or more mutually consenting biological relatives, obtaining identifying information about one or more mutually consenting biological relatives, or arranging contact with one or more mutually consenting biological relatives.

(b) Petition. Upon petition by an adopted person 21 years of age or over, an adoptive parent or legal guardian of an adopted person under the age of 21, or a birth parent of an adopted person who is 21 years of age or over, the court shall appoint a confidential intermediary without a hearing. Upon petition by an adult child of an adopted person who is deceased or by an adult birth sibling of an adopted person whose birth parent is deceased or by an adult sibling of a birth parent who is deceased, the court may appoint a confidential intermediary if the court finds that the disclosure is of greater benefit than nondisclosure. The petition shall state which biological relative or relatives are being sought and shall indicate if the petitioner wants to do any one or more of the following: exchange medical information with the biological relative or relatives, obtain identifying information from the biological relative or relatives, or to arrange contact with the biological relative.

(c) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the petitioner's payment of the intermediary's fees and expenses in advance of the commencement of the work of the confidential intermediary.

(d) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, any other person certified by the Department as qualified to serve as a confidential intermediary, or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.

(e) Access. Notwithstanding any other provision of State law, the confidential intermediary shall have access to all records of the court or any agency, school, or hospital, public or private, which relate to the adoption or the identity and location of any adopted person or his or her adoptive parents, legal

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guardians, adult children of a deceased adopted person, birth parent, birth sibling, or sibling of a deceased birth parent. Confidential intermediaries shall be authorized to inspect confidential relinquishment, adoption, and other records.

(f) Duties of confidential intermediary in conducting a search. In conducting a search under this Section, the confidential intermediary shall first confirm that there is no Denial of Information Exchange on file with the Illinois Adoption Registry. If the petitioner is an adult child of an adopted person who is deceased, the confidential intermediary shall additionally confirm that the adopted person did not file a Denial of Information Exchange with the Illinois Adoption Registry during his or her life. If the petitioner is an adult birth sibling of an adopted person or an adult sibling of a birth parent who is deceased, the confidential intermediary shall additionally confirm that the birth parent did not file a Denial of Information Exchange with the Registry during his or her life.

In conducting a search under this Section, the confidential intermediary shall attempt to locate the relative or relatives with whom the petitioner has requested contact. If the sought-after relative is deceased or cannot be located after a diligent search, the confidential intermediary may contact adult biological relatives of the sought-after relative.

The confidential intermediary shall contact a sought-after relative on behalf of the petitioner in a manner that respects the sought-after relative's privacy and shall inform the sought-after relative of the petitioner's request for medical information, identifying information or contact as stated in the petition. Based upon the terms of the petitioner's request, the confidential intermediary shall contact a sought-after relative on behalf of the petitioner and inform the sought-after relative of the following options:

(1) The sought-after relative may totally reject one or all of the requests for medical information, identifying information or contact. The sought-after relative shall be informed that they can provide a medical questionnaire to be forwarded to the petitioner without releasing any identifying information. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to reject the sharing of information and contact.

(2) The sought-after relative may consent to completing a medical questionnaire only. In this case, the confidential intermediary shall provide the questionnaire and ask the sought-after relative to complete it. The confidential intermediary shall forward the completed questionnaire to the petitioner and inform the petitioner of the sought-after relative's desire to not provide any additional information.

(3) The sought-after relative may communicate with the petitioner without having his or her identity disclosed. In this case, the confidential intermediary shall arrange the desired communication in a manner that protects the identity of the sought-after relative. The confidential intermediary shall inform the petitioner of the sought-after relative's decision to communicate but not disclose his or her identity.

(4) The sought after relative may consent to initiate contact with the petitioner. If both the petitioner and the sought-after relative or relatives are eligible to register with the Illinois Adoption Registry, the confidential intermediary shall provide the necessary application forms and request that the sought-after relative register with the Illinois Adoption Registry. If either the petitioner or the sought-after relative or relatives are ineligible to register with the Illinois Adoption Registry, the confidential intermediary shall obtain written consents from both parties that they wish to disclose their identities to each other and to have contact with each other.

(g) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows: "I,, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:

(1) I will not disclose to the petitioner, directly or indirectly, any confidential information except in a manner consistent with the law.

(2) I recognize that violation of this oath subjects me to civil liability and to being found in contempt of court.

SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date)

....."

(h) Sanctions. Any confidential intermediary who improperly discloses confidential information identifying a sought-after relative shall be liable to the sought-after relative for damages and may also be found in contempt of court.

(i) Death of person being sought. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person being sought has died, he or she shall report this fact to the court, along with a copy of the death certificate.

(j) Any confidential information obtained by the confidential intermediary during the course of his or her search shall be kept strictly confidential and shall be used for the purpose of arranging contact between the petitioner and the sought-after birth relative. At the time the case is closed, all identifying information shall be returned to the court for inclusion in the impounded adoption file.

(k) If the petitioner is an adopted person 21 years of age or over or the adoptive parent or legal guardian of an adopted person under the age of 21, any non-identifying information, as defined in Section 18.4, that is ascertained during the course of the search may be given in writing to the petitioner before the case is closed.

(l) Except as provided in subsection (h) of this Section, no liability shall accrue to the State, any State agency, any judge, any officer or employee of the court, any certified confidential intermediary, or any agency designated to oversee confidential intermediary services for acts, omissions, or efforts made in good faith within the scope of this Section.

~~(a) General purposes. Notwithstanding any other provision of this Act, any adopted person over the age of 21 or any adoptive parent or legal guardian of an adopted person under the age of 21 may petition the court for appointment of a confidential intermediary as provided in this Section for the purpose of obtaining from one or both birth parents or a sibling or siblings of the adopted person information concerning the background of a psychological or genetically based medical problem experienced or which may be expected to be experienced in the future by the adopted person or obtaining assistance in treating such a problem.~~

~~(b) Petition. The court shall appoint a confidential intermediary for the purposes described in subsection (f) if the petitioner shows the following:~~

~~(1) the adopted person is suffering or may be expected to suffer in the future from a life-threatening or substantially incapacitating physical illness of any nature, or a psychological disturbance which is substantially incapacitating but not life threatening, or a mental illness which, in the opinion of a physician licensed to practice medicine in all its branches, is or could be genetically based to a significant degree;~~

~~(2) the treatment of the adopted person, in the opinion of a physician licensed to practice medicine in all of its branches, would be materially assisted by information obtainable from the birth parents or might benefit from the provision of organs or other bodily tissues, materials, or fluids by the birth parents or other close biological relatives; and~~

~~(3) there is neither an Information Exchange Authorization nor a Denial of Information Exchange filed in the Registry as provided in Section 18.1.~~

~~The affidavit or testimony of the treating physician shall be conclusive on the issue of the utility of contact with the birth parents unless the court finds that the relationship between the illness to be treated and the alleged need for contact is totally without foundation.~~

~~(c) Fees and expenses. The court shall condition the appointment of the confidential intermediary on the payment of the intermediary's fees and expenses in advance, unless the intermediary waives the right to full advance payment or to any reimbursement at all.~~

~~(d) Eligibility of intermediary. The court may appoint as confidential intermediary either an employee of the Illinois Department of Children and Family Services designated by the Department to serve as such, any other person certified by the Department as qualified to serve as a confidential intermediary, or any employee of a licensed child welfare agency certified by the agency as qualified to serve as a confidential intermediary.~~

~~(e) Access. Notwithstanding any other provision of law, the confidential intermediary shall have access to all records of the court or any agency, public or private, which relate to the adoption or the identity and location of any birth parent.~~

~~(f) Purposes of contact. The confidential intermediary has only the following powers and duties:~~

~~(1) To contact one or both birth parents, inform the parent or parents of the basic medical problem of the adopted person and the nature of the information or assistance sought from the birth parent, and inform the parent or parents of the following options:~~

~~(A) The birth parent may totally reject the request for assistance or information, or both, and no disclosure of identity or location shall be made to the petitioner.~~

~~(B) The birth parent may file an Information Exchange Authorization as provided in Section 18.1. The confidential intermediary shall explain to the birth parent the consequences of such a filing, including that the birth parent's identity will be available for discovery by the adopted person. If the birth parent agrees to this option, the confidential intermediary shall supply the parent with the appropriate forms, shall be responsible for their immediate filing with the Registry, and shall inform the petitioner of their filing.~~

~~(C) If the birth parent wishes to provide the information or assistance sought but does not wish his or her identity disclosed, the confidential intermediary shall arrange for the disclosure of the information or the provision of assistance in as confidential a manner as possible so as to protect the privacy of the birth parent and minimize the likelihood of disclosure of the birth parent's identity.~~

~~(2) If a birth parent so desires, to arrange for a confidential communication with the treating physician to discuss the need for the requested information or assistance.~~

~~(3) If a birth parent agrees to provide the information or assistance sought but wishes to maintain his or her privacy, to arrange for the provision of the information or assistance to the physician in as confidential a manner as possible so as to protect the privacy of the birth parent and minimize the likelihood of disclosure of the birth parent's identity.~~

~~(g) Oath. The confidential intermediary shall sign an oath of confidentiality substantially as follows:~~

~~"I, _____, being duly sworn, on oath depose and say: As a condition of appointment as a confidential intermediary, I affirm that:~~

~~(1) I will not disclose to the petitioner, directly or indirectly, any information about the identity or location of the birth parent whose assistance is being sought for medical reasons except in a manner consistent with the law.~~

~~(2) I recognize that violation of this oath subjects me to civil liability and to being found in contempt of court.~~

.....

 SUBSCRIBED AND SWORN to before me, a Notary Public, on (insert date).

....."

 (h) Sanctions:

~~(1) Any confidential intermediary who improperly discloses information identifying a birth parent shall be liable to the birth parent for damages and may also be found in contempt of court.~~

~~(2) Any person who learns a birth parent's identity, directly or indirectly, through the use of procedures provided in this Section and who improperly discloses information identifying the birth parent shall be liable to the birth parent for actual damages plus minimum punitive damages of \$10,000.~~

~~(i) Death of birth parent. Notwithstanding any other provision of this Act, if the confidential intermediary discovers that the person whose assistance is sought has died, he or she shall report this fact to the court, along with a copy of the death certificate. (Source: P.A. 91-357, eff. 7-29-99; 91-417, eff. 1-1-00.)~~

~~(750 ILCS 50/18.4) (from Ch. 40, par. 1522.4)~~

Sec. 18.4. (a) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, or the Probation Officers of the Circuit Court involved in the adoption proceedings shall give in writing the following non-identifying information, if known, to the adoptive parents not later than the date of placement with the petitioning adoptive parents: (i) age of biological parents; (ii) their race, religion and ethnic background; (iii) general physical appearance of biological parents; (iv) their education, occupation, hobbies, interests and talents; (v) existence of any other children born to the biological parents; (vi) information about biological grandparents; reason for emigrating into the United States, if applicable, and country of origin; (vii) relationship between biological parents; ~~and~~ (viii) detailed medical and mental health histories of the child, the biological parents, and their immediate relatives; and (ix) the actual date and place of birth of the adopted person. However, no information provided under this subsection shall disclose the name or last known address of the biological parents, grandparents, the siblings of the biological parents, the adopted person, or any other relative of the adopted person.

(b) Any adoptee 18 years of age or over shall be given the information in subsection (a) upon request.

(c) The Illinois Adoption Registry shall release any non-identifying information listed in (a) of this Section that appears on the original birth certificate or the Certificate of Adoption to an adopted person, adoptive parent, or legal guardian who is a registrant of the Illinois Adoption Registry.

(d) The Illinois Adoption Registry shall release the actual date and place of birth of an adopted person over the age of 21 to the birth parent if the birth parent is a registrant of the Illinois Adoption Registry and has completed a Medical Information Exchange Authorization.

(e) The Illinois Adoption Registry shall release information regarding the date of the adoption and the county in which the adoption was finalized to a certified confidential intermediary upon submission of a court order.

(f) In cases where the Illinois Adoption Registry possesses information indicating that an adopted person over the age of 21 was adopted in a state other than Illinois or a country other than the United States, the Illinois Adoption Registry shall release the name of the state or country where the adoption

was finalized and, if available, the agency involved in the adoption to a registrant of the Illinois Adoption Registry who has completed a Medical Information Exchange Authorization.

(g) (☞) Any of the above available information for any adoption proceedings completed before the effective date of this Act shall be supplied to the adoptive parents or an adoptee 18 years of age or over upon request.

(h) (☞) The agency, Department of Children and Family Services, Court Supportive Services, Juvenile Division of the Circuit Court, the Probation Officers of the Circuit Court and any other governmental bodies having any of the above information shall retain the file until the adoptee would have reached the age of 99 years. (Source: P.A. 87-617.)"

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

On motion of Senator Cullerton, **House Bill No. 2146** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 2202** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **House Bill No. 2203** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2205** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2219** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2220** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator del Valle, **House Bill No. 2235** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Peterson, **House Bill No. 2246** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 2273** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Geo-Karis, **House Bill No. 2298** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 2299** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 2317** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2317 by replacing everything after the enacting clause with the following:

"Section 5. The Special Assessment Supplemental Bond and Procedures Act is amended by changing Sections 20, 45, and 55 and adding Section 65 as follows:

(50 ILCS 460/20)

Sec. 20. Additional costs allowed. In addition to and in excess of all costs otherwise permitted to be assessed under any special assessment law in any special assessment proceeding, the governing body may in the special assessment ordinance provide for the following additional amounts in the assessment:

[May 6, 2003]

(a) an additional reserve, not to exceed 10% of the amount of the bonds issued pursuant to this Act, as a reserve for the payment of interest on or principal of bonds when due in the event of nonpayment of any assessments; provided however, the interest earnings, if any, on the additional reserve shall be applied to the next installment as a partial reduction of payment due;

(b) an amount for the payment of interest upon bonds for a period not to exceed the greater of 2 years or a period ending 6 months after the estimated date of completion of the acquisition and construction of the local improvement that is the subject of the special assessment proceeding; and

(c) an amount for bond discount (the difference between the face amount of a bond and the price at which the bond is to be sold, exclusive of original issue discount) not to exceed 4% of the total cost of the improvement. The reserve provided for by clause (a) of this Section shall be in addition to and in excess of any other reserve otherwise permitted by special assessment law including reserves for interest deficiencies. Any additional cost or reserve to be included by authority of this Section shall be expressly provided for in the special assessment ordinance and shall further be expressly stated in any engineer's estimate of cost prepared in connection with a special assessment ordinance as provided by a special assessment law.

(Source: P.A. 90-480, eff. 8-17-97.)

(50 ILCS 460/45)

Sec. 45. Bonds. In lieu of the issuance of vouchers or bonds provided by a special assessment law, Supplemental Act Assessment Bonds payable from the assessments made under a special assessment proceeding may be issued under this Section. Supplemental Act Assessment Bonds shall be issued under the following terms and provisions:

(a) They shall be payable from the assessments made under a special assessment proceeding and such other income or revenues as may lawfully be pledged to the payment of such bonds by a governmental unit.

(b) They may be issued in lieu of vouchers at any time after the date of the judicial order of final confirmation of the assessment roll and report. Special Assessment Bonds may be issued prior to the expiration of the appeal period provided for in the special assessment law and the issuer and owners of such bonds may rely on any waiver of the statutory appeal period executed by a municipality, county, or other issuer of such bonds and the owners and parties interested in land taken, damaged, or assessed therein, as conclusive evidence of the non-appealability of the final judgment or order. Parties interested in land taken, damaged, or assessed for purposes of such waiver and appeal shall include only the owners of record, mortgagees of record, lien holders of record, and contract purchasers of any land taken, damaged, or assessed on or after the time when interest begins to run on the assessments made under a special assessment proceeding.

(c) They may be issued in an amount not to exceed the amount of the assessments confirmed in a special assessment proceeding less the principal amount of any assessments previously paid and less the principal amount of any vouchers that may have previously been issued.

(d) They may bear interest at any rate or rates not to exceed the rate or rates permitted by the Bond Authorization Act; provided, however, that such rate or rates shall not exceed the rate or rates provided for the unpaid installments of the assessments made under the special assessment proceeding.

(e) They may pay interest upon such date or dates either annually, semi-annually, monthly, weekly, or otherwise.

(f) They may be subject to redemption with or without premium upon such terms and provisions as may be provided by the governing body, including, without limitation, terms as to the order of redemption (numerical, pro-rata, by series, or otherwise) and as to the timing thereof.

(g) They shall be negotiable instruments under Illinois law.

(h) They may be made payable either serially or at term, or any combination thereof, in such order of preference, priority, lien position, or rank (including, without limitation, numerical, pro-rata, by series, or otherwise) and otherwise have any attributes permitted to bonds under the Local Government Debt Reform Act, as the governing body may provide. (Source: P.A. 90-480, eff. 8-17-97.)

(50 ILCS 460/55)

Sec. 55. County clerk may collect. Pursuant to the Illinois constitutional and statutory provisions relating to intergovernmental cooperation, the county clerk of any county in which property subject to a special assessment is located may, but shall not be required to, agree to mail bills for a special assessment with the regular tax bills of the county, or otherwise as may be provided by a special assessment law. If the clerk agrees to mail such bills with the regular tax bills, then the annual amount due as of January 2 shall become due instead in even installments with each tax bill made during the year in which such January 2 date occurs, thus deferring to later date in the year the obligation to pay the assessments.

In the event that the county clerk does not agree to mail such bills, or in the event that the municipality declines to request the county clerk to mail said bills, the municipality still may bill the annual amount due as of January 2 in 2 installments to become due on or about the due dates for the real estate tax bills issued by the county clerk during the year in which such January 2 date occurs, thus deferring to later dates in said year the obligation to pay the assessment installment.

In the event that the county clerk agrees to mail such bills on behalf of a municipality, the county may charge a fee for such services to be paid from the special assessment. Such fee shall be considered as a cost of making, levying, and collecting the assessment provided for in Section 9-2-139 of the Illinois Municipal Code. (Source: P.A. 90-480, eff. 8-17-97.)

(50 ILCS 460/65 new)

Sec. 65. Rebates. If, after final settlement with the contractor for any improvements, there is any surplus remaining, the Board of Local Improvements shall declare a surplus and rebate upon each lot, block, tract, or parcel of land assessed the pro rata proportion of that surplus. The Board of Local Improvements shall state which specific assessment installments (including interest thereon) are being reduced. If the Board of Local Improvements determines these excess amounts have been collected for making, levying, and collecting or for reserves for deficiencies, the governing body can declare a surplus and credit such amount to each lot, block, tract, or parcel of land assessed or a pro rata proportion to the next installment as a partial reduction of the payment due or, alternatively, may use such surplus to retire bonds in any manner so determined.

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

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

On motion of Senator Cullerton, **House Bill No. 2331** was taken up and read by title a second time.

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

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

On motion of Senator E. Jones, **House Bill No. 2360** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2361** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2362** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2364** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2365** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2366** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 2370** having been printed, was taken up and 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 House Bill 2370 on page 3, line 24, after "license" by inserting "or that the applicant is the owner occupant of a single family residence that is the subject of the permit. For the purpose of this Section, the term "occupant" has the same meaning as in subsection (2) of Section 3 of this Act".

Committee Amendment No. 2 was tabled in the Committee on Licensed Activities.

Floor Amendment No. 3 was referred to the Committee on Rules earlier today.

[May 6, 2003]

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

On motion of Senator Shadid, **House Bill No. 2413** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2425** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Dillard, **House Bill No. 2446** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2453** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **House Bill No. 2477** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Welch, **House Bill No. 2489** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2492** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2493** 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 Cullerton, **House Bill No. 2504** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2518** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 2523** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2525** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 2527** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cronin, **House Bill No. 2529** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2543** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2545** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2550** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **House Bill No. 2553** having been printed, was taken up and read by title a second time.

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

[May 6, 2003]

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2553 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 5-15 as follows:

(225 ILCS 65/5-15) (Section scheduled to be repealed on January 1, 2008)

Sec. 5-15. Policy; application of Act. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional and practical nursing in Illinois shall submit evidence that he or she is qualified to practice, and shall be licensed as provided under this Act. No person shall practice or offer to practice professional or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed under the provisions of this Act.

This Act does not prohibit the following:

(a) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 10-5, 10-30, and 10-45 of this Act.

(b) Nursing that is included in their program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.

(c) The furnishing of nursing assistance in an emergency.

(d) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.

(e) The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

(f) Persons from being employed as nursing aides, attendants, orderlies, and other auxiliary workers in private homes, long term care facilities, nurseries, hospitals or other institutions.

(g) The practice of practical nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who has complied with all the provisions under Section 10-30, except the passing of an examination to be eligible to receive such license, until: the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. An applicant practicing practical nursing under this Section who passes the examination, however, may continue to practice under this Section until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this paragraph shall practice practical nursing except under the direct supervision of a registered professional nurse licensed under this Act or a licensed physician, dentist or podiatrist. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(h) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(i) The practice of professional nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a registered professional nurse and has complied with all the provisions under Section 10-30 except the passing of an examination to be eligible to receive such license, until the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. An applicant practicing professional nursing under this Section who passes the examination, however, may continue to practice under this Section until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this paragraph shall practice professional nursing except under the direct supervision of a registered

professional nurse licensed under this Act. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(j) The practice of professional nursing by one who is a registered professional nurse under the laws of another state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(k) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs. The educational institution will file with the Department each academic term a list of the names and origin of license of all professional nurses practicing nursing as part of their programs under this provision.

(l) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed.

(m) Delegation to authorized direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act.

An applicant for license practicing under the exceptions set forth in subparagraphs (g), (h), (i), and (j) of this Section shall use the title R.N. Lic. Pend. or L.P.N. Lic. Pend. respectively and no other. (Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98; 91-630, eff. 8-19-99.)

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

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

On motion of Senator Crotty, **House Bill No. 2567** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **House Bill No. 2571** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2572** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2573** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 2577** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 2579** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2614** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2615** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Harmon, **House Bill No. 2618** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 2634** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 2653** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2654** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2655** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2656** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2657** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 2659** was taken up, read by title a second time and ordered to a third reading.

On motion of and Senator Demuzio, **House Bill No. 2797** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2797 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 14-6.04 as follows:

(105 ILCS 5/14-6.04 new)

Sec. 14-6.04. Contracting for speech-language pathology services.

(a) For purposes of this Section:

"Reasonable efforts" means performing all of the following:

(1) placing at least 3 employment advertisements for a speech-language pathologist published in the daily newspaper of widest distribution within the school district or cooperative;

(2) placing one employment listing in the placement bulletin of a college or university that has a speech-language pathology curriculum and is located in the geographic area of the school district or cooperative; and

(3) posting the position for speech-language pathologist on the Illinois Association of School Administrators' job placement service for at least 30 days.

"Speech-language pathologist" means a person who:

(1) 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; and

(2) either (i) has completed a program of study prior to 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 to 21 or (ii) meets the content-area standards for speech-language pathologists adopted by the State Board of Education, in consultation with the State Teacher Certification Board.

"Speech-language pathology services" means the application of methods and procedures for identifying, measuring, testing, appraising, predicting, and modifying communication development and disorders or disabilities of speech, language, voice, swallowing, and other speech, language, and voice-related disorders for the purpose of counseling, consulting, and rendering services or participating in the planning, directing, or conducting of programs that are designed to modify communicative disorders and conditions in individuals or groups of individuals involving speech, language, voice, and swallowing functions.

(b) A school district or a cooperative must make reasonable efforts to employ a speech-language pathologist. While making those reasonable efforts or after unsuccessful reasonable efforts have been made, or both, a school district or cooperative may contract for speech-language pathology services with

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a speech-language pathologist or an entity that employs speech-language pathologists. A speech-language pathologist who provides speech-language pathology services pursuant to a contract must hold:

(1) a speech-language pathology license under the Illinois Speech-Language Pathology and Audiology Practice Act; and

(2) a certificate under this Code with an endorsement in speech-language pathology.

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

Floor Amendment 2 and 3 were referred to the Committee on Rules earlier today.

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

On motion of Senator Crotty, **House Bill No. 2809** having been printed, was taken up and read by title a second time.

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

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

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2809 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 25 as follows:

(30 ILCS 105/25) (from Ch. 127, par. 161)

Sec. 25. Fiscal year limitations. (a) All appropriations shall be available for expenditure for the fiscal year or for a lesser period if the Act making that appropriation so specifies. A deficiency or emergency appropriation shall be available for expenditure only through June 30 of the year when the Act making that appropriation is enacted unless that Act otherwise provides.

(b) Outstanding liabilities as of June 30, payable from appropriations which have otherwise expired, may be paid out of the expiring appropriations during the 2-month period ending at the close of business on August 31. Any service involving professional or artistic skills or any personal services by an employee whose compensation is subject to income tax withholding must be performed as of June 30 of the fiscal year in order to be considered an "outstanding liability as of June 30" that is thereby eligible for payment out of the expiring appropriation.

However, payment of tuition reimbursement claims under Section 14-7.03 or 18-3 of the School Code may be made by the State Board of Education from its appropriations for those respective purposes for any fiscal year, even though the claims reimbursed by the payment may be claims attributable to a prior fiscal year, and payments may be made at the direction of the State Superintendent of Education from the fund from which the appropriation is made without regard to any fiscal year limitations.

Medical payments may be made by the Department of Veterans' Affairs from its appropriations for those purposes for any fiscal year, without regard to the fact that the medical services being compensated for by such payment may have been rendered in a prior fiscal year.

Medical payments may be made by the Department of Public Aid and child care payments may be made by the Department of Human Services (as successor to the Department of Public Aid) from appropriations for those purposes for any fiscal year, without regard to the fact that the medical or child care services being compensated for by such payment may have been rendered in a prior fiscal year; and payments may be made at the direction of the Department of Central Management Services from the Health Insurance Reserve Fund and the Local Government Health Insurance Reserve Fund without regard to any fiscal year limitations.

Additionally, payments may be made by the Department of Human Services from its appropriations, or any other State agency from its appropriations with the approval of the Department of Human Services, from the Immigration Reform and Control Fund for purposes authorized pursuant to the Immigration Reform and Control Act of 1986, without regard to any fiscal year limitations.

Further, with respect to costs incurred in fiscal years 2002 and 2003 only, payments may be made by the State Treasurer from its appropriations from the Capital Litigation Trust Fund without regard to any fiscal year limitations.

(c) Further, payments may be made by the Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) from their respective appropriations for grants for medical care to or on behalf of persons suffering from chronic renal disease, persons suffering from hemophilia, rape victims, and premature and high-mortality risk infants and their mothers and for grants for supplemental food supplies provided under the United States Department of Agriculture Women, Infants and Children

Nutrition Program, for any fiscal year without regard to the fact that the services being compensated for by such payment may have been rendered in a prior fiscal year.

(d) The Department of Public Health and the Department of Human Services (acting as successor to the Department of Public Health under the Department of Human Services Act) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(d-5) Appropriations to the Department of Professional Regulation to establish the Illinois Center for Nursing pursuant to item (iv-5) of subsection (e) of Section 20-40 of the Nursing and Advanced Practice Nursing Act are not subject to the fiscal year limitations established under this Section.

(e) The Department of Public Aid and the Department of Human Services (acting as successor to the Department of Public Aid) shall each annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before November 30, a report that shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for (i) services provided in prior fiscal years and (ii) services for which claims were received in prior fiscal years.

(f) The Department of Human Services (as successor to the Department of Public Aid) shall annually submit to the State Comptroller, Senate President, Senate Minority Leader, Speaker of the House, House Minority Leader, and the respective Chairmen and Minority Spokesmen of the Appropriations Committees of the Senate and the House, on or before December 31, a report of fiscal year funds used to pay for services (other than medical care) provided in any prior fiscal year. This report shall document by program or service category those expenditures from the most recently completed fiscal year used to pay for services provided in prior fiscal years.

(g) In addition, each annual report required to be submitted by the Department of Public Aid under subsection (e) shall include the following information with respect to the State's Medicaid program:

(1) Explanations of the exact causes of the variance between the previous year's estimated and actual liabilities.

(2) Factors affecting the Department of Public Aid's liabilities, including but not limited to numbers of aid recipients, levels of medical service utilization by aid recipients, and inflation in the cost of medical services.

(3) The results of the Department's efforts to combat fraud and abuse.

(h) As provided in Section 4 of the General Assembly Compensation Act, any utility bill for service provided to a General Assembly member's district office for a period including portions of 2 consecutive fiscal years may be paid from funds appropriated for such expenditure in either fiscal year.

(i) An agency which administers a fund classified by the Comptroller as an internal service fund may issue rules for:

(1) billing user agencies in advance based on estimated charges for goods or services;

(2) issuing credits during the subsequent fiscal year for all user agency payments received during the prior fiscal year which were in excess of the final amounts owed by the user agency for that period; and

(3) issuing catch-up billings to user agencies during the subsequent fiscal year for amounts remaining due when payments received from the user agency during the prior fiscal year were less than the total amount owed for that period.

User agencies are authorized to reimburse internal service funds for catch-up billings by vouchers drawn against their respective appropriations for the fiscal year in which the catch-up billing was issued. (Source: P.A. 92-885, eff. 1-13-03.)

Section 10. The Nursing and Advanced Practice Nursing Act is amended by changing Section 20-40 and adding Sections 5-16 and 5-18 as follows:

(225 ILCS 65/5-16 new) (Section scheduled to be repealed on January 1, 2008)

Sec. 5-16. Illinois Center for Nursing. The Department shall create the Illinois Center for Nursing, the goals of which shall include, but not be limited to, all of the following:

(1) To develop a strategic statewide plan for nursing resources.

(2) To convene multidisciplinary groups to review the work of the Center and evaluate policy implications.

(3) To enhance and promote nurse recognition, reward, and renewal activities across the State.

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(4) To create a dynamic system for projecting nurse workforce supply and demand.

(5) To conduct biennial surveys of nurses to track retirement plans and issues impacting nurses in the workplace.

(6) To conduct biennial surveys of nurse employers to measure changes in demand and skill mix.

(7) To evaluate population demographics and available health indicator data to determine how they relate to the demand for nursing services.

(8) To project how changes in the health care delivery system, including the use of technology, will effect nursing demand in terms of number and educational mix.

(9) To study the relationship between various staffing models and patient outcomes.

(10) To promote an adequate nursing workforce in terms of numbers, diversity, educational mix, and geographic distribution.

(11) To develop creative mechanisms to attract a diverse group of students to nursing as an attractive and viable career option.

(12) To develop strategies for ensuring adequate numbers of faculty who are prepared to mentor students in a changing health care system.

(13) To monitor educational trends, including applications, enrollments, and graduate outcomes.

(14) To provide resources and programs designed to promote recognition and retention.

(15) To promote collaboration between nursing education and practice to determine necessary competencies and design professional practice.

(16) To develop and support nursing education and nursing practice collaborative efforts at the regional and State level.

(17) To provide funding for the planning and implementation of demonstration projects of professional practice models, with an emphasis on staffing models.

(18) To promote, inform, and educate the public as to the impact of nurses in health care delivery.

The Illinois Center for Nursing shall work in conjunction with the Illinois Coalition for Nursing Resources in accomplishing its goals.

(225 ILCS 65/5-18 new) (Section scheduled to be repealed on January 1, 2008)

Sec. 5-18. Advanced Practice Nurses Services Grant Program. The Department shall establish the Advanced Practice Nurses Services Grant Program, the goals of which shall include, but not be limited to, the following:

(1) To create a statewide plan to promote awareness among the underserved populations of APN services in their area.

(2) To develop a mechanism to provide underserved population access to APN services.

(225 ILCS 65/20-40) (Section scheduled to be repealed on January 1, 2008)

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

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

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

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

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

(d-5) Establishment and operation of the Illinois Center for Nursing as provided for in Section 5-16.

(d-6) Funding for the Advanced Practice Nurses Services Grant Program.

(e) Disposition of Fees:

(i) (Blank).

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

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

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

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

(iv-5) For the fiscal year beginning July 1, 2004, \$1,000,000 of the moneys deposited into the Nursing Dedicated and Professional Fund shall be appropriated to the Department to be used to establish the Illinois Center for Nursing as provided for in Section 5-16 and subsection (d-5) of this Section.

(iv-6) For the fiscal year beginning July 1, 2004, and each fiscal year thereafter, \$150,000 of the moneys deposited into the Nursing Dedicated and Professional Fund shall be appropriated to the Department to be used to fund the Advanced Practice Nurses Services Grant Program as provided for in Section 5-18 and subsection (d-6) of this Section.

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

(Source: P.A. 91-239, 1-1-00; 92-46, eff. 7-1-01.) Section 99. Effective date. This Act takes effect upon becoming law."

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

On motion of Senator Link, **House Bill No. 2840** was taken up and read by title a second time. Committee Amendment No. 1 was re-referred to the Committee on Rules.

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

On motion of Senator J. Sullivan, **House Bill No. 2841** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **House Bill No. 2843** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **House Bill No. 2844** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2848** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2848 on page 1, after line 3, by inserting the following: "Section 3. The Abused and Neglected Child Reporting Act is amended by changing Section 11.1 as follows:

(325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

Sec. 11.1. Access to records. (a) A person shall have access to the records described in Section 11 only in furtherance of purposes directly connected with the administration of this Act or the Intergovernmental Missing Child Recovery Act of 1984. Those persons and purposes for access include:

(1) Department staff in the furtherance of their responsibilities under this Act, or for the purpose of completing background investigations on persons or agencies licensed by the Department or with whom the Department contracts for the provision of child welfare services.

(2) A law enforcement agency investigating known or suspected child abuse or neglect, known or suspected involvement with child pornography, known or suspected criminal sexual assault, known or suspected criminal sexual abuse, or any other sexual offense when a child is alleged to be involved.

(3) The Department of State Police when administering the provisions of the Intergovernmental Missing Child Recovery Act of 1984.

(4) A physician who has before him a child whom he reasonably suspects may be abused or neglected.

(5) A person authorized under Section 5 of this Act to place a child in temporary protective custody when such person requires the information in the report or record to determine whether to

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place the child in temporary protective custody.

(6) A person having the legal responsibility or authorization to care for, treat, or supervise a child or a parent, guardian, or other person responsible for the child's welfare who is the subject of a report.

(7) Except in regard to harmful or detrimental information as provided in Section 7.19, any subject of the report, and if the subject of the report is a minor, his guardian or guardian ad litem.

(8) A court, upon its finding that access to such records may be necessary for the determination of an issue before such court; however, such access shall be limited to in camera inspection, unless the court determines that public disclosure of the information contained therein is necessary for the resolution of an issue then pending before it.

(8.1) A probation officer or other authorized representative of a probation or court services department conducting an investigation ordered by a court under the Juvenile Court Act of 1987.

(9) A grand jury, upon its determination that access to such records is necessary in the conduct of its official business.

(10) Any person authorized by the Director, in writing, for audit or bona fide research purposes.

(11) Law enforcement agencies, coroners or medical examiners, physicians, courts, school superintendents and child welfare agencies in other states who are responsible for child abuse or neglect investigations or background investigations.

(12) The Department of Professional Regulation, the State Board of Education and school superintendents in Illinois, who may use or disclose information from the records as they deem necessary to conduct investigations or take disciplinary action, as provided by law.

(13) A coroner or medical examiner who has reason to believe that a child has died as the result of abuse or neglect.

(14) The Director of a State-operated facility when an employee of that facility is the perpetrator in an indicated report.

(15) The operator of a licensed child care facility or a facility licensed by the Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) in which children reside when a current or prospective employee of that facility is the perpetrator in an indicated child abuse or neglect report, pursuant to Section 4.3 of the Child Care Act of 1969.

(16) Members of a multidisciplinary team in the furtherance of its responsibilities under subsection (b) of Section 7.1. All reports concerning child abuse and neglect made available to members of such multidisciplinary teams and all records generated as a result of such reports shall be confidential and shall not be disclosed, except as specifically authorized by this Act or other applicable law. It is a Class A misdemeanor to permit, assist or encourage the unauthorized release of any information contained in such reports or records. Nothing contained in this Section prevents the sharing of reports or records relating or pertaining to the death of a minor under the care of or receiving services from the Department of Children and Family Services and under the jurisdiction of the juvenile court with the juvenile court, the State's Attorney, and the minor's attorney.

(17) The Department of Human Services, as provided in Section 17 of the Disabled Persons Rehabilitation Act.

(18) Any other agency or investigative body, including the Department of Public Health and a local board of health, authorized by State law to conduct an investigation into the quality of care provided to children in hospitals and other State regulated care facilities. The access to and release of information from such records shall be subject to the approval of the Director of the Department or his designee.

(19) The person appointed, under Section 2-17 of the Juvenile Court Act of 1987, as the guardian ad litem of a minor who is the subject of a report or records under this Act.

(20) The Department of Human Services, as provided in Section 10 of the Early Intervention Services System Act, and the operator of a facility providing early intervention services pursuant to that Act, for the purpose of determining whether a current or prospective employee who provides or may provide direct services under that Act is the perpetrator in an indicated report of child abuse or neglect filed under this Act.

(b) Nothing contained in this Act prevents the sharing or disclosure of information or records relating or pertaining to juveniles subject to the provisions of the Serious Habitual Offender Comprehensive Action Program when that information is used to assist in the early identification and treatment of habitual juvenile offenders.

(c) To the extent that persons or agencies are given access to information pursuant to this Section, those persons or agencies may give this information to and receive this information from each other in order to facilitate an investigation conducted by those persons or agencies. (Source: P.A. 90-15, eff. 6-13-97; 91-357, eff. 7-29-99.)

"; and

on page 1, by replacing line 5 with the following:

"amended by changing Sections 10 and 13.32 as follows:

(325 ILCS 20/10) (from Ch. 23, par. 4160)

Sec. 10. Standards. The Council and the lead agency, with assistance from parents and providers, shall develop and promulgate policies and procedures relating to the establishment and implementation of program and personnel standards to ensure that services provided are consistent with any State-approved or recognized certification, licensing, registration, or other comparable requirements which apply to the area of early intervention program service standards. Only State-approved public or private early intervention service providers shall be eligible to receive State and federal funding for early intervention services. All early childhood intervention staff shall hold the highest entry requirement necessary for that position.

To be a State-approved early intervention service provider, an individual (i) shall not have served or completed, within the preceding 5 years, a sentence for conviction of any felony that the Department establishes by rule and (ii) shall not have been indicated as a perpetrator of child abuse or neglect, within the preceding 5 years, in an investigation by Illinois (pursuant to the Abused and Neglected Child Reporting Act) or another state. The Department is authorized to receive criminal background checks for such providers and persons applying to be such a provider and to receive child abuse and neglect reports regarding indicated perpetrators who are applying to provide or currently authorized to provide early intervention services in Illinois. Beginning January 1, 2004, every provider of State-approved early intervention services and every applicant to provide such services must authorize, in writing and in the form required by the Department, a criminal background check and check of child abuse and neglect reports regarding the provider or applicant as a condition of authorization to provide early intervention services. The Department shall use the results of the checks only to determine State approval of the early intervention service provider and shall not re-release the information except as necessary to accomplish that purpose. (Source: P.A. 87-680; 87-847)."

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

On motion of Senator Collins, **House Bill No. 2860** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2863** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2864** having been printed, was taken up and 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 House Bill 2864 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 or (B) a current Certificate of Clinical Competence in speech-language pathology from the American Speech-Language-Hearing Association and a regular license 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-

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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 on January 1, 2004."

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

On motion of Senator Demuzio, **House Bill No. 2866** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 2889** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 2890** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2895** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **House Bill No. 2900** having been printed, was taken up and read by title a second time.

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

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AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2900 on page 3, lines 15, 16, 20, and 34, by replacing "Council" with "Partnership" each time it appears; and on page 3, line 27, after "representatives of", by inserting "community mental health authorities and"; and on page 4, lines 2, 3, 6, and 20, by replacing "Council" with "Partnership" each time it appears; and on page 6, after line 22, by inserting the following:

"(c) The Department of Public Aid shall work jointly with the Department of Human Services to implement subsections (a) and (b)."

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

On motion of Senator Sieben, **House Bill No. 2918** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 2949** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Jacobs, **House Bill No. 2954** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 2955** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **House Bill No. 2983** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3023** was taken up and read by title a second time.

Floor Amendment No. 1 was referred to Rules earlier today.

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

On motion of Senator Martinez, **House Bill No. 3044** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 3047** having been printed, was taken up and 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 House Bill 3047 by replacing everything after the enacting clause with the following:

"Section 5. The Physician Assistant Practice Act of 1987 is amended by changing Section 7 as follows:

(225 ILCS 95/7) (from Ch. 111, par. 4607) (Section scheduled to be repealed on January 1, 2008)

Sec. 7. Supervision requirements. No more than 2 physician assistants shall be supervised by the supervising physician, although a physician assistant shall be able to hold more than one professional position. Each supervising physician shall file a notice of supervision of such physician assistant according to the rules of the Department. However, the alternate supervising physician may supervise more than 2 physician assistants when the supervising physician is unable to provide such supervision consistent with the definition of alternate physician in Section 4.

Physician assistants shall be supervised only by physicians as defined in this Act who are engaged in clinical practice, or in clinical practice in public health or other community health facilities.

Nothing in this Act shall be construed to limit the delegation of tasks or duties by a physician to a nurse or other appropriately trained personnel.

Nothing in this Act shall be construed to prohibit the employment of physician assistants by a hospital, nursing home or other health care facility where such physician assistants function under the

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supervision of a supervising physician.

Physician assistants may be employed by the Department of Corrections or the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) for service in facilities maintained by such Departments and affiliated training facilities in programs conducted under the authority of the Director of Corrections or the Secretary of Human Services. Each physician assistant employed by the Department of Corrections or the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) shall be under the supervision of a physician engaged in clinical practice and direct patient care. Duties of each physician assistant employed by such Departments are limited to those within the scope of practice of the supervising physician who is fully responsible for all physician assistant activities.

A physician assistant may be employed by a practice group or other entity employing multiple physicians at one or more locations. In that case, one of the physicians practicing at a location shall be designated the supervising physician. The other physicians with that practice group or other entity who practice in the same general type of practice or specialty as the supervising physician may supervise the physician assistant with respect to their patients without being deemed alternate supervising physicians for the purpose of this Act. (Source: P.A. 89-507, eff. 7-1-97; 90-116, eff. 7-14-97.)

Section 10. The Radiation Protection Act of 1990 is amended by changing Sections 5 and 6 as follows:

(420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5) (Section scheduled to be repealed on January 1, 2011)

Sec. 5. Limitations on application of radiation to human beings and requirements for radiation installation operators providing mammography services.

(a) No person shall intentionally administer radiation to a human being unless such person is licensed to practice a treatment of human ailments by virtue of the Illinois Medical, Dental or Podiatric Medical Practice Acts, or, as physician assistant, advanced practice nurse, technician, nurse, or other assistant, is acting under the supervision, prescription or direction of such licensed person. However, no such physician assistant, advanced practice nurse, technician, nurse, or other assistant acting under the supervision of a person licensed under the Medical Practice Act of 1987, shall administer radiation to human beings unless accredited by the Department of Nuclear Safety, except that persons enrolled in a course of education approved by the Department of Nuclear Safety may apply ionizing radiation to human beings as required by their course of study when under the direct supervision of a person licensed under the Medical Practice Act of 1987. No person authorized by this Section to apply ionizing radiation shall apply such radiation except to those parts of the human body specified in the Act under which such person or his supervisor is licensed. No person may operate a radiation installation where ionizing radiation is administered to human beings unless all persons who administer ionizing radiation in that radiation installation are licensed, accredited, or exempted in accordance with this Section. Nothing in this Section shall be deemed to relieve a person from complying with the provisions of Section 10.

(b) In addition, no person shall provide mammography services unless all of the following requirements are met:

(1) the mammography procedures are performed using a radiation machine that is specifically designed for mammography;

(2) the mammography procedures are performed using a radiation machine that is used solely for performing mammography procedures;

(3) the mammography procedures are performed using equipment that has been subjected to a quality assurance program that satisfies quality assurance requirements which the Department shall establish by rule;

(4) beginning one year after the effective date of this amendatory Act of 1991, if the mammography procedure is performed by a radiologic technologist, that technologist, in addition to being accredited by the Department to perform radiography, has satisfied training requirements specific to mammography, which the Department shall establish by rule.

(c) Every operator of a radiation installation at which mammography services are provided shall ensure and have confirmed by each mammography patient that the patient is provided with a pamphlet which is orally reviewed with the patient and which contains the following:

(1) how to perform breast self-examination;

(2) that early detection of breast cancer is maximized through a combined approach, using monthly breast self-examination, a thorough physical examination performed by a physician, and mammography performed at recommended intervals;

(3) that mammography is the most accurate method for making an early detection of breast cancer, however, no diagnostic tool is 100% effective;

(4) that if the patient is self-referred and does not have a primary care physician, or if the patient is unfamiliar with the breast examination procedures, that the patient has received information regarding public health services where she can obtain a breast examination and instructions. (Source: P.A. 89-187, eff. 7-19-95.)

(420 ILCS 40/6) (from Ch. 111 1/2, par. 210-6) (Section scheduled to be repealed on January 1, 2011)

Sec. 6. Accreditation of administrators of radiation; Limited scope accreditation; Rules and regulations; Education.

(a) The Department shall promulgate such rules and regulations as are necessary to establish accreditation standards and procedures, including a minimum course of education and continuing education requirements in the administration of radiation to human beings, which are appropriate to the classification of accreditation and which are to be met by all physician assistants, advanced practice nurses, nurses, technicians, or other assistants who administer radiation to human beings under the supervision of a person licensed under the Medical Practice Act of 1987. Such rules and regulations may provide for different classes of accreditation based on evidence of national certification, clinical experience or community hardship as conditions of initial and continuing accreditation. The rules and regulations of the Department shall be consistent with national standards in regard to the protection of the health and safety of the general public.

(b) The rules and regulations shall also provide that persons who have been accredited by the Department, in accordance with the Radiation Protection Act, without passing an examination, will remain accredited as provided in Section 43 of this Act and that those persons may be accredited, without passing an examination, to use other equipment, procedures, or supervision within the original category of accreditation if the Department receives written assurances from a person licensed under the Medical Practice Act of 1987, that the person accredited has the necessary skill and qualifications for such additional equipment procedures or supervision. The Department shall, in accordance with subsection (c) of this Section, provide for the accreditation of nurses, technicians, or other assistants, unless exempted elsewhere in this Act, to perform a limited scope of diagnostic radiography procedures of the chest, the extremities, skull and sinuses, or the spine, while under the supervision of a person licensed under the Medical Practice Act of 1987.

(c) The rules or regulations promulgated by the Department pursuant to subsection (a) shall establish standards and procedures for accrediting persons to perform a limited scope of diagnostic radiography procedures. The rules or regulations shall require persons seeking limited scope accreditation to register with the Department as a "student-in-training," and declare those procedures in which the student will be receiving training. The student-in-training registration shall be valid for a period of 16 months, during which the time the student may, under the supervision of a person licensed under the Medical Practice Act of 1987, perform the diagnostic radiography procedures listed on the student's registration. The student-in-training registration shall be nonrenewable.

Upon expiration of the 16 month training period, the student shall be prohibited from performing diagnostic radiography procedures unless accredited by the Department to perform such procedures. In order to be accredited to perform a limited scope of diagnostic radiography procedures, an individual must pass an examination offered by the Department. The examination shall be consistent with national standards in regard to protection of public health and safety. The examination shall consist of a standardized component covering general principles applicable to diagnostic radiography procedures and a clinical component specific to the types of procedures for which accreditation is being sought. The Department may assess a reasonable fee for such examinations to cover the costs incurred by the Department in conjunction with offering the examinations.

(d) The Department shall by rule or regulation exempt from accreditation physician assistants, advanced practice nurses, nurses, technicians, or other assistants who administer radiation to human beings under supervision of a person licensed to practice under the Medical Practice Act of 1987 when the services are performed on employees of a business at a medical facility owned and operated by the business. Such exemption shall only apply to the equipment, procedures and supervision specific to the medical facility owned and operated by the business. (Source: P.A. 90-14, eff. 7-1-97.)

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

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

On motion of Senator Collins, **House Bill No. 3049** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Garrett, **House Bill No. 3057** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **House Bill No. 3061** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3061 on page 1, line 4, by replacing "Vehicle" with "Highway"; and on page 1, line 6, by replacing "625" with "605".

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

On motion of Senator Hendon, **House Bill No. 3062** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 3063** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 3082** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Woolard, **House Bill No. 3088** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3088 by replacing everything after the enacting clause with the following:

"Section 5. The Private Business and Vocational Schools Act is amended by changing Section 1.1 as follows:

(105 ILCS 425/1.1) (from Ch. 144, par. 136.1)

Sec. 1.1. Exemptions and annual filing. (a) For purposes of this Act, the following shall not be considered to be a private business and vocational school:

- (1) Any eleemosynary institution.
- (2) Any religious institution.
- (3) Any public educational institution exempt from property taxation under the laws of this State.
- (4) Any in-service course of instruction and subject offered by an employer provided no tuition is charged and such instruction is offered only to employees of such employer.
- (5) Any educational institution (A) which (i) on the effective date of this amendatory Act of 1984 or which on January 2, 2001 enrolls a majority of its students in degree programs ~~and~~ has maintained an accredited status with the Commission on Institutions of Higher Education of the North Central Association of Colleges and Schools or (ii) on or after the effective date of this amendatory Act of the 93rd General Assembly enrolls students in one or more bachelor-level programs, enrolls a majority of its students in degree programs, and is accredited by a national accrediting agency that is recognized by the U.S. Department of Education; and (B) which is regulated by the Illinois Board of Higher Education under the Private College Act or the Academic Degree Act, or which is exempt from such regulation under either of the foregoing Acts solely for the reason that such educational institution was in operation on the effective date of either such Act.

(6) Any institution and the franchisees of such institution which offer exclusively a course of instruction in income tax theory or return preparation at a total contract price of no more than \$400, provided that the total annual enrollment of such institution for all such courses of instruction exceeds 500 students, and further provided that the total contract price for all instruction offered to a student in any one calendar year does not exceed \$400. For each calendar year after 1990, the total contract price shall be adjusted, rounded off to the nearest dollar, by the same percentage as the increase or decrease in the general price level as measured by the consumer price index for all urban consumers

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for the United States, or its successor index, as defined and officially reported by the United States Department of Labor, or its successor agency. The change in the index shall be that as first published by the Department of Labor for the calendar year immediately preceding the year in which the total contract price is calculated.

(b) An institution exempted under subsection (a) of this Section must file with the Superintendent an annual financial report to demonstrate continued compliance by the institution with the requirements on which the exemption is based. (Source: P.A. 92-62, eff. 1-1-02.)

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

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

On motion of Senator Roskam, **House Bill No. 3091** having been printed, was taken up and 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 House Bill 3091 by replacing the title with the following:

"AN ACT in relation to criminal law."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 1-1 as follows:

(720 ILCS 5/1-1) (from Ch. 38, par. 1-1)

Sec. 1-1. Short title. This Act ~~shall be known and~~ may be cited as the "Criminal Code of 1961". (Source: Laws 1961, p. 1983.)"

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

On motion of Senator Crotty, **House Bill No. 3095** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 3101** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rutherford, **House Bill No. 3106** 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 Viverito, **House Bill No. 3141** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **House Bill No. 3209** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 3215** 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 Munoz, **House Bill No. 3231** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **House Bill No. 3274** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3298** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hendon, **House Bill No. 3316** was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Welch, **House Bill No. 3321** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3321 on page 6, by replacing lines 22 through 24 with the following:

"requested by the Commission, and any person"; and

on page 9, by replacing lines 26 through 31 with the following:

"(b) Any action to enforce civil penalties arising under this Section shall be undertaken pursuant to Section 4-203."; and

on page 10, line 21, by replacing "relevant and material" with "directly related".

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

On motion of Senator Sandoval, **House Bill No. 3396** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3396 by replacing lines 32 through 34 on page 6 and line 1 on page 7 with the following:

"(f) Nothing in this or any other Act prohibits recognition of A labor organization shall be designated as the exclusive representative by a public employer by mutual consent of the employer and the labor organization, provided that the labor"; and

on page 10, line 5 by changing "may" to "shall may"; and

on page 10, line 14 by inserting after the period the following:

"Any dispute regarding the majority status of a labor organization shall be resolved by the Board which shall make the determination of majority status."

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

On motion of Senator Sieben, **House Bill No. 3407** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3407 as follows:

on page 5, lines 21 and 22, by replacing "and include or" with "or".

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

On motion of Senator E. Jones, **House Bill No. 3409** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3410** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3412** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3413** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3414** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3415** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3417** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3418** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Cullerton, **House Bill No. 3468** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 3488** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **House Bill No. 3489** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 3501** having been printed, was taken up and 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 House Bill 3501 as follows:
on page 1, line 5, by replacing "Sections 202 and 222" with "Section 202"; and
by deleting lines 18 through 33 on page 3 and all of pages 4, 5, and 6.

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

On motion of Senator Martinez, **House Bill No. 3504** was taken up and read by title a second time.

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

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

At the hour of 2:47 o'clock p.m., Senator Demuzio presiding.

On motion of Senator Cullerton, **House Bill No. 3528** 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 Hunter, **House Bill No. 3540** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Munoz, **House Bill No. 3543** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Hunter, **House Bill No. 3547** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Martinez, **House Bill No. 3552** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **House Bill No. 3556** having been printed, was taken up and 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 House Bill 3556 by replacing everything after the enacting clause with the following:

"Section 5. The Sex Offender Management Board Act is amended by changing Sections 10 and 15 and adding Sections 16, 17, 18, and 19 as follows:

(20 ILCS 4026/10)

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

(a) "Board" means the Sex Offender Management Board created in Section 15.

(b) "Sex offender" means any person who is convicted or found delinquent in the State of Illinois, or under any substantially similar federal law or law of another state, of any sex offense or attempt of a sex offense as defined in subsection (c) of this Section, or any former statute of this State that defined a felony sex offense, or who has been certified as a sexually dangerous person under the Sexually Dangerous Persons Act or declared a sexually violent person under the Sexually Violent Persons Commitment Act, or any substantially similar federal law or law of another state.

(c) "Sex offense" means any felony or misdemeanor offense described in this subsection (c) as follows:

- (1) Indecent solicitation of a child, in violation of Section 11-6 of the Criminal Code of 1961;
- (2) Indecent solicitation of an adult, in violation of Section 11-6.5 of the Criminal Code of 1961;
- (3) Public indecency, in violation of Section 11-9 of the Criminal Code of 1961;
- (4) Sexual exploitation of a child, in violation of Section 11-9.1 of the Criminal Code of 1961;
- (5) Sexual relations within families, in violation of Section 11-11 of the Criminal Code of 1961;
- (6) Soliciting for a juvenile prostitute, in violation of Section 11-15.1 of the Criminal Code of 1961;
- (7) Keeping a place of juvenile prostitution, in violation of Section 11-17.1 of the Criminal Code of 1961;
- (8) Patronizing a juvenile prostitute, in violation of Section 11-18.1 of the Criminal Code of 1961;
- (9) Juvenile pimping, in violation of Section 11-19.1 of the Criminal Code of 1961;
- (10) Exploitation of a child, in violation of Section 11-19.2 of the Criminal Code of 1961;
- (11) Child pornography, in violation of Section 11-20.1 of the Criminal Code of 1961;
- (12) Harmful material, in violation of Section 11-21 of the Criminal Code of 1961;
- (13) Criminal sexual assault, in violation of Section 12-13 of the Criminal Code of 1961;
- (14) Aggravated criminal sexual assault, in violation of Section 12-14 of the Criminal Code of 1961;
- (15) Predatory criminal sexual assault of a child, in violation of Section 12-14.1 of the Criminal Code of 1961;
- (16) Criminal sexual abuse, in violation of Section 12-15 of the Criminal Code of 1961;
- (17) Aggravated criminal sexual abuse, in violation of Section 12-16 of the Criminal Code of 1961;
- (18) Ritualized abuse of a child, in violation of Section 12-33 of the Criminal Code of 1961;
- (19) An attempt to commit any of the offenses enumerated in this subsection (c); or-
- (20) Any felony offense under Illinois law that is sexually motivated.

(d) "Management" means counseling, monitoring, and supervision of any sex offender that conforms to the standards created by the Board under Section 15.

(e) "Sexually motivated" means one or more of the facts of the underlying offense indicates conduct that is of a sexual nature or that shows an intent to engage in behavior of a sexual nature. (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

(20 ILCS 4026/15)

Sec. 15. Sex Offender Management Board; creation; duties. (a) There is created the Sex Offender Management Board, which shall consist of 24 ~~20~~ members. The membership of the Board shall consist of the following persons:

- (1) Two members appointed by the Governor representing the judiciary, one representing juvenile court matters and one representing adult criminal court matters;
- (2) One member appointed by the Governor representing Probation Services;
- (3) One member appointed by the Governor representing the Department of Corrections;

(4) One member appointed by the Governor representing the Department of Human Services;
 (5) One member appointed by the Governor representing the Illinois State Police;
 (6) One member appointed by the Governor representing the Department of Children and Family Services;

(7) One member appointed by the Attorney General representing the Office of the Attorney General;

(8) Two members appointed by the Attorney General who are licensed mental health professionals with documented expertise in the treatment of sex offenders;

(9) Two members appointed by the Attorney General who are State's Attorneys or assistant State's Attorneys, one representing juvenile court matters and one representing felony court matters;

(10) One member being the Cook County State's Attorney or his or her designee;

(11) One member being the Director of the State's Attorneys Appellate Prosecutor or his or her designee;

(12) One member being the Cook County Public Defender or his or her designee;

(13) Two members appointed by the Governor who are representatives of law enforcement, one juvenile officer and one sex crime investigator;

(14) Two members appointed by the Attorney General who are recognized experts in the field of sexual assault and who can represent sexual assault victims and victims' rights organizations; ~~and~~

(15) One member being the State Appellate Defender or his or her designee; ~~and~~

(16) One member being the President of the Illinois Polygraph Society or his or her designee;

(17) One member being the Executive Director of the Criminal Justice Information Authority or his or her designee;

(18) One member being the President of the Illinois Chapter of the Association for the Treatment of Sexual Abusers or his or her designee; and

(19) One member representing the Illinois Principal Association.

(b) The Governor and the Attorney General shall appoint a presiding officer for the Board from among the board members appointed under subsection (a) of this Section, which presiding officer shall serve at the pleasure of the Governor and the Attorney General.

(c) Each member of the Board shall demonstrate substantial expertise and experience in the field of sexual assault.

(d) (1) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (1) through (7) of subsection (a) of this Section shall serve at the pleasure of the official who appointed that member, for a term of 5 years and may be reappointed. The members shall serve without additional compensation.

(2) Any member of the Board created in subsection (a) of this Section who is appointed under paragraphs (8) through (14) of subsection (a) of this Section shall serve for a term of 5 years and may be reappointed. The members shall serve without compensation.

(3) The travel costs associated with membership on the Board created in subsection (a) of this Section will be reimbursed subject to availability of funds.

(e) The first meeting of this Board shall be held within 45 days of the effective date of this Act.

(f) The Board shall carry out the following duties:

(1) Not later than December 31, 2001, the Board shall develop and prescribe separate standardized procedures for the evaluation and identification of the offender and recommend behavior management, monitoring, and treatment counseling based upon the knowledge that sex offenders are extremely habituated and that there is no known cure for the propensity to commit sex abuse. The Board shall develop and implement measures of success based upon a no-cure policy for intervention. The Board shall develop and implement methods of intervention for sex offenders which have as a priority the physical and psychological safety of victims and potential victims and which are appropriate to the needs of the particular offender, so long as there is no reduction of the safety of victims and potential victims.

(2) Not later than December 31, 2001, the Board shall develop separate guidelines and standards for a system of programs for the evaluation and treatment counseling of both juvenile and adult sex offenders which shall ~~can~~ be utilized by offenders who are placed on probation, committed to the Department of Corrections or Department of Human Services, or placed on mandatory supervised release or parole. The programs developed under this paragraph (f) shall be as flexible as possible so that the programs may be utilized by each offender to prevent the offender from harming victims and potential victims. The programs shall be structured in such a manner that the programs provide a continuing monitoring process as well as a continuum of counseling programs for each offender as that offender proceeds through the justice system. Also, the programs shall be developed in such a

manner that, to the extent possible, the programs may be accessed by all offenders in the justice system.

(3) There is established the Sex Offender Management Board Fund in the State Treasury into which funds received under any provision of law or from public or private sources shall be deposited, and from which funds shall be appropriated for the purposes set forth in Section 19 of this Act and in Section 5-6-3 of the Unified Code of Corrections, and the remainder shall be appropriated to the Sex Offender Management Board for planning and research.

(4) The Board shall develop and prescribe a plan to research and analyze the effectiveness of the evaluation, identification, and counseling procedures and programs developed under this Act. The Board shall also develop and prescribe a system for implementation of the guidelines and standards developed under paragraph (2) of this subsection (f) and for tracking offenders who have been subjected to evaluation, identification, and ~~treatment counseling~~ under this Act. In addition, the Board shall develop a system for monitoring offender behaviors and offender adherence to prescribed behavioral changes. The results of the tracking and behavioral monitoring shall be a part of any analysis made under this paragraph (4).

(g) The Board may promulgate rules as are necessary to carry out the duties of the Board.

(h) The Board and the individual members of the Board shall be immune from any liability, whether civil or criminal, for the good faith performance of the duties of the Board as specified in this Section. (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98; 91-235, eff. 7-22-99; 91-798, eff. 7-9-00.)

(20 ILCS 4026/16 new)

Sec. 16. Sex offender evaluation and identification required.

(a) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, each felony sex offender who is to be considered for probation shall be required as part of the pre-sentence or social investigation to submit to an evaluation for treatment, an evaluation for risk, and procedures for monitoring of behavior to protect victims and potential victims developed pursuant to item (1) of subsection (f) of Section 15 of this Act.

(b) The evaluation required by subsection (a) of this Section shall be by an evaluator approved by the Sex Offender Management Board and shall be at the expense of the person evaluated, based upon that person's ability to pay for such treatment.

(20 ILCS 4026/17 new)

Sec. 17. Sentencing of sex offenders; treatment based upon evaluation and identification required.

(a) Each felony sex offender sentenced by the court for a sex offense shall be required as a part of any sentence to probation, conditional release, or periodic imprisonment to undergo treatment based upon the recommendations of the evaluation made pursuant to Section 16 or based upon any subsequent recommendations by the Administrative Office of the Illinois Courts or the county probation department, whichever is appropriate. Any such treatment and monitoring shall be at a facility or with a person approved by the Board and at such offender's own expense based upon the offender's ability to pay for such treatment.

(b) Beginning on the effective date of this amendatory Act of the 93rd General Assembly, each sex offender placed on parole or mandatory supervised release by the Prisoner Review Board shall be required as a condition of parole to undergo treatment based upon any evaluation or subsequent reevaluation regarding such offender during the offender's incarceration or any period of parole. Any such treatment shall be by an individual approved by the Board and at the offender's expense based upon the offender's ability to pay for such treatment.

(20 ILCS 4026/18 new)

Sec. 18. Sex offender treatment contracts with providers. The county probation department or the Department of Human Services shall not employ or contract with and shall not allow a sex offender to employ or contract with any individual or entity to provide sex offender evaluation or treatment services pursuant to this Act unless the sex offender evaluation or treatment services provided are by an individual approved by the Board pursuant to item (2) of subsection (f) of Section 15 of this Act.

(20 ILCS 4026/19 new)

Sec. 19. Sex Offender Management Board Fund.

(a) Any and all practices endorsed or required under this Act, including but not limited to evaluation, treatment, or monitoring of programs that are or may be developed by the agency providing supervision, the Department of Corrections, or the Department of Human Services shall be at the expense of the person evaluated or treated, based upon the person's ability to pay. If it is determined by the agency providing supervision, the Department of Corrections, or the Department of Human Services that the person does not have the ability to pay for practices endorsed or required by this Act, the agency providing supervision of the sex offender shall request reimbursement for services. The Sex Offender

Management Board shall provide the agency providing supervision, the Department of Corrections, or the Department of Human Services with factors to be considered and criteria to determine a person's ability to pay. The Sex Offender Management Board shall coordinate the expenditures of moneys from the Sex Offender Management Board Fund with any money expended by counties, the Department of Corrections or the Department of Human Services. The Board shall develop a plan for the allocation of moneys deposited in this Fund among the agency providing supervision, the Department of Corrections, or the Department of Human Services.

(b) Up to 20% of this Fund shall be retained by the Sex Offender Management Board for administrative costs, including staff, incurred pursuant to this Act.

(c) Monies expended for this Fund shall be used to supplement, not replace offenders' self-pay, or county appropriations for probation and court services.

(d) Interest earned on monies deposited in this Fund may be used by the Board for its administrative costs and expenses.

(e) In addition to the funds provided by the sex offender, counties, or Departments providing treatment, the Board shall explore funding sources including but not limited to State, federal, and private funds.

Section 10. The Juvenile Court Act of 1987 is amended by changing Sections 5-701 and 5-715 as follows:

(705 ILCS 405/5-701)

Sec. 5-701. Social investigation report. Upon the order of the court, a social investigation report shall be prepared and delivered to the parties at least 3 days prior to the sentencing hearing. The written report of social investigation shall include an investigation and report of the minor's physical and mental history and condition, family situation and background, economic status, education, occupation, personal habits, minor's history of delinquency or criminality or other matters which have been brought to the attention of the juvenile court, information about special resources known to the person preparing the report which might be available to assist in the minor's rehabilitation, and any other matters which may be helpful to the court or which the court directs to be included.

Any minor found to be guilty of a sex offense as defined by the Sex Offender Management Board Act shall be required as part of the social investigation to submit to a sex offender evaluation. The evaluation shall be performed in conformance with the standards developed under the Sex Offender Management Board Act and by an evaluator approved by the Board. (Source: P.A. 90-590, eff. 1-1-99.)

(705 ILCS 405/5-715)

Sec. 5-715. Probation. (1) The period of probation or conditional discharge shall not exceed 5 years or until the minor has attained the age of 21 years, whichever is less, except as provided in this Section for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony or a forcible felony. The juvenile court may terminate probation or conditional discharge and discharge the minor at any time if warranted by the conduct of the minor and the ends of justice; provided, however, that the period of probation for a minor who is found to be guilty for an offense which is first degree murder, a Class X felony, or a forcible felony shall be at least 5 years.

(2) The court may as a condition of probation or of conditional discharge require that the minor:

- (a) not violate any criminal statute of any jurisdiction;
- (b) make a report to and appear in person before any person or agency as directed by the court;
- (c) work or pursue a course of study or vocational training;
- (d) undergo medical or psychiatric treatment, rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist or social work services rendered by a clinical social worker, or treatment for drug addiction or alcoholism;
- (e) attend or reside in a facility established for the instruction or residence of persons on probation;
- (f) support his or her dependents, if any;
- (g) refrain from possessing a firearm or other dangerous weapon, or an automobile;
- (h) permit the probation officer to visit him or her at his or her home or elsewhere;
- (i) reside with his or her parents or in a foster home;
- (j) attend school;
- (j-5) with the consent of the superintendent of the facility, attend an educational program at a facility other than the school in which the offense was committed if he or she committed a crime of violence as defined in Section 2 of the Crime Victims Compensation Act in a school, on the real property comprising a school, or within 1,000 feet of the real property comprising a school;
- (k) attend a non-residential program for youth;
- (l) make restitution under the terms of subsection (4) of Section 5-710;

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

(n) perform some reasonable public or community service;

(o) participate with community corrections programs including unified delinquency intervention services administered by the Department of Human Services subject to Section 5 of the Children and Family Services Act;

(p) pay costs;

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

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

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

(iii) use an approved electronic monitoring device if ordered by the court subject to Article 8A of Chapter V of the Unified Code of Corrections;

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

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

(s-5) undergo a medical or other procedure to have a tattoo symbolizing allegiance to a street gang removed from his or her body;

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

(u) comply with other conditions as may be ordered by the court.

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

(3.5) The court shall, as a condition of probation or of conditional discharge, require that a minor found to be guilty and placed on probation for reasons that include a violation of Section 3.02 or Section 3.03 of the Humane Care for Animals Act or paragraph (d) of subsection (1) of Section 21-1 of the Criminal Code of 1961 undergo medical or psychiatric treatment rendered by a psychiatrist or psychological treatment rendered by a clinical psychologist. The condition may be in addition to any other condition.

(3.10) The court shall order that a minor placed on probation or conditional discharge for a sex offense as defined in the Sex Offender Management Board Act undergo and successfully complete sex offender treatment. The treatment shall be in conformance with the standards developed under the Sex Offender Management Board Act and conducted by a treatment provider approved by the Board. The treatment shall be at the expense of the person evaluated based upon that person's ability to pay for the treatment.

(4) A minor on probation or conditional discharge shall be given a certificate setting forth the conditions upon which he or she is being released.

(5) The court shall impose upon a minor placed on probation or conditional discharge, as a condition of the probation or conditional discharge, a fee of \$25 for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the minor placed on probation or conditional discharge to pay the fee, the court assesses a lesser amount. The court may not impose the fee on a minor who is made a ward of the State under this Act while the minor is in placement. The fee shall be imposed only upon a minor who is actively supervised by the probation and court services department. The court may order the parent, guardian, or legal custodian of the minor to pay some or all of the fee on the minor's behalf.

(6) The General Assembly finds that in order to protect the public, the juvenile justice system must

compel compliance with the conditions of probation by responding to violations with swift, certain, and fair punishments and intermediate sanctions. The Chief Judge of each circuit shall adopt a system of structured, intermediate sanctions for violations of the terms and conditions of a sentence of supervision, probation or conditional discharge, under this Act.

The court shall provide as a condition of a disposition of probation, conditional discharge, or supervision, that the probation agency may invoke any sanction from the list of intermediate sanctions adopted by the chief judge of the circuit court for violations of the terms and conditions of the sentence of probation, conditional discharge, or supervision, subject to the provisions of Section 5-720 of this Act. (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01; 92-454, eff. 1-1-02; 92-651, eff. 7-11-02.)

Section 15. The Sexually Dangerous Persons Act is amended by changing Section 8 as follows:
(725 ILCS 205/8) (from Ch. 38, par. 105-8)

Sec. 8. If the respondent is found to be a sexually dangerous person then the court shall appoint the Director of Corrections guardian of the person found to be sexually dangerous and such person shall stand committed to the custody of such guardian. The Director of Corrections as guardian shall keep safely the person so committed until the person has recovered and is released as hereinafter provided. The Director of Corrections as guardian shall provide care and treatment for the person committed to him designed to effect recovery. Any treatment provided under this Section shall be in conformance with the standards promulgated by the Sex Offender Management Board and conducted by a treatment provider approved by the Board. The Director may place that ward in any facility in the Department of Corrections or portion thereof set aside for the care and treatment of sexually dangerous persons. The Department of Corrections may also request another state Department or Agency to examine such person and upon such request, such Department or Agency shall make such examination and the Department of Corrections may, with the consent of the chief executive officer of such other Department or Agency, thereupon place such person in the care and treatment of such other Department or Agency. (Source: P.A. 92-786, eff. 8-6-02.)

Section 20. The Sexually Violent Persons Commitment Act is amended by changing Sections 10, 25, 30, 40, 55, 60, and 65 as follows:
(725 ILCS 207/10)

Sec. 10. Notice to the Attorney General and State's Attorney. (a) In this Act, "agency with jurisdiction" means the agency with the authority or duty to release or discharge the person.

(b) If an agency with jurisdiction has control or custody over a person who may meet the criteria for commitment as a sexually violent person, the agency with jurisdiction shall inform the Attorney General and the State's Attorney in a position to file a petition under paragraph (a)(2) of Section 15 of this Act regarding the person as soon as possible beginning 3 months prior to the applicable date of the following:

(1) The anticipated release from imprisonment or the anticipated entry into mandatory supervised release of a person who has been convicted of a sexually violent offense.

(2) The anticipated release from a Department of Corrections correctional facility or juvenile correctional facility of a person adjudicated delinquent under Section 5-20 of the Juvenile Court Act of 1987 (now repealed) or found guilty under Section 5-620 of that Act, on the basis of a sexually violent offense.

(3) The discharge or conditional release of a person who has been found not guilty of a sexually violent offense by reason of insanity under Section 5-2-4 of the Unified Code of Corrections.

(c) The agency with jurisdiction shall provide the Attorney General and the State's Attorney with all of the following:

(1) The person's name, identifying factors, anticipated future residence and offense history;

(2) A comprehensive evaluation of the person's mental condition, the basis upon which a determination has been made that the person is subject to commitment under subsection (b) of Section 15 of this Act and a recommendation for action in furtherance of the purposes of this Act. The evaluation shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and by an evaluator approved by the Board; and

(3) If applicable, documentation of any treatment and the person's adjustment to any institutional placement.

(d) Any agency or officer, employee or agent of an agency is immune from criminal or civil liability for any acts or omissions as the result of a good faith effort to comply with this Section. (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98; 91-357, eff. 7-29-99.)

(725 ILCS 207/25)

Sec. 25. Rights of persons subject to petition. (a) Any person who is the subject of a petition filed under Section 15 of this Act shall be served with a copy of the petition in accordance with the Civil

Practice Law.

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

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

- (1) To be present and to be represented by counsel. If the person is indigent, the court shall appoint counsel.
- (2) Remain silent.
- (3) Present and cross-examine witnesses.
- (4) Have the hearing recorded by a court reporter.

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

(e) Whenever the person who is the subject of the petition is required to submit to an examination under this Act, he or she may retain experts or professional persons to perform an examination. The respondent's chosen evaluator must be approved by the Sex Offender Management Board and the evaluation must be conducted in conformance with the standards developed under the Sex Offender Management Board Act. If the person retains a qualified expert or professional person of his or her own choice to conduct an examination, the examiner shall have reasonable access to the person for the purpose of the examination, as well as to the person's past and present treatment records and patient health care records. If the person is indigent, the court shall, upon the person's request, appoint a qualified and available expert or professional person to perform an examination. Upon the order of the circuit court, the county shall pay, as part of the costs of the action, the costs of a court-appointed expert or professional person to perform an examination and participate in the trial on behalf of an indigent person. (Source: P.A. 90-40, eff. 1-1-98.)

(725 ILCS 207/30)

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

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

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

(c) If the court determines after a hearing that there is probable cause to believe that the person named in the petition is a sexually violent person, the court shall order that the person be taken into custody if he or she is not in custody and shall order the person to be transferred within a reasonable time to an appropriate facility for an evaluation as to whether the person is a sexually violent person. If the person who is named in the petition refuses to speak to, communicate with, or otherwise fails to cooperate with the examining evaluator from the Department of Human Services or the Department of Corrections, that person may only introduce evidence and testimony from any expert or professional person who is retained or court-appointed to conduct an examination of the person that results from a review of the records and may not introduce evidence resulting from an examination of the person. Any evaluation conducted under this Section shall be by an evaluator approved by the Sex Offender Management Board and conducted in conformance with the standards developed under the Sex Offender

Management Board Act. Notwithstanding the provisions of Section 10 of the Mental Health and Developmental Disabilities Confidentiality Act, all evaluations conducted pursuant to this Act and all Illinois Department of Corrections treatment records shall be admissible at all proceedings held pursuant to this Act, including the probable cause hearing and the trial.

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

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

(e) If the person named in the petition claims or appears to be indigent, the court shall, prior to the probable cause hearing under subsection (b) of this Section, appoint counsel. (Source: P.A. 92-415, eff. 8-17-01.)

(725 ILCS 207/40)

Sec. 40. Commitment. (a) If a court or jury determines that the person who is the subject of a petition under Section 15 of this Act is a sexually violent person, the court shall order the person to be committed to the custody of the Department for control, care and treatment until such time as the person is no longer a sexually violent person.

(b) (1) The court shall enter an initial commitment order under this Section pursuant to a hearing held as soon as practicable after the judgment is entered that the person who is the subject of a petition under Section 15 is a sexually violent person. If the court lacks sufficient information to make the determination required by paragraph (b)(2) of this Section immediately after trial, it may adjourn the hearing and order the Department to conduct a predisposition investigation or a supplementary mental examination, or both, to assist the court in framing the commitment order. A supplementary mental examination under this Section shall be conducted in accordance with Section 3-804 of the Mental Health and Developmental Disabilities Code.

(2) An order for commitment under this Section shall specify either institutional care in a secure facility, as provided under Section 50 of this Act, or conditional release. In determining whether commitment shall be for institutional care in a secure facility or for conditional release, the court shall consider the nature and circumstances of the behavior that was the basis of the allegation in the petition under paragraph (b)(1) of Section 15, the person's mental history and present mental condition, where the person will live, how the person will support himself or herself, and what arrangements are available to ensure that the person has access to and will participate in necessary treatment. All treatment, whether in institutional care, in a secure facility, or while on conditional release, shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and conducted by a treatment provider approved by the Board. The Department shall arrange for control, care and treatment of the person in the least restrictive manner consistent with the requirements of the person and in accordance with the court's commitment order.

(3) If the court finds that the person is appropriate for conditional release, the court shall notify the Department. The Department shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The Department may contract with a county health department, with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan. The conditional release program operated under this Section is not subject to the provisions of the Mental Health and Developmental Disabilities Confidentiality Act.

(4) An order for conditional release places the person in the custody and control of the Department. A person on conditional release is subject to the conditions set by the court and to the rules of the Department. Before a person is placed on conditional release by the court under this Section, the court shall so notify the municipal police department and county sheriff for the municipality and county in which the person will be residing. The notification requirement under this Section does not apply if a municipal police department or county sheriff submits to the court a written statement waiving the right to be notified. If the Department alleges that a released person has violated any condition or rule, or that the safety of others requires that conditional release be revoked, he or she may be taken into custody under the rules of the Department.

At any time during which the person is on conditional release, if the Department determines that the person has violated any condition or rule, or that the safety of others requires that conditional

release be revoked, the Department may request the Attorney General or State's Attorney to request the court to issue an emergency ex parte order directing any law enforcement officer to take the person into custody and transport the person to the county jail. The Department may request, or the Attorney General or State's Attorney may request independently of the Department, that a petition to revoke conditional release be filed. When a petition is filed, the court may order the Department to issue a notice to the person to be present at the Department or other agency designated by the court, order a summons to the person to be present, or order a body attachment for all law enforcement officers to take the person into custody and transport him or her to the county jail, hospital, or treatment facility. The Department shall submit a statement showing probable cause of the detention and a petition to revoke the order for conditional release to the committing court within 48 hours after the detention. The court shall hear the petition within 30 days, unless the hearing or time deadline is waived by the detained person. Pending the revocation hearing, the Department may detain the person in a jail, in a hospital or treatment facility. The State has the burden of proving by clear and convincing evidence that any rule or condition of release has been violated, or that the safety of others requires that the conditional release be revoked. If the court determines after hearing that any rule or condition of release has been violated, or that the safety of others requires that conditional release be revoked, it may revoke the order for conditional release and order that the released person be placed in an appropriate institution until the person is discharged from the commitment under Section 65 of this Act or until again placed on conditional release under Section 60 of this Act.

(5) An order for conditional release places the person in the custody, care, and control of the Department. The court shall order the person be subject to the following rules of conditional release, in addition to any other conditions ordered, and the person shall be given a certificate setting forth the conditions of conditional release. These conditions shall be that the person:

- (A) not violate any criminal statute of any jurisdiction;
- (B) report to or appear in person before such person or agency as directed by the court and the Department;
- (C) refrain from possession of a firearm or other dangerous weapon;
- (D) not leave the State without the consent of the court or, in circumstances in which the reason for the absence is of such an emergency nature, that prior consent by the court is not possible without the prior notification and approval of the Department;
- (E) at the direction of the Department, notify third parties of the risks that may be occasioned by his or her criminal record or sexual offending history or characteristics, and permit the supervising officer or agent to make the notification requirement;
- (F) attend and fully participate in assessment, treatment, and behavior monitoring including, but not limited to, medical, psychological or psychiatric treatment specific to sexual offending, drug addiction, or alcoholism, to the extent appropriate to the person based upon the recommendation and findings made in the Department evaluation or based upon any subsequent recommendations by the Department;
- (G) waive confidentiality allowing the court and Department access to assessment or treatment results or both;
- (H) work regularly at a Department approved occupation or pursue a course of study or vocational training and notify the Department within 72 hours of any change in employment, study, or training;
- (I) not be employed or participate in any volunteer activity that involves contact with children, except under circumstances approved in advance and in writing by the Department officer;
- (J) submit to the search of his or her person, residence, vehicle, or any personal or real property under his or her control at any time by the Department;
- (K) financially support his or her dependents and provide the Department access to any requested financial information;
- (L) serve a term of home confinement, the conditions of which shall be that the person:
 - (i) remain within the interior premises of the place designated for his or her confinement during the hours designated by the Department;
 - (ii) admit any person or agent designated by the Department into the offender's place of confinement at any time for purposes of verifying the person's compliance with the condition of his or her confinement;
 - (iii) if deemed necessary by the Department, be placed on an electronic monitoring device;
- (M) comply with the terms and conditions of an order of protection issued by the court pursuant to the Illinois Domestic Violence Act of 1986. A copy of the order of protection shall be transmitted to the Department by the clerk of the court;

(N) refrain from entering into a designated geographic area except upon terms the Department finds appropriate. The terms may include consideration of the purpose of the entry, the time of day, others accompanying the person, and advance approval by the Department;

(O) refrain from having any contact, including written or oral communications, directly or indirectly, with certain specified persons including, but not limited to, the victim or the victim's family, and report any incidental contact with the victim or the victim's family to the Department within 72 hours; refrain from entering onto the premises of, traveling past, or loitering near the victim's residence, place of employment, or other places frequented by the victim;

(P) refrain from having any contact, including written or oral communications, directly or indirectly, with particular types of persons, including but not limited to members of street gangs, drug users, drug dealers, or prostitutes;

(Q) refrain from all contact, direct or indirect, personally, by telephone, letter, or through another person, with minor children without prior identification and approval of the Department;

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

(S) not establish a dating, intimate, or sexual relationship with a person without prior written notification to the Department;

(T) neither possess or have under his or her control any material that is pornographic, sexually oriented, or sexually stimulating, or that depicts or alludes to sexual activity or depicts minors under the age of 18, including but not limited to visual, auditory, telephonic, electronic media, or any matter obtained through access to any computer or material linked to computer access use;

(U) not patronize any business providing sexually stimulating or sexually oriented entertainment nor utilize "900" or adult telephone numbers or any other sex-related telephone numbers;

(V) not reside near, visit, or be in or about parks, schools, day care centers, swimming pools, beaches, theaters, or any other places where minor children congregate without advance approval of the Department and report any incidental contact with minor children to the Department within 72 hours;

(W) not establish any living arrangement or residence without prior approval of the Department;

(X) not publish any materials or print any advertisements without providing a copy of the proposed publications to the Department officer and obtaining permission prior to publication;

(Y) not leave the county except with prior permission of the Department and provide the Department officer or agent with written travel routes to and from work and any other designated destinations;

(Z) not possess or have under his or her control certain specified items of contraband related to the incidence of sexually offending items including video or still camera items or children's toys;

(AA) provide a written daily log of activities as directed by the Department;

(BB) comply with all other special conditions that the Department may impose that restrict the person from high-risk situations and limit access or potential victims.

(6) A person placed on conditional release and who during the term undergoes mandatory drug or alcohol testing or is assigned to be placed on an approved electronic monitoring device may be ordered to pay all costs incidental to the mandatory drug or alcohol testing and all costs incidental to the approved electronic monitoring in accordance with the person's ability to pay those costs. The Department may establish reasonable fees for the cost of maintenance, testing, and incidental expenses related to the mandatory drug or alcohol testing and all costs incidental to approved electronic monitoring.

(Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

(725 ILCS 207/55)

Sec. 55. Periodic reexamination; report. (a) If a person has been committed under Section 40 of this Act and has not been discharged under Section 65 of this Act, the Department shall conduct an examination of his or her mental condition within 6 months after an initial commitment under Section 40 and then at least once every 12 months from the completion of the last evaluation for the purpose of determining whether the person has made sufficient progress to be conditionally released or discharged. At the time of a reexamination under this Section, the person who has been committed may retain or, if he or she is indigent and so requests, the court may appoint a qualified expert or a professional person to examine him or her.

[May 6, 2003]

(b) Any examiner conducting an examination under this Section shall prepare a written report of the examination no later than 30 days after the date of the examination. The examiner shall place a copy of the report in the person's health care records and shall provide a copy of the report to the court that committed the person under Section 40. The examination shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

(c) Notwithstanding subsection (a) of this Section, the court that committed a person under Section 40 may order a reexamination of the person at any time during the period in which the person is subject to the commitment order.

(d) Petitions for discharge after reexamination must follow the procedure outlined in Section 65 of this Act. (Source: P.A. 90-40, eff. 1-1-98; 90-793, eff. 8-14-98; 91-227, eff. 1-1-00; 91-875, eff. 6-30-00.)

(725 ILCS 207/60)

Sec. 60. Petition for conditional release. (a) Any person who is committed for institutional care in a secure facility or other facility under Section 40 of this Act may petition the committing court to modify its order by authorizing conditional release if at least 6 months have elapsed since the initial commitment order was entered, the most recent release petition was denied or the most recent order for conditional release was revoked. The director of the facility at which the person is placed may file a petition under this Section on the person's behalf at any time.

(b) If the person files a timely petition without counsel, the court shall serve a copy of the petition on the Attorney General or State's Attorney, whichever is applicable and, subject to paragraph (c)(1) of Section 25 of this Act, appoint counsel. If the person petitions through counsel, his or her attorney shall serve the Attorney General or State's Attorney, whichever is applicable.

(c) Within 20 days after receipt of the petition, the court shall appoint one or more examiners having the specialized knowledge determined by the court to be appropriate, who shall examine the mental condition of the person and furnish a written report of the examination to the court within 30 days after appointment. The examiners shall have reasonable access to the person for purposes of examination and to the person's past and present treatment records and patient health care records. If any such examiner believes that the person is appropriate for conditional release, the examiner shall report on the type of treatment and services that the person may need while in the community on conditional release. The State has the right to have the person evaluated by experts chosen by the State. Any examination or evaluation conducted under this Section shall be in conformance with the standards developed under the Sex Offender Management Board Act and conducted by an evaluator approved by the Board. The court shall set a probable cause hearing as soon as practical after the examiner's report is filed. If the court determines at the probable cause hearing that cause exists to believe that it is not substantially probable that the person will engage in acts of sexual violence if on release or conditional release, the court shall set a hearing on the issue.

(d) The court, without a jury, shall hear the petition within 30 days after the report of the court-appointed examiner is filed with the court, unless the petitioner waives this time limit. The court shall grant the petition unless the State proves by clear and convincing evidence that the person has not made sufficient progress to be conditionally released. In making a decision under this subsection, the court must consider the nature and circumstances of the behavior that was the basis of the allegation in the petition under paragraph (b)(1) of Section 15 of this Act, the person's mental history and present mental condition, where the person will live, how the person will support himself or herself and what arrangements are available to ensure that the person has access to and will participate in necessary treatment.

(e) Before the court may enter an order directing conditional release to a less restrictive alternative it must find the following: (1) the person will be treated by a Department approved treatment provider, (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for the treatment and will report progress to the Department on a regular basis, and will report violations immediately to the Department, consistent with treatment and supervision needs of the respondent, (3) housing exists that is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the Department if the person leaves the housing to which he or she has been assigned without authorization, (4) the person is willing to or has agreed to comply with the treatment provider, the Department, and the court, and (5) the person has agreed or is willing to agree to comply with the behavioral monitoring requirements imposed by the court and the Department.

(f) If the court finds that the person is appropriate for conditional release, the court shall notify the

Department. The Department shall prepare a plan that identifies the treatment and services, if any, that the person will receive in the community. The plan shall address the person's need, if any, for supervision, counseling, medication, community support services, residential services, vocational services, and alcohol or other drug abuse treatment. The Department may contract with a county health department, with another public agency or with a private agency to provide the treatment and services identified in the plan. The plan shall specify who will be responsible for providing the treatment and services identified in the plan. The plan shall be presented to the court for its approval within 60 days after the court finding that the person is appropriate for conditional release, unless the Department and the person to be released request additional time to develop the plan.

(g) The provisions of paragraph (b)(4) of Section 40 of this Act apply to an order for conditional release issued under this Section. (Source: P.A. 91-875, eff. 6-30-00; 92-415, eff. 8-17-01.)

(725 ILCS 207/65)

Sec. 65. Petition for discharge; procedure. (a)(1) If the Secretary determines at any time that a person committed under this Act is no longer a sexually violent person, the Secretary shall authorize the person to petition the committing court for discharge. The person shall file the petition with the court and serve a copy upon the Attorney General or the State's Attorney's office that filed the petition under subsection (a) of Section 15 of this Act, whichever is applicable. The court, upon receipt of the petition for discharge, shall order a hearing to be held within 45 days after the date of receipt of the petition.

(2) At a hearing under this subsection, the Attorney General or State's Attorney, whichever filed the original petition, shall represent the State and shall have the right to have the petitioner examined by an expert or professional person of his or her choice. The examination shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and by an evaluator approved by the Board. The committed person or the State may elect to have the hearing before a jury. The State has the burden of proving by clear and convincing evidence that the petitioner is still a sexually violent person.

(3) If the court or jury is satisfied that the State has not met its burden of proof under paragraph (a)(2) of this Section, the petitioner shall be discharged from the custody or supervision of the Department. If the court is satisfied that the State has met its burden of proof under paragraph (a)(2), the court may proceed under Section 40 of this Act to determine whether to modify the petitioner's existing commitment order.

(b)(1) A person may petition the committing court for discharge from custody or supervision without the Secretary's approval. At the time of an examination under subsection (a) of Section 55 of this Act, the Secretary shall provide the committed person with a written notice of the person's right to petition the court for discharge over the Secretary's objection. The notice shall contain a waiver of rights. The Secretary shall forward the notice and waiver form to the court with the report of the Department's examination under Section 55 of this Act. If the person does not affirmatively waive the right to petition, the court shall set a probable cause hearing to determine whether facts exist that warrant a hearing on whether the person is still a sexually violent person. If a person does not file a petition for discharge, yet fails to waive the right to petition under this Section, then the probable cause hearing consists only of a review of the reexamination reports and arguments on behalf of the parties. The committed person has a right to have an attorney represent him or her at the probable cause hearing, but the person is not entitled to be present at the probable cause hearing. The probable cause hearing under this Section must be held within 45 days of the filing of the reexamination report under Section 55 of this Act.

(2) If the court determines at the probable cause hearing under paragraph (b)(1) of this Section that probable cause exists to believe that the committed person is no longer a sexually violent person, then the court shall set a hearing on the issue. At a hearing under this Section, the committed person is entitled to be present and to the benefit of the protections afforded to the person under Section 25 of this Act. The committed person or the State may elect to have a hearing under this Section before a jury. A verdict of a jury under this Section is not valid unless it is unanimous. The Attorney General or State's Attorney, whichever filed the original petition, shall represent the State at a hearing under this Section. The State has the right to have the committed person evaluated by experts chosen by the State. The examination shall be conducted in conformance with the standards developed under the Sex Offender Management Board Act and by an evaluator approved by the Board. At the hearing, the State has the burden of proving by clear and convincing evidence that the committed person is still a sexually violent person.

(3) If the court or jury is satisfied that the State has not met its burden of proof under paragraph (b)(2) of this Section, the person shall be discharged from the custody or supervision of the Department. If the court or jury is satisfied that the State has met its burden of proof under paragraph (b)(2) of this Section, the court may proceed under Section 40 of this Act to determine whether to modify the person's

existing commitment order. (Source: P.A. 91-227, eff. 1-1-00; 92-415, eff. 8-17-01.)

Section 20. The Unified Code of Corrections is amended by changing Sections 3-3-7, 3-6-2, 3-9-7, 5-3-1, 5-3-2, 5-4-1, 5-6-3, and 5-7-1 as follows:

(730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

Sec. 3-3-7. Conditions of Parole or Mandatory Supervised Release. (a) The conditions of parole or mandatory supervised release shall be such as the Prisoner Review Board deems necessary to assist the subject in leading a law-abiding life. The conditions of every parole and mandatory supervised release are that the subject:

- (1) not violate any criminal statute of any jurisdiction during the parole or release term;
- (2) refrain from possessing a firearm or other dangerous weapon;
- (3) report to an agent of the Department of Corrections;
- (4) permit the agent to visit him or her at his or her home, employment, or elsewhere to the extent necessary for the agent to discharge his or her duties;
- (5) attend or reside in a facility established for the instruction or residence of persons on parole or mandatory supervised release;
- (6) secure permission before visiting or writing a committed person in an Illinois Department of Corrections facility;
- (7) report all arrests to an agent of the Department of Corrections as soon as permitted by the arresting authority but in no event later than 24 hours after release from custody;
- (7.5) if convicted of a sex offense as defined in the Sex Offender Management Board Act, the individual shall undergo and successfully complete sex offender treatment conducted in conformance with the standards developed by the Sex Offender Management Board Act by a treatment provider approved by the Board;
- (8) obtain permission of an agent of the Department of Corrections before leaving the State of Illinois;
- (9) obtain permission of an agent of the Department of Corrections before changing his or her residence or employment;
- (10) consent to a search of his or her person, property, or residence under his or her control;
- (11) refrain from the use or possession of narcotics or other controlled substances in any form, or both, or any paraphernalia related to those substances and submit to a urinalysis test as instructed by a parole agent of the Department of Corrections;
- (12) not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- (13) not knowingly associate with other persons on parole or mandatory supervised release without prior written permission of his or her parole agent and not associate with persons who are members of an organized gang as that term is defined in the Illinois Streetgang Terrorism Omnibus Prevention Act;
- (14) provide true and accurate information, as it relates to his or her adjustment in the community while on parole or mandatory supervised release or to his or her conduct while incarcerated, in response to inquiries by his or her parole agent or of the Department of Corrections; and
- (15) follow any specific instructions provided by the parole agent that are consistent with furthering conditions set and approved by the Prisoner Review Board or by law, exclusive of placement on electronic detention, to achieve the goals and objectives of his or her parole or mandatory supervised release or to protect the public. These instructions by the parole agent may be modified at any time, as the agent deems appropriate.

(b) The Board may in addition to other conditions require that the subject:

- (1) work or pursue a course of study or vocational training;
- (2) undergo medical or psychiatric treatment, or treatment for drug addiction or alcoholism;
- (3) attend or reside in a facility established for the instruction or residence of persons on probation or parole;
- (4) support his dependents;
- (5) (blank);
- (6) (blank);
- (7) comply with the terms and conditions of an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986, enacted by the 84th General Assembly, or an order of protection issued by the court of another state, tribe, or United States territory; and
- (8) in addition, if a minor:
 - (i) reside with his parents or in a foster home;
 - (ii) attend school;

- (iii) attend a non-residential program for youth; or
- (iv) contribute to his own support at home or in a foster home.

(c) The conditions under which the parole or mandatory supervised release is to be served shall be communicated to the person in writing prior to his release, and he shall sign the same before release. A signed copy of these conditions, including a copy of an order of protection where one had been issued by the criminal court, shall be retained by the person and another copy forwarded to the officer in charge of his supervision.

(d) After a hearing under Section 3-3-9, the Prisoner Review Board may modify or enlarge the conditions of parole or mandatory supervised release.

(e) The Department shall inform all offenders committed to the Department of the optional services available to them upon release and shall assist inmates in availing themselves of such optional services upon their release on a voluntary basis. (Source: P.A. 91-903, eff. 1-1-01; 92-460, eff. 1-1-02.)

(730 ILCS 5/3-6-2) (from Ch. 38, par. 1003-6-2)

Sec. 3-6-2. Institutions and Facility Administration. (a) Each institution and facility of the Department shall be administered by a chief administrative officer appointed by the Director. A chief administrative officer shall be responsible for all persons assigned to the institution or facility. The chief administrative officer shall administer the programs of the Department for the custody and treatment of such persons.

(b) The chief administrative officer shall have such assistants as the Department may assign.

(c) The Director or Assistant Director shall have the emergency powers to temporarily transfer individuals without formal procedures to any State, county, municipal or regional correctional or detention institution or facility in the State, subject to the acceptance of such receiving institution or facility, or to designate any reasonably secure place in the State as such an institution or facility and to make transfers thereto. However, transfers made under emergency powers shall be reviewed as soon as practicable under Article 8, and shall be subject to Section 5-905 of the Juvenile Court Act of 1987. This Section shall not apply to transfers to the Department of Human Services which are provided for under Section 3-8-5 or Section 3-10-5.

(d) The Department shall provide educational programs for all committed persons so that all persons have an opportunity to attain the achievement level equivalent to the completion of the twelfth grade in the public school system in this State. Other higher levels of attainment shall be encouraged and professional instruction shall be maintained wherever possible. The Department may establish programs of mandatory education and may establish rules and regulations for the administration of such programs. A person committed to the Department who, during the period of his or her incarceration, participates in an educational program provided by or through the Department and through that program is awarded or earns the number of hours of credit required for the award of an associate, baccalaureate, or higher degree from a community college, college, or university located in Illinois shall reimburse the State, through the Department, for the costs incurred by the State in providing that person during his or her incarceration with the education that qualifies him or her for the award of that degree. The costs for which reimbursement is required under this subsection shall be determined and computed by the Department under rules and regulations that it shall establish for that purpose. However, interest at the rate of 6% per annum shall be charged on the balance of those costs from time to time remaining unpaid, from the date of the person's parole, mandatory supervised release, or release constituting a final termination of his or her commitment to the Department until paid.

(e) A person committed to the Department who becomes in need of medical or surgical treatment but is incapable of giving consent thereto shall receive such medical or surgical treatment by the chief administrative officer consenting on the person's behalf. Before the chief administrative officer consents, he or she shall obtain the advice of one or more physicians licensed to practice medicine in all its branches in this State. If such physician or physicians advise:

(1) that immediate medical or surgical treatment is required relative to a condition threatening to cause death, damage or impairment to bodily functions, or disfigurement; and

(2) that the person is not capable of giving consent to such treatment; the chief administrative officer may give consent for such medical or surgical treatment, and such consent shall be deemed to be the consent of the person for all purposes, including, but not limited to, the authority of a physician to give such treatment.

(f) In the event that the person requires medical care and treatment at a place other than the institution or facility, the person may be removed therefrom under conditions prescribed by the Department. The Department shall require the committed person receiving medical or dental services on a non-emergency basis to pay a \$2 co-payment to the Department for each visit for medical or dental services. The amount of each co-payment shall be deducted from the committed person's individual

account. A committed person who has a chronic illness, as defined by Department rules and regulations, shall be exempt from the \$2 co-payment for treatment of the chronic illness. A committed person shall not be subject to a \$2 co-payment for follow-up visits ordered by a physician, who is employed by, or contracts with, the Department. A committed person who is indigent is exempt from the \$2 co-payment and is entitled to receive medical or dental services on the same basis as a committed person who is financially able to afford the co-payment. Notwithstanding any other provision in this subsection (f) to the contrary, any person committed to any facility operated by the Juvenile Division, as set forth in subsection (b) of Section 3-2-5 of this Code, is exempt from the co-payment requirement for the duration of confinement in those facilities.

(g) Any person having sole custody of a child at the time of commitment or any woman giving birth to a child after her commitment, may arrange through the Department of Children and Family Services for suitable placement of the child outside of the Department of Corrections. The Director of the Department of Corrections may determine that there are special reasons why the child should continue in the custody of the mother until the child is 6 years old.

(h) The Department may provide Family Responsibility Services which may consist of, but not be limited to the following:

- (1) family advocacy counseling;
- (2) parent self-help group;
- (3) parenting skills training;
- (4) parent and child overnight program;
- (5) parent and child reunification counseling, either separately or together, preceding the inmate's release; and
- (6) a prerelease reunification staffing involving the family advocate, the inmate and the child's counselor, or both and the inmate.

(i) Prior to the release of any inmate who has a documented history of intravenous drug use, and upon the receipt of that inmate's written informed consent, the Department shall provide for the testing of such inmate for infection with human immunodeficiency virus (HIV) and any other identified causative agent of acquired immunodeficiency syndrome (AIDS). The testing provided under this subsection shall consist of an enzyme-linked immunosorbent assay (ELISA) test or such other test as may be approved by the Illinois Department of Public Health. If the test result is positive, the Western Blot Assay or more reliable confirmatory test shall be administered. All inmates tested in accordance with the provisions of this subsection shall be provided with pre-test and post-test counseling. Notwithstanding any provision of this subsection to the contrary, the Department shall not be required to conduct the testing and counseling required by this subsection unless sufficient funds to cover all costs of such testing and counseling are appropriated for that purpose by the General Assembly.

(j) Any person convicted of a sex offense as defined in the Sex Offender Management Board Act shall be required to receive a sex offender evaluation prior to release into the community from the Department of Corrections. The sex offender evaluation shall be conducted in conformance with the standards and guidelines developed under the Sex Offender Management Board Act and by an evaluator approved by the Board.

(k) Any minor committed to the Department of Corrections-Juvenile Division for a sex offense as defined by the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the Sex Offender Management Board Act. (Source: P.A. 91-912, eff. 7-7-00; 92-292, eff. 8-9-01.)

(730 ILCS 5/3-9-7) (from Ch. 38, par. 1003-9-7)

Sec. 3-9-7. Sexual abuse counseling programs. (a) The Juvenile Division shall establish and offer sexual abuse counseling to both victims of sexual abuse and sexual offenders in as many facilities as necessary to insure sexual abuse counseling throughout the State.

(b) Any minor committed to the Department of Corrections-Juvenile Division for a sex offense as defined under the Sex Offender Management Board Act shall be required to undergo sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed by the Sex Offender Management Board Act. (Source: P.A. 87-444.)

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

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

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

imprisonment, conditional discharge, or imprisonment.

The court may order a presentence investigation of any defendant. (Source: P.A. 80-1099.)
(730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

Sec. 5-3-2. Presentence Report. (a) In felony cases, the presentence report shall set forth:

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

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

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

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

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

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

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

(b) The investigation shall include a physical and mental examination of the defendant when so ordered by the court. If the court determines that such an examination should be made, it shall issue an order that the defendant submit to examination at such time and place as designated by the court and that such examination be conducted by a physician, psychologist or psychiatrist designated by the court. Such an examination may be conducted in a court clinic if so ordered by the court. The cost of such examination shall be paid by the county in which the trial is held.

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

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

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

(e) Nothing in this Section shall cause the defendant to be held without bail or to have his bail revoked for the purpose of preparing the presentence report or making an examination. (Source: P.A. 89-587, eff. 7-31-96.)

(730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

Sec. 5-4-1. Sentencing Hearing. (a) Except when the death penalty is sought under hearing procedures otherwise specified, after a determination of guilt, a hearing shall be held to impose the sentence. However, prior to the imposition of sentence on an individual being sentenced for an offense based upon a charge for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, the individual must undergo a professional evaluation to determine if an alcohol or other drug abuse problem exists and the extent of such a problem. Programs conducting these evaluations shall be licensed by the Department of Human Services. However, if the individual is not a resident of Illinois, the court may, in its discretion, accept an evaluation from a program in the state of such individual's residence. The court may in its sentencing order approve an eligible defendant for placement in a Department of Corrections impact incarceration program as provided in Section 5-8-1.1 or 5-8-1.3. At the hearing the court shall:

[May 6, 2003]

- (1) consider the evidence, if any, received upon the trial;
- (2) consider any presentence reports;
- (3) consider the financial impact of incarceration based on the financial impact statement filed with the clerk of the court by the Department of Corrections;
- (4) consider evidence and information offered by the parties in aggravation and mitigation;
- (5) hear arguments as to sentencing alternatives;
- (6) afford the defendant the opportunity to make a statement in his own behalf;
- (7) afford the victim of a violent crime or a violation of Section 11-501 of the Illinois Vehicle Code, or a similar provision of a local ordinance, or a qualified individual affected by a violation of Section 405, 405.1, 405.2, or 407 of the Illinois Controlled Substances Act, committed by the defendant the opportunity to make a statement concerning the impact on the victim and to offer evidence in aggravation or mitigation; provided that the statement and evidence offered in aggravation or mitigation must first be prepared in writing in conjunction with the State's Attorney before it may be presented orally at the hearing. Any sworn testimony offered by the victim is subject to the defendant's right to cross-examine. All statements and evidence offered under this paragraph (7) shall become part of the record of the court. For the purpose of this paragraph (7), "qualified individual" means any person who (i) lived or worked within the territorial jurisdiction where the offense took place when the offense took place; and (ii) is familiar with various public places within the territorial jurisdiction where the offense took place when the offense took place. For the purposes of this paragraph (7), "qualified individual" includes any peace officer, or any member of any duly organized State, county, or municipal peace unit assigned to the territorial jurisdiction where the offense took place when the offense took place; ~~and~~
- (8) in cases of reckless homicide afford the victim's spouse, guardians, parents or other immediate family members an opportunity to make oral statements; and-
- (9) in cases involving a felony sex offense as defined under the Sex Offender Management Board Act, consider the results of the sex offender evaluation conducted pursuant to Section 5-3-2 of this Act.

(b) All sentences shall be imposed by the judge based upon his independent assessment of the elements specified above and any agreement as to sentence reached by the parties. The judge who presided at the trial or the judge who accepted the plea of guilty shall impose the sentence unless he is no longer sitting as a judge in that court. Where the judge does not impose sentence at the same time on all defendants who are convicted as a result of being involved in the same offense, the defendant or the State's Attorney may advise the sentencing court of the disposition of any other defendants who have been sentenced.

(c) In imposing a sentence for a violent crime or for an offense of operating or being in physical control of a vehicle while under the influence of alcohol, any other drug or any combination thereof, or a similar provision of a local ordinance, when such offense resulted in the personal injury to someone other than the defendant, the trial judge shall specify on the record the particular evidence, information, factors in mitigation and aggravation or other reasons that led to his sentencing determination. The full verbatim record of the sentencing hearing shall be filed with the clerk of the court and shall be a public record.

(c-1) In imposing a sentence for the offense of aggravated kidnapping for ransom, home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, the trial judge shall make a finding as to whether the conduct leading to conviction for the offense resulted in great bodily harm to a victim, and shall enter that finding and the basis for that finding in the record.

(c-2) If the defendant is sentenced to prison, other than when a sentence of natural life imprisonment or a sentence of death is imposed, at the time the sentence is imposed the judge shall state on the record in open court the approximate period of time the defendant will serve in custody according to the then current statutory rules and regulations for early release found in Section 3-6-3 and other related provisions of this Code. This statement is intended solely to inform the public, has no legal effect on the defendant's actual release, and may not be relied on by the defendant on appeal.

The judge's statement, to be given after pronouncing the sentence, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her

good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 180 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(3) of Section 3-6-3, other than when the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3 committed on or after June 19, 1998, and other than when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and other than when the sentence is imposed for aggravated arson if the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, assuming the defendant receives all of his or her good conduct credit, the period of estimated actual custody is ... years and ... months, less up to 90 days additional good conduct credit for meritorious service. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations, does not receive those credits, the actual time served in prison will be longer. The defendant may also receive an additional one-half day good conduct credit for each day of participation in vocational, industry, substance abuse, and educational programs as provided for by Illinois statute."

When the sentence is imposed for one of the offenses enumerated in paragraph (a)(2) of Section 3-6-3, other than first degree murder, and the offense was committed on or after June 19, 1998, and when the sentence is imposed for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense was committed on or after January 1, 1999, and when the sentence is imposed for aggravated arson if the offense was committed on or after the effective date of this amendatory Act of the 92nd General Assembly, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is entitled to no more than 4 1/2 days of good conduct credit for each month of his or her sentence of imprisonment. Therefore, this defendant will serve at least 85% of his or her sentence. Assuming the defendant receives 4 1/2 days credit for each month of his or her sentence, the period of estimated actual custody is ... years and ... months. If the defendant, because of his or her own misconduct or failure to comply with the institutional regulations receives lesser credit, the actual time served in prison will be longer."

When a sentence of imprisonment is imposed for first degree murder and the offense was committed on or after June 19, 1998, the judge's statement, to be given after pronouncing the sentence, shall include the following:

"The purpose of this statement is to inform the public of the actual period of time this defendant is likely to spend in prison as a result of this sentence. The actual period of prison time served is determined by the statutes of Illinois as applied to this sentence by the Illinois Department of Corrections and the Illinois Prisoner Review Board. In this case, the defendant is not entitled to good conduct credit. Therefore, this defendant will serve 100% of his or her sentence."

(d) When the defendant is committed to the Department of Corrections, the State's Attorney shall and counsel for the defendant may file a statement with the clerk of the court to be transmitted to the department, agency or institution to which the defendant is committed to furnish such department, agency or institution with the facts and circumstances of the offense for which the person was committed together with all other factual information accessible to them in regard to the person prior to his commitment relative to his habits, associates, disposition and reputation and any other facts and circumstances which may aid such department, agency or institution during its custody of such person. The clerk shall within 10 days after receiving any such statements transmit a copy to such department, agency or institution and a copy to the other party, provided, however, that this shall not be cause for delay in conveying the person to the department, agency or institution to which he has been committed.

(e) The clerk of the court shall transmit to the department, agency or institution, if any, to which the

defendant is committed, the following:

- (1) the sentence imposed;
- (2) any statement by the court of the basis for imposing the sentence;
- (3) any presentence reports;

(3.5) any sex offender evaluations:

(4) the number of days, if any, which the defendant has been in custody and for which he is entitled to credit against the sentence, which information shall be provided to the clerk by the sheriff;

(4.1) any finding of great bodily harm made by the court with respect to an offense enumerated in subsection (c-1);

(5) all statements filed under subsection (d) of this Section;

(6) any medical or mental health records or summaries of the defendant;

(7) the municipality where the arrest of the offender or the commission of the offense has occurred, where such municipality has a population of more than 25,000 persons;

(8) all statements made and evidence offered under paragraph (7) of subsection (a) of this Section; and

(9) all additional matters which the court directs the clerk to transmit.

(Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01; 92-176, eff. 7-27-01; 92-806, eff. 1-1-03; revised 9-18-02.)

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

Sec. 5-6-3. Conditions of Probation and of Conditional Discharge. (a) The conditions of probation and of conditional discharge shall be that the person:

- (1) not violate any criminal statute of any jurisdiction;
- (2) report to or appear in person before such person or agency as directed by the court;
- (3) refrain from possessing a firearm or other dangerous weapon;

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

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

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

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

(8) if convicted of possession of a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act after a previous conviction or disposition of supervision for possession of

a substance prohibited by the Cannabis Control Act or Illinois Controlled Substances Act or after a sentence of probation under Section 10 of the Cannabis Control Act or Section 410 of the Illinois Controlled Substances Act and upon a finding by the court that the person is addicted, undergo treatment at a substance abuse program approved by the court; ~~and~~

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

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

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

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

(2) pay a fine and costs;

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

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

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

(6) support his dependents;

(7) and in addition, if a minor:

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

(ii) attend school;

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

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

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

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

(9) perform some reasonable public or community service;

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

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

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

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

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

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

monies collected from this fee to the county treasurer who shall use the monies collected to defray the costs of corrections. The county treasurer shall deposit the fee collected in the county working cash fund under Section 6-27001 or Section 6-29002 of the Counties Code, as the case may be.

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

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

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

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

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

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

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

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

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

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

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

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

Code, as the case may be.

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

(i) The court shall impose upon an offender sentenced to probation after January 1, 1989 or to conditional discharge after January 1, 1992, as a condition of such probation or conditional discharge, a fee of ~~§35~~ ~~\$25~~ for each month of probation or conditional discharge supervision ordered by the court, unless after determining the inability of the person sentenced to probation or conditional discharge to pay the fee, the court assesses a lesser fee. The court may not impose the fee on a minor who is made a ward of the State under the Juvenile Court Act of 1987 while the minor is in placement. The fee shall be imposed only upon an offender who is actively supervised by the probation and court services department. The fee shall be collected by the clerk of the circuit court. The clerk of the circuit court shall ~~deposit \$25 pay all monies~~ collected from this fee to the county treasurer for deposit in the probation and court services fund under Section 15.1 of the Probation and Probation Officers Act. The clerk of the court shall deposit \$10 collected from this fee into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and be used to fund practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed by the agency providing supervision, the Department of Corrections or the Department of Human Services. This Fund shall also be used for administrative costs, including staff, incurred by the Board.

(j) All fines and costs imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act. (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; 92-571, eff. 6-26-02; 92-651, eff. 7-11-02.)

(730 ILCS 5/5-7-1) (from Ch. 38, par. 1005-7-1)

Sec. 5-7-1. Sentence of Periodic Imprisonment. (a) A sentence of periodic imprisonment is a sentence of imprisonment during which the committed person may be released for periods of time during the day or night or for periods of days, or both, or if convicted of a felony, other than first degree murder, a Class X or Class 1 felony, committed to any county, municipal, or regional correctional or detention institution or facility in this State for such periods of time as the court may direct. Unless the court orders otherwise, the particular times and conditions of release shall be determined by the Department of Corrections, the sheriff, or the Superintendent of the house of corrections, who is administering the program.

(b) A sentence of periodic imprisonment may be imposed to permit the defendant to:

- (1) seek employment;
- (2) work;
- (3) conduct a business or other self-employed occupation including housekeeping;
- (4) attend to family needs;
- (5) attend an educational institution, including vocational education;
- (6) obtain medical or psychological treatment;
- (7) perform work duties at a county, municipal, or regional correctional or detention institution or facility;
- (8) continue to reside at home with or without supervision involving the use of an approved electronic monitoring device, subject to Article 8A of Chapter V; or
- (9) for any other purpose determined by the court.

(c) Except where prohibited by other provisions of this Code, the court may impose a sentence of periodic imprisonment for a felony or misdemeanor on a person who is 17 years of age or older. The court shall not impose a sentence of periodic imprisonment if it imposes a sentence of imprisonment upon the defendant in excess of 90 days.

(d) A sentence of periodic imprisonment shall be for a definite term of from 3 to 4 years for a Class 1 felony, 18 to 30 months for a Class 2 felony, and up to 18 months, or the longest sentence of imprisonment that could be imposed for the offense, whichever is less, for all other offenses; however, no person shall be sentenced to a term of periodic imprisonment longer than one year if he is committed to a county correctional institution or facility, and in conjunction with that sentence participate in a county work release program comparable to the work and day release program provided for in Article 13

of the Unified Code of Corrections in State facilities. The term of the sentence shall be calculated upon the basis of the duration of its term rather than upon the basis of the actual days spent in confinement. No sentence of periodic imprisonment shall be subject to the good time credit provisions of Section 3-6-3 of this Code.

(e) When the court imposes a sentence of periodic imprisonment, it shall state:

- (1) the term of such sentence;
- (2) the days or parts of days which the defendant is to be confined;
- (3) the conditions.

(f) The court may issue an order of protection pursuant to the Illinois Domestic Violence Act of 1986 as a condition of a sentence of periodic imprisonment. The Illinois Domestic Violence Act of 1986 shall govern the issuance, enforcement and recording of orders of protection issued under this Section. A copy of the order of protection shall be transmitted to the person or agency having responsibility for the case.

(f-5) An offender sentenced to a term of periodic imprisonment for a felony sex offense as defined in the Sex Offender Management Board Act shall be required to undergo and successfully complete sex offender treatment by a treatment provider approved by the Board and conducted in conformance with the standards developed under the Sex Offender Management Board Act.

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

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

(i) A defendant at least 17 years of age who is convicted of a misdemeanor or felony in a county of 3,000,000 or more inhabitants and who has not been previously convicted of a misdemeanor or a felony and who is sentenced to a term of periodic imprisonment may as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward receiving a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program approved by the court. The defendant sentenced to periodic imprisonment must attend a public institution of education to obtain the educational or vocational training required by this subsection (i). The defendant sentenced to a term of periodic imprisonment shall be required to pay for the cost of the educational courses or GED test, if a fee is charged for those courses or test. The court shall revoke the sentence of periodic imprisonment of the defendant who wilfully fails to comply with this subsection (i). The court shall resentence the defendant whose sentence of periodic imprisonment has been revoked as provided in Section 5-7-2. This subsection (i) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (i) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program. (Source: P.A. 89-688, eff. 6-1-97; 90-399, eff. 1-1-98; 90-655, eff. 7-30-98.)

Section 25. The Probation and Probation Officers Act is amended by changing Section 15.1 as follows:

(730 ILCS 110/15.1) (from Ch. 38, par. 204-7.1)

Sec. 15.1. Probation and Court Services Fund. (a) The county treasurer in each county shall establish a probation and court services fund consisting of fees collected pursuant to subsection (i) of Section 5-6-3 and subsection (i) of Section 5-6-3.1 of the Unified Code of Corrections, subsection (10) of Section 5-615 and subsection (5) of Section 5-715 of the Juvenile Court Act of 1987, and paragraph 14.3 of subsection (b) of Section 110-10 of the Code of Criminal Procedure of 1963. The county treasurer shall disburse monies from the fund only at the direction of the chief judge of the circuit court

in such circuit where the county is located. The county treasurer of each county shall, on or before January 10 of each year, submit an annual report to the Supreme Court.

(b) Monies in the probation and court services fund shall be appropriated by the county board to be used within the county or jurisdiction where collected in accordance with policies and guidelines approved by the Supreme Court for the costs of operating the probation and court services department or departments; however, monies in the probation and court services fund shall not be used for the payment of salaries of probation and court services personnel.

(c) Monies expended from the probation and court services fund shall be used to supplement, not supplant, county appropriations for probation and court services.

(d) Interest earned on monies deposited in a probation and court services fund may be used by the county for its ordinary and contingent expenditures.

(e) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support programs that are part of the continuum of juvenile delinquency intervention programs which are or may be developed within the county. The grants from the probation and court services fund shall be for no more than one year and may be used for any expenses attributable to the program including administration and oversight of the program by the probation department.

(f) The county board may appropriate moneys from the probation and court services fund, upon the direction of the chief judge, to support practices endorsed or required under the Sex Offender Management Board Act, including but not limited to sex offender evaluation, treatment, and monitoring programs that are or may be developed within the county. (Source: P.A. 92-329, eff. 8-9-01.)

Section 30. The Sex Offender Registration Act is amended by changing Section 3 as follows:

(730 ILCS 150/3) (from Ch. 38, par. 223)

Sec. 3. Duty to register. (a) A sex offender, as defined in Section 2 of this Act, or sexual predator shall, within the time period prescribed in subsections (b) and (c), register in person and provide accurate information as required by the Department of State Police. Such information shall include current address, current place of employment, and school attended. The sex offender or sexual predator shall register:

(1) with the chief of police in each of the municipalities in which he or she attends school, is employed, resides or is temporarily domiciled for a period of time of 10 or more days, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in each of the counties in which he or she attends school, is employed, resides or is temporarily domiciled in an unincorporated area or, if incorporated, no police chief exists.

For purposes of this Article, the place of residence or temporary domicile is defined as any and all places where the sex offender resides for an aggregate period of time of 10 or more days during any calendar year.

The sex offender or sexual predator shall provide accurate information as required by the Department of State Police. That information shall include the sex offender's or sexual predator's current place of employment.

(a-5) An out-of-state student or out-of-state employee shall, within 10 days after beginning school or employment in this State, register in person and provide accurate information as required by the Department of State Police. Such information will include current place of employment, school attended, and address in state of residence:

(1) with the chief of police in each of the municipalities in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year, unless the municipality is the City of Chicago, in which case he or she shall register at the Chicago Police Department Headquarters; or

(2) with the sheriff in each of the counties in which he or she attends school or is employed for a period of time of 10 or more days or for an aggregate period of time of more than 30 days during any calendar year in an unincorporated area or, if incorporated, no police chief exists.

The out-of-state student or out-of-state employee shall provide accurate information as required by the Department of State Police. That information shall include the out-of-state student's current place of school attendance or the out-of-state employee's current place of employment.

(b) Any sex offender, as defined in Section 2 of this Act, or sexual predator, regardless of any initial, prior, or other registration, shall, within 10 days of beginning school, or establishing a residence, place of employment, or temporary domicile in any county, register in person as set forth in subsection (a) or (a-5).

(c) The registration for any person required to register under this Article shall be as follows:

(1) Any person registered under the Habitual Child Sex Offender Registration Act or the Child

Sex Offender Registration Act prior to January 1, 1996, shall be deemed initially registered as of January 1, 1996; however, this shall not be construed to extend the duration of registration set forth in Section 7.

(2) Except as provided in subsection (c)(4), any person convicted or adjudicated prior to January 1, 1996, whose liability for registration under Section 7 has not expired, shall register in person prior to January 31, 1996.

(2.5) Except as provided in subsection (c)(4), any person who has not been notified of his or her responsibility to register shall be notified by a criminal justice entity of his or her responsibility to register. Upon notification the person must then register within 10 days of notification of his or her requirement to register. If notification is not made within the offender's 10 year registration requirement, and the Department of State Police determines no evidence exists or indicates the offender attempted to avoid registration, the offender will no longer be required to register under this Act.

(3) Except as provided in subsection (c)(4), any person convicted on or after January 1, 1996, shall register in person within 10 days after the entry of the sentencing order based upon his or her conviction.

(4) Any person unable to comply with the registration requirements of this Article because he or she is confined, institutionalized, or imprisoned in Illinois on or after January 1, 1996, shall register in person within 10 days of discharge, parole or release.

(5) The person shall provide positive identification and documentation that substantiates proof of residence at the registering address.

(6) The person shall pay a \$10 initial registration fee and a \$5 annual renewal fee. The fees shall be used by the registering agency for official purposes. The agency shall establish procedures to document receipt and use of the funds. The law enforcement agency having jurisdiction may waive the registration fee if it determines that the person is indigent and unable to pay the registration fee. Ten dollars for the initial registration fee and \$5 of the annual renewal fee shall be used by the registering agency for official purposes. Ten dollars of the initial registration fee and \$5 of the annual fee shall be deposited into the Sex Offender Management Board Fund under Section 19 of the Sex Offender Management Board Act. Money deposited into the Sex Offender Management Board Fund shall be administered by the Sex Offender Management Board and shall be used to fund practices endorsed or required by the Sex Offender Management Board Act including but not limited to sex offenders evaluation, treatment, or monitoring programs that are or may be developed, as well as for administrative costs, including staff, incurred by the Board.

(d) Within 10 days after obtaining or changing employment and, if employed on January 1, 2000, within 10 days after that date, a person required to register under this Section must report, in person or in writing to the law enforcement agency having jurisdiction, the business name and address where he or she is employed. If the person has multiple businesses or work locations, every business and work location must be reported to the law enforcement agency having jurisdiction. (Source: P.A. 91-48, eff. 7-1-99; 91-394, eff. 1-1-00; 92-828, eff. 8-22-02.)

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

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

On motion of Senator Cullerton, **House Bill No. 3582** having been printed, was taken up and 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 House Bill 3582 on page 1, line 12, by replacing "alimony" with "maintenance"; and on page 6 by replacing lines 32 and 33 with the following: "made by the transferee and shall be brought in the circuit court of the county in which an action was or could have been maintained or before any responsible"; and on page 7 by deleting lines 1, 2, and 3.

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

On motion of Senator Garrett, **House Bill No. 3612** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3639** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3640** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3641** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3642** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3643** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3644** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3645** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3646** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3647** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3648** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3650** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3651** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3652** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3653** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3654** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 3663** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3664** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3665** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3666** was taken up, read by title a second time and ordered to a third reading.

[May 6, 2003]

On motion of Senator E. Jones, **House Bill No. 3667** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3669** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3670** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Viverito, **House Bill No. 3679** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **House Bill No. 3692** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3711** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3712** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3715** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3716** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3717** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator E. Jones, **House Bill No. 3718** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 1044** having been printed, was taken up and 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 House Bill 1044 by replacing the title with the following:
"AN ACT in relation to land."; and

by replacing everything after the enacting clause with the following:

"Section 5. Upon the payment of the sum of \$530.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DR1028

Part of the Southeast Quarter of Section 3, Township 17 North, Range 1 West of the Fourth Principal Meridian in the City of Moline, Rock Island County, Illinois, and more particularly described as follows:

Commencing at the north right-of-way line of 23rd Avenue and the southeast corner of South Moline Township 80 (as recorded in the Rock Island County Courthouse); thence North 89 degrees 35 minutes 10 seconds West, 20.00 feet to the Point of Beginning of Easement; thence North 00 degrees 23 minutes 38 seconds West, 118.65 feet to a point; thence North 32 degrees 23 minutes 38 seconds West, 163.92 feet to a point; thence North 57 degrees 36 minutes 22 seconds East, 20.00 feet to a point; thence South 32 degrees 23 minutes 38 seconds East, 169.66 feet to a point; thence South 00 degrees 23 minutes 38 seconds East, 124.66 feet to a point; thence North 89 degrees 35 minutes 10 seconds West, 20.00 feet to the Point of Beginning of said Easement.

The above described parcel of land contains 5,768.93 square feet, more or less.

[May 6, 2003]

Section 10. Upon the payment of the sum of \$5,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Woodford County, Illinois:

Parcel No. 3LR0069

A part of the Southeast Quarter of Section 32 in Township 28 North, Range 3 West of the Third Principal Meridian, Partridge Township, Woodford County, Illinois, which lies west of Lourdes Road, County Highway No. 19 described as follows, with bearings being for descriptive purposes only:

Commencing at a stone marking the northeast corner of the Southeast Quarter of Section 32; thence South 88 degrees 59 minutes 03 seconds West along the north line of said Southeast Quarter of Section 32, 497.47 feet to a point that is 40.00 feet normally distant and southwesterly from the centerline of Lourdes Road, also known as County Highway 19, said point being the Point Of Beginning of the land to be described; thence southeasterly on a curve to the right having a radius of 889.19 feet, 453.52 feet which chord bears South 30 degrees 58 minutes 31 seconds East, 448.57 feet to a point that is 40.00 feet normally distant and westerly from the centerline of said Lourdes Road; thence North 28 degrees 44 minutes 52 seconds West, 9.49 feet; thence North 34 degrees 16 minutes 09 seconds West, 97.11 feet; thence North 33 degrees 35 minutes 24 seconds West, 156.93 feet; thence North 62 degrees 31 minutes 57 seconds West, 349.69 feet to a point on the north line of said Southeast Quarter of Section 32; thence North 88 degrees 59 minutes 03 seconds east along said north line of the Southeast Quarter of Section 32, 225.51 feet to the Point Of Beginning, containing 0.694 acre, more or less, subject to any easements, covenants or agreements of record, situate, lying and being in the County of Woodford, State of Illinois.

Section 15. Upon the payment of the sum of \$120,602.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Winnebago County, Illinois, to the City of South Beloit.

Parcel No. 295L025

A parcel of land in the Northwest Quarter of Section 10, Township 46 North, Range 2 East of the Third Principal Meridian, Winnebago County, Illinois, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 10; thence westerly on the north line of said Northwest Quarter, said line having a bearing of South 87 degrees 58 minutes 17 seconds West, a distance of 176.171 meters [577.99 feet] to the westerly right-of-way line of a public road designated Manchester Road; thence southwesterly on said westerly right-of-way line, said line having a bearing of South 26 degrees 11 minutes 13 seconds West, a distance of 11.414 meters [37.45 feet] to the Point of Beginning of the hereinafter described parcel of land, said point being in the old southerly right-of-way line of a public road designated Middle Road; thence continuing southwesterly on said westerly right-of-way line on the last described course, a distance of 30.461 meters [99.94 feet]; thence southerly on said westerly right-of-way line, said line having a bearing of South 7 degrees 01 minute 23 seconds West, a distance of 42.171 meters [138.36 feet]; thence southwesterly a distance of 57.371 meters [188.22 feet] on a non-tangential curve to the left, having a radius of 231.193 meters [758.51 feet], a central angle of 14 degrees 13 minutes 05 seconds and the long chord of said curve bears South 38 degrees 32 minutes 22 seconds West, a chord distance of 57.223 meters [187.74 feet]; thence southwesterly on a line having a bearing of South 31 degrees 22 minutes 59 seconds West, a distance of 37.780 meters [123.95 feet]; thence southeasterly on a line having a bearing of South 10 degrees 11 minutes 02 seconds East, a distance of 21.918 meters [71.91 feet]; thence southeasterly a distance of 61.208 meters [200.81 feet] on a non-tangential curve to the right, having a radius of 418.563 meters [1373.24 feet], a central angle of 8 degrees 22 minutes 43 seconds and the long chord of said curve bears South 50 degrees 16 minutes 27 seconds East, a chord distance of 61.153 meters [200.63 feet] to said westerly right-of-way line; thence southerly on said westerly right-of-way line, said line having a bearing of South 9 degrees 57 minutes 57 seconds East, a distance of 62.167 meters [203.96 feet]; thence southeasterly on said westerly right-of-way line, said line having a bearing of South 21 degrees 27 minutes 39 seconds East, a distance of 269.075 meters [882.79 feet] to the old northeasterly right-of-way line of said Manchester Road; thence northwesterly on said old northeasterly right-of-way line, said line having a bearing of North 44 degrees 50 minutes 15 seconds West, a distance of 379.583 meters [1245.35 feet] to the easterly right-of-way and access control line of a public highway designated F.A.I. Route 90; thence northerly on said easterly right-of-way and access control line, said line having a bearing of North 0 degrees 28 minutes 38 seconds West, a distance of 242.848 meters [796.74 feet] to said old southerly right-of-way line of Middle Road; thence easterly on said old southerly right-of-way line, said line

having a bearing of North 87 degrees 58 minutes 17 seconds East, a distance of 183.594 meters [602.34 feet] to the Point of Beginning, containing 5.7960 hectares [14.322 acres].

For the purpose of this description, said north line of the Northwest Quarter of Section 10 has been assigned the bearing of South 87 degrees 58 minutes 17 seconds West.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 90, previously declared a freeway.

Section 20. Upon the payment of the sum of \$960.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Ogle County, Illinois, to Thomas E. Scholl as Trustee of the Loren A. Scholl Trust, Thomas E. Scholl as Trustee of the Dorothea L. Scholl Trust and Thomas E. Scholl as Trustee of the Thomas E. Scholl Trust.

Parcel No. 2139704

A parcel of land in the Northwest Quarter of Section 5, the Northeast Quarter of Section 6, the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8, all in Township 22 North, Range 8 East of the Fourth Principal Meridian, Ogle County, Illinois, consisting of eight tracts of land, described as follows:

Tract One

Commencing at the North Quarter Corner of said Section 7; thence southerly on the west line of the Northeast Quarter of said Section 7, said line having a bearing of South 0 degrees 11 minutes 19 seconds West, a distance of 39.32 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence continuing southerly on said west line of the Northeast Quarter on the last described course, a distance of 3.11 feet; thence easterly on a line having a bearing of South 87 degrees 56 minutes 20 seconds East, a distance of 37.82 feet; thence easterly on a line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 500.00 feet; thence easterly on a line having a bearing of South 87 degrees 56 minutes 20 seconds East, a distance of 100.12 feet; thence easterly on a line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 100.00 feet; thence easterly on a line having a bearing of North 83 degrees 29 minutes 18 seconds East, a distance of 100.50 feet to said southerly right-of-way line; thence westerly on said southerly right-of-way line, said line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 837.72 feet to the Point of Beginning, containing 0.113 acres, more or less.

Tract Two

Commencing at the South Quarter Corner of said Section 6; thence easterly on the south line of the Southeast Quarter of said Section 6, said line having a bearing of North 88 degrees 54 minutes 00 seconds East, a distance of 537.35 feet; thence northerly on a line having a bearing of North 1 degree 05 minutes 59 seconds West, a distance of 57.89 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence easterly on a line having a bearing of North 83 degrees 29 minutes 18 seconds East, a distance of 100.50 feet; thence easterly on a line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 100.00 feet; thence easterly on a line having a bearing of South 89 degrees 22 minutes 09 seconds East, a distance of 200.06 feet; thence easterly on a line having a bearing of South 86 degrees 30 minutes 43 seconds East, a distance of 66.86 feet to said northerly right-of-way line; thence westerly on said northerly right-of-way line, said line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 466.67 feet to the Point of Beginning, containing 0.073 acres, more or less.

Tract Three

Commencing at the southeast corner of said Section 6; thence westerly on the south line of the Southeast Quarter of said Section 6, said line having a bearing of South 88 degrees 54 minutes 00 seconds West, a distance of 381.05 feet; thence northerly on a line having a bearing of North 1 degree 05 minutes 41 seconds West, a distance of 48.89 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence westerly on a line having a bearing of North 83 degrees 12 minutes 24 seconds West, a distance of 75.66 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 75.00 feet; thence westerly on a line having a bearing of South 81 degrees 36 minutes 15 seconds West, a distance of 75.66 feet to said northerly right-of-way line; thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 225.00 feet to the Point of Beginning, containing 0.034 acres,

more or less.

Tract Four

Commencing at the northeast corner of said Section 7; thence westerly on the north line of the Northeast Quarter of said Section 7, said line having a bearing of South 88 degrees 54 minutes 00 seconds West, a distance of 381.56 feet; thence southerly on a line having a bearing of South 1 degree 05 minutes 41 seconds East, a distance of 51.11 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence southwestwardly on a line having a bearing of South 77 degrees 53 minutes 20 seconds West, a distance of 76.49 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 75.00 feet; thence westerly on a line having a bearing of North 84 degrees 16 minutes 53 seconds West, a distance of 176.14 feet to said southerly right-of-way line; thence easterly on said southerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 90.00 feet; thence easterly on said southerly right-of-way line, said line having a bearing of South 89 degrees 15 minutes 11 seconds East, a distance of 185.07 feet; thence easterly on said southerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 50.00 feet to the Point of Beginning, containing 0.080 acres, more or less.

Tract Five

Commencing at the southwest corner of said Section 5; thence easterly on the south line of the Southwest Quarter of said Section 5, said line having a bearing of North 89 degrees 09 minutes 44 seconds East, a distance of 593.73 feet; thence northerly on a line having a bearing of North 0 degrees 50 minutes 17 seconds West, a distance of 46.53 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 800.00 feet; thence westerly on a line having a bearing of North 89 degrees 50 minutes 47 seconds West, a distance of 300.04 feet; thence westerly on a line having a bearing of South 88 degrees 37 minutes 33 seconds West, a distance of 500.03 feet to the Point of Beginning, containing 0.046 acres, more or less.

Tract Six

Commencing at the northwest corner of said Section 8; thence easterly on the north line of the Northwest Quarter of said Section 8, said line having a bearing of North 89 degrees 09 minutes 44 seconds East, a distance of 1317.03 feet to the northwest corner of the Northeast Quarter of the Northwest Quarter of said Section 8; thence southerly on the west line of the Northeast Quarter of the Northwest Quarter of said Section 8, said line having a bearing of South 0 degrees 19 minutes 20 seconds West, a distance of 53.95 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence continuing southerly on said west line of the Northeast Quarter of the Northwest Quarter of said Section 8 on the last described course, a distance of 5.93 feet; thence easterly on a line having a bearing of North 87 degrees 17 minutes 23 seconds East, a distance of 177.95 feet to said southerly right-of-way line; thence westerly on said southerly right-of-way line, said line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 177.73 feet to the Point of Beginning, containing 0.012 acres, more or less.

Tract Seven

Commencing at the South Quarter Corner of said Section 5; thence westerly on the south line of the Southwest Quarter of said Section 5, said line having a bearing of South 89 degrees 09 minutes 44 seconds West, a distance of 540.32 feet; thence northerly on a line having a bearing of North 0 degrees 50 minutes 26 seconds West, a distance of 45.57 feet to the northerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence northwestwardly on a line having a bearing of North 66 degrees 34 minutes 24 seconds West, a distance of 109.66 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 100.00 feet; thence southwestwardly on a line having a bearing of South 72 degrees 29 minutes 58 seconds West, a distance of 104.40 feet; thence westerly on a line having a bearing of South 84 degrees 54 minutes 35 seconds West, a distance of 200.56 feet to said northerly right-of-way line; thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 500.00 feet to the Point of Beginning, containing 0.258 acres, more or less.

Tract Eight

Commencing at the North Quarter Corner of said Section 8; thence westerly on the north line of the Northwest Quarter of said Section 8, said line having a bearing of South 89 degrees 09 minutes 44

seconds West, a distance of 340.38 feet; thence southerly on a line having a bearing of South 0 degrees 50 minutes 13 seconds East, a distance of 49.56 feet to the southerly right-of-way line of a public highway designated F.A.S. Route 187 (Sterling Road), said point being the Point of Beginning of the hereinafter described tract of land; thence westerly on a line having a bearing of South 84 degrees 54 minutes 35 seconds West, a distance of 200.56 feet; thence southwesterly on a line having a bearing of South 69 degrees 54 minutes 32 seconds West, a distance of 105.95 feet; thence westerly on a line having a bearing of South 89 degrees 11 minutes 56 seconds West, a distance of 100.00 feet; thence northwesterly on a line having a bearing of North 66 degrees 34 minutes 24 seconds West, a distance of 109.66 feet to said southerly right-of-way line; thence easterly on said southerly right-of-way line, said line having a bearing of North 89 degrees 11 minutes 56 seconds East, a distance of 25.00 feet; thence easterly on said southerly right-of-way line, said line having a bearing of South 85 degrees 23 minutes 18 seconds East, a distance of 165.79 feet; thence easterly on said southerly right-of-way line, said line having a bearing of North 85 degrees 23 minutes 20 seconds East, a distance of 310.64 feet to the Point of Beginning, containing 0.162 acres, more or less.

For the purpose of this description, said west line of the Northeast Quarter of Section 7 has been assigned the bearing of South 0 degrees 11 minutes 19 seconds West, said north line of the Northeast Quarter of Section 7 has been assigned the bearing of South 88 degrees 54 minutes 00 seconds West and said north line of the Northwest Quarter of Section 8 has been assigned the bearing of South 89 degrees 09 minutes 44 seconds West.

The above described eight tracts of land together contain 0.778 acres, more or less.

Section 25. Upon the payment of the sum of \$51,835.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Rock Island County, Illinois:

Parcel No. 2DR1129

A parcel of land in Lot 4 of William H. Newton, Jr.'s Addition to the City of East Moline, Illinois, situated in the Southeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 2, Township 17 North, Range 1 West of the Fourth Principal Meridian, said Addition filed in the Recorder's Office in Rock Island County, Illinois, on 21 October 1929 in the Book of Plats 19 at Pages 65 and 2480-2489, described as follows:

Beginning at the northeast corner of said Lot 4; thence westerly on the north line of said Lot 4, said line having a bearing of South 89 degrees 15 minutes 40 seconds West, a distance of 151.77 feet to the northwest corner of said Lot 4; thence southerly on the west line of said Lot 4, said line having a bearing of South 0 degrees 16 minutes 22 seconds West, a distance of 130.27 feet to the northerly right-of-way line of a public highway designated S.B.I. Route 80 (Colona Avenue); thence easterly on said northerly right-of-way line, said line having a bearing of North 89 degrees 25 minutes 02 seconds East, a distance of 151.56 feet to the east line of said Lot 4; thence northerly on said east line of Lot 4, said line having a bearing of North 0 degrees 22 minutes 22 seconds East, a distance of 105.76 feet to the Point of Beginning, containing 15,851 square feet (0.360 acre), more or less.

For the purpose of this description, said north line of Lot 4 has been assigned the bearing of South 89 degrees 15 minutes 40 seconds West.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from SBI Route 80 (Colona Avenue), previously declared a freeway.

Section 30. Upon the payment of the sum of \$1,500.00 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 12 (U.S. Rt. 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XB04

A line being on the south right of way line of FA Route 12 (U.S. Route 40) in the Northwest Quarter of the Northwest Quarter of Section 3, Township 4 North, Range 4 West of the Third Principal Meridian in Bond County, Illinois, described as follows:

Commencing at an iron pin marking the northwest corner of Lot 21 of the Original Town of Amity, now Pochahontas recorded in Book E, Page 23, said point also being on the south right of way line of said FA Route 12 (U.S. Route 40); thence North 88 degrees 20 minutes 42 seconds East on said south right of way line, 10.05 feet to the Point of Beginning.

From said Point of Beginning; thence continuing North 88 degrees 20 minutes 42 seconds East, 74.01 feet to the point of terminus of said line.

Section 35. Upon the payment of the sum of \$500.00 to the State of Illinois, the rights or easement of

access, crossing, light, air and view from, to and over the following described line and FA Route 12 are restored subject to permit requirements of the State of Illinois, Department of Transportation:
Parcel No. 5X18102

Direct access to FA Route 12 (U.S. Route 40) shall be restored to 289 feet of a tract of land abutting the northerly right of way line of said highway and beginning at a point 120.00 feet left of Station 2297+06.31 of the surveyed centerline of said FA Route 12, said point being the intersection of the northerly right of way line of FA Route 12 and the west line of 5 acres in the southwest corner of the East Half of the Northwest Quarter of the Southwest Quarter of Section 26, Township 10 North, Range 10 East of the Third Principal Meridian; thence North 66 degrees 24 minutes 00 seconds East (Bearings based on surveyed centerline bearing of North 66 degrees 24 minutes East from the original Dedication Plat) 172.19 feet along the northerly right of way line of FA Route 12, said line being parallel with and 120.00 feet northerly of the centerline of FA Route 12; thence northeasterly 116.93 feet along said right of way line being on a curve to the right, being concentric with and 120.00 feet northerly of the centerline of FA Route 12, said curve having a radius of 47,532.40 feet, the chord of said curve bears North 66 degrees 28 minutes 14 seconds East 116.93 feet, to the ending point being 120.00 feet left of Station 2299+95.14 of the surveyed centerline of FA Route 12.

Section 40. Upon the payment of the sum of \$2,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0040

Part of the Northeast Quarter of Section 31, Township 34 North, Range 7 East of the Third Principal Meridian, County of Grundy, State of Illinois, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 31; thence North 00 degrees 00 minutes 00 seconds East, 661.15 feet along the east line of said Northeast Quarter; thence North 89 degrees 31 minutes 11 seconds West, 42.46 feet to the Point of Beginning, said point being 690.00 feet left of Station 1083+49.8 on the centerline of Federal Aid Interstate Route 80 as shown on a Right Of Way Plat recorded in Deed Record Book 232, Page 186 in the Recorder's Office of said county; thence South 06 degrees 44 minutes 17 seconds West, 568.80 feet to a point 125.00 feet left of Station 1082+85.7 on said centerline; thence North 89 degrees 44 minutes 11 seconds West, parallel with said centerline, 557.47 feet to a point 125.00 feet left of Station 1077+28.2 on said centerline; thence North 00 degrees 30 minutes 01 second West, 30.00 feet to a point 155.00 feet left of Station 1077+27.8 on said centerline; thence South 89 degrees 44 minutes 11 seconds East, parallel with said centerline, 423.40 feet to a point 155.00 feet left of Station 1081+51.2 on said centerline; thence North 45 degrees 15 minutes 49 seconds East, 70.71 feet to a point 205.00 feet left of Station 1082+01.2 on said centerline; thence North 00 degrees 34 minutes 42 seconds East, 437.01 feet to a point 642.00 feet left of Station 1082+03.6 on said centerline; thence North 45 degrees 39 minutes 16 seconds East, 69.12 feet to a point 690.00 feet left of Station 1082+52.8 on said centerline; thence South 89 degrees 31 minutes 11 seconds East, 97.00 feet to the Point of Beginning, containing 1.825 acres, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from FAI Route 80, previously declared a freeway.

Section 45. Upon the payment of the sum of \$8,100.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Winnebago County, Illinois, to William W. Rader.

Parcel No. 2XW1096

A part of Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14 as designated upon the plat of Camp Grant Island, being B.A. Knight's Subdivision of Island Number 3 in Rock River in Section 15, Township 43 North, Range 1 East of the Third Principal Meridian, Winnebago County, Illinois, described as follows:

Beginning at the southeast corner of said Lot 14, said point being 126.08 feet normally distant westerly from the centerline of pavement in place of FAU Route 5103; thence South 74 degrees 30 minutes 27 seconds West, 45.00 feet along the south line of said Lot 14 to a point on the westerly right of way line of FAU Route 5103, said point being 171.05 feet normally distant westerly from said centerline; thence North 15 degrees 29 minutes 33 seconds West, 217.35 feet along said westerly right of way line to a point on the north line of said Lot 6 and the northerly bank of said Island Number 3, said point being 179.38 feet normally distant westerly from said centerline; thence North

89 degrees 07 minutes 15 seconds East, 46.50 feet along said north line of Lot 6 to a point on the east line of said Lot 6, said point being 133.97 feet normally distant westerly from said centerline; thence South 15 degrees 29 minutes 33 seconds East, 205.61 feet along the east line of said Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14 to the Point of Beginning, containing 0.218 acre [9,517 square feet], more or less.

Subject to the existing rights, if any, of public or quasi-public utilities, easements, the existing rights in and to that part of the land lying within the bed of the Rock River, and the rights of other owners of land bordering on the river in respect to the water of said river.

Section 50. Upon the payment of the sum of \$6,500.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Champaign County, Illinois:

Parcel No. 5X05513

Part of Lot 6 in C.C. Hawes Addition to Mahomet, situated in the County of Champaign, in the State of Illinois, described as follows:

Beginning at the northwest corner of said Lot 6, said point being the intersection of the existing westerly right of way line of FAP 326 (IL. Rte. 47) and the southerly right of way line of Franklin Street; thence South 13 degrees 03 minutes 56 seconds West (Bearings based on Illinois State Plane Coordinates, East Zone NAD 83) 27.283 meters [89.51 feet]; thence South 22 degrees 43 minutes 08 seconds West 25.071 meters [82.25 feet] along a line being parallel to and 8.707 meters [28.57 feet] westerly of the centerline of FAP 326 (IL. Rte. 47), to the south line of said Lot 6; thence North 69 degrees 18 minutes 40 seconds West 2.560 meters [8.40 feet] along said south line, to the southwest corner of said Lot 6, said point being on the existing westerly right of way line of FAP 326 (IL. Rte. 47); thence North 20 degrees 30 minutes 18 seconds East 52.097 meters [170.92 feet] along said existing westerly right of way line, to the Point of Beginning, containing 124 square meters [1,336 square feet], more or less.

Section 55. Upon the payment of the sum of \$5,350.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Sangamon County, Illinois, to Stephen Bartelli.

Parcel No. 675X231

A part of the Southeast Quarter of Section 3, Township 14 North, Range 5 West of the Third Principal Meridian, Sangamon County, Illinois and being more particularly described as follows:

Beginning at the northeast corner of Lot 1 of Hunting Meadows subdivision, the plat thereof being recorded in Plat Cabinet A in Slide 302 of the Sangamon County Recorder's Office; thence South 73 degrees 28 minutes 33 seconds West (Bearings are based on the Illinois State Plat Coordinate System N.A.D. 1983, West Zone), 126.02 feet along the north line of said Lot 1 to the northwest corner of said Lot 1; thence North 16 degrees 24 minutes 50 seconds West, 77.18 feet along the northerly prolongation of the west line of said Lot 1; thence North 72 degrees 45 minutes 48 seconds East, 147.79 feet to the northerly prolongation of the east line of said Lot 1; thence South 01 degree 01 minute 45 seconds East, 82.00 feet along said northerly prolongation of the east line of Lot 1 to the Point of Beginning, containing 10,682 Square Feet, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from East Lake Shore Drive (Cotton Hill Road).

Section 60. Upon the payment of the sum of \$1,100.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Sangamon County, Illinois, to David Bentley.

Parcel No. 675X237

A part of the Southeast Quarter of the Northeast Quarter of Section 9, Township 13 North, Range 5 West, 3rd Principal Meridian, Sangamon County, Illinois, described as follows:

Commencing at a found 1/4" gas pipe marking the East Quarter corner of Section 9; thence North 01 degree 42 minutes 49 seconds West, 90.28 feet to the existing centerline of IL 104; thence along said centerline, South 88 degrees 17 minutes 11 seconds West, 1043.40 feet; thence continuing on said centerline, South 88 degrees 39 minutes 47 seconds West, 373.93 feet; thence continuing on said centerline, South 88 degrees 22 minutes 47 seconds West, 150.00 feet to the intersection with the centerline of I-55 Frontage Road 1 (FR-1); thence along the centerline of FR-1, North 01 degree 38 minutes 15 seconds West, 285.50 feet to the point of curvature; thence 762.16 feet along the

centerline curve to the right, having a radius of 1147.50, chord bearing North 17 degrees 23 minutes 24 seconds East, 748.23 feet; thence North 53 degrees 34 minutes 57 seconds West, 75.00 feet to the existing west right of way line, also being the Point of Beginning; thence along said right of way line, North 00 degrees 49 minutes 26 seconds West, 206.09 feet to the northeast corner of the Southwest Quarter of the Northeast Quarter of Section 9, also being the existing north right of way line; thence along said right of way line, North 88 degrees 30 minutes 33 seconds East, 201.47 feet to the existing west right of way line; thence South 49 degrees 13 minutes 18 seconds West, 17.38 feet to a point of curvature; thence 273.17 feet along a curve to the left, having a radius of 1222.50 chord bearing South 42 degrees 49 minutes 08 seconds West, 272.60 feet to the Point of Beginning, containing 0.439 acres.

Section 65. Upon the payment of the sum of \$5,250.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Adams County, Illinois:

Parcel No. 675X227(A)

A part of the North Half of Section 29, Township 2 North, Range 7 West of the Fourth Principal Meridian in Adams County, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 29; thence South 00 degrees 16 minutes 05 seconds West along the east line of the Northwest Quarter of said Section 29, a distance of 48.28 feet to a point on the existing northerly right of way line of S.B.I. Route 36, said point being the Point of Beginning; thence North 88 degrees 56 minutes 53 seconds East along the existing northerly right of way line of S.B.I. Route 36, a distance of 373.22 feet; thence easterly 176.95 feet along a curve to the right having a radius of 1462.39 feet, the chord of said curve bears North 75 degrees 59 minutes 22 seconds East, a distance of 176.85 feet to the north line of the Northeast Quarter of said Section 29; thence North 89 degrees 51 minutes 14 seconds East along the north line of the Northeast Quarter of said Section 29, a distance of 259.88 feet to the existing westerly right of way line of F.A. Route 302 (IL. 336); thence South 46 degrees 37 minutes 52 seconds West along the existing westerly right of way line of F.A. Route 302 (IL. 336), a distance of 68.67 feet to the existing southeasterly right of way line of S.B.I. Route 36; thence westerly along the existing southeasterly right of way line of S.B.I. Route 36, a distance of 963.27 feet along a curve to the left having a radius of 1392.39 feet, the chord of said curve bears South 67 degrees 48 minutes 30 seconds West, a distance of 944.17 feet to the existing easterly right of way line of F.A. Route 733 (IL. 61); thence North 42 degrees 05 minutes 45 seconds West, a distance of 123.80 feet; thence North 32 degrees 10 minutes 43 seconds East, a distance of 308.24 feet; thence North 88 degrees 56 minutes 53 seconds East, a distance of 38.38 feet to the Point of Beginning, containing 2.823 acres, more or less.

Further upon the payment of the sum shown to the State of Illinois, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Adams County, Illinois, to Herbert A. Duffy and Anita L. Duffy.

Parcel No. 675X227(B)

A part of the North Half of Section 29, Township 2 North, Range 7 West of the Fourth Principal Meridian in Adams County, described as follows:

Commencing at the northeast corner of the Northwest Quarter of said Section 29; thence South 00 degrees 16 minutes 05 seconds West along the east line of the Northwest Quarter of said Section 29, a distance of 48.28 feet to a point on the existing northerly right of way line of S.B.I. Route 36; thence South 88 degrees 56 minutes 53 seconds West along the existing northerly right of way line of S.B.I. Route 36, a distance of 38.38 feet; thence South 32 degrees 10 minutes 43 seconds West along the existing westerly right of way line of S.B.I. Route 36, a distance of 308.24 feet to the Point of Beginning; thence South 42 degrees 05 minutes 45 seconds East, a distance of 123.80 feet; thence South 18 degrees 21 minutes 19 seconds West, a distance of 51.42 feet; thence South 35 degrees 43 minutes 13 seconds West, a distance of 269.69 feet; thence South 45 degrees 47 minutes 08 seconds West, a distance of 219.11 feet; thence South 27 degrees 37 minutes 54 seconds West, a distance of 195.11 feet; thence South 30 degrees 33 minutes 41 seconds West, a distance of 320.08 feet; thence South 27 degrees 08 minutes 12 seconds West, a distance of 445.55 feet to a point on the existing westerly access control line for F.A. Route 302 (IL. 336); thence South 48 degrees 09 minutes 55 seconds West along the existing westerly access control line for F.A. Route 302 (IL. 336), a distance of 285.63 feet; thence South 32 degrees 44 minutes 06 seconds West along the existing westerly access control line for F.A. Route 302 (IL. 336), a distance of 306.25 feet; thence South 88 degrees 47 minutes 03 seconds West along the existing westerly access control line for F.A. Route 302 (IL.

336), a distance of 79.54 feet to a point on the existing westerly right of way line of F.A. Route 733 (IL. 61); thence North 24 degrees 42 minutes 39 seconds East along the existing westerly right of way line of F.A. Route 733 (IL. 61), a distance of 284.04 feet; thence North 34 degrees 10 minutes 34 seconds East, a distance of 403.76 feet; thence North 12 degrees 18 minutes 39 seconds East, a distance of 103.08 feet; thence North 28 degrees 29 minutes 05 seconds East, a distance of 268.09 feet; thence North 30 degrees 53 minutes 44 seconds East, a distance of 392.84 feet; thence North 37 degrees 52 minutes 17 seconds East, a distance of 462.51 feet; thence North 42 degrees 12 minutes 52 seconds East, a distance of 206.48 feet; thence North 60 degrees 47 minutes 43 seconds East, a distance of 48.51 feet to the Point of Beginning, containing 7.684 acres, more or less. Said tracts A and B contain a total of 10.507 acres, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from SBI Route 36, between Station 48+145LT and Station 48+334.201 and between Station 49+041.611LT and 49+062.529LT.

Section 70. Upon the payment of the sum of \$48,000.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in St. Clair County, Illinois, to ENK Realty, L.L.C.

Parcel No. 800XB20

That part of Lot 2 of Ranken Estate Subdivision of Lands of D. Ranken dec'd in Township 2 North, Range 9 West of the Third Principal Meridian and in Township 2 North, Range 8 West of the Third Principal Meridian, according to the plat thereof recorded in Book of Plats "A", on Pages 189 and 190, in St. Clair County, Illinois, described as follows:

Commencing at the intersection of the south line of said Lot 2 with the northwesterly right of way line of Illinois Route 157 as established according to the Warranty Deed recorded May 3, 1963 in Book 1839, on Page 99; thence on an assumed bearing of North 24 degrees 24 minutes 01 second East on said northwesterly right of way line, 226.50 feet to an angle point on said northwesterly right of way line to the Point of Beginning:

From said Point of Beginning; thence North 12 degrees 03 minutes 31 seconds East, on said northwesterly right of way line, 153.51 feet to the southwesterly right of way line of Tucker Drive according to the Quit Claim Deed recorded July 12, 1991 in Book 2822 on Page 2271; thence South 41 degrees 52 minutes 18 seconds East, 85.00 feet to a line 75.00 feet northwesterly of and parallel with the centerline of Illinois Route 157; thence South 24 degrees 24 minutes 01 second West, on said parallel line, 115.76 feet; thence North 65 degrees 35 minutes 59 seconds West, 45.00 feet to the Point of Beginning.

Parcel 800XB20 herein described contains 0.181 acres or 7,878 square feet, more or less.

It is understood and agreed that there is no existing right of access nor will access be permitted in the future by the State of Illinois, Department of Transportation, from or over the premises above described to and from IL Route 157, previously declared a freeway.

Section 75. Upon the payment of the sum of \$1.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Lee County, Illinois, to the City of Dixon.

Parcel No. 2XLE099

A parcel of land in the Southeast Quarter of Section 31, Township 22 North, Range 9 East of the Fourth Principal Meridian, Lee County, State of Illinois, described as follows:

Commencing at the southwest corner of Lot 34 as designated upon the Plat of Loveland Place Tracts, a subdivision of the Southeast Quarter of said Section 31, the Plat of said Subdivision is recorded in Book C at Page 4 in the Recorder's Office of Lee County; thence North 1 degree 20 minutes 14 seconds West, 50.00 feet (Bearings assumed for description purposes only) on the west line of said Lot 34, to the easterly right of way line of a public street designated Willett Avenue and the Point of Beginning.

From the Point of Beginning thence South 15 degrees 47 minutes 12 seconds East, 64.05 feet on said easterly right of way line; thence South 54 degrees 22 minutes 58 seconds East, 31.95 feet on said easterly right of way line; thence North 88 degrees 53 minutes 57 seconds West, 35.19 feet; thence South 82 degrees 05 minutes 13 seconds West, 101.49 feet; thence South 87 degrees 02 minutes 21 seconds West, 102.66 feet; thence North 68 degrees 21 minutes 52 seconds West, 69.07 feet; thence North 32 degrees 32 minutes 12 seconds West, 119.94 feet; thence North 74 degrees 25 minutes 48 seconds East, 50.18 feet; thence South 81 degrees 26 minutes 48 seconds East, 44.51 feet; thence

South 55 degrees 02 minutes 46 seconds East, 85.28 feet; thence South 74 degrees 08 minutes 39 seconds East, 38.49 feet; thence North 86 degrees 38 minutes 07 seconds East, 43.44 feet; thence North 61 degrees 17 minutes 02 seconds East, 45.68 feet; thence North 48 degrees 46 minutes 30 seconds East, 45.46 feet; thence North 15 degrees 52 minutes 15 seconds East, 20.12 feet, to the easterly right of way line of said Willett Avenue, thence South 1 degree 20 minutes 14 seconds East, 49.05 feet on said easterly right of way line, to the Point of Beginning, containing 0.656 acre (28,594 square feet), more or less.

Access to Willett Avenue from the abutting property shall be by way of an entrance to be provided thereto in accordance with the "Policy on Permits for Access Driveways to State Highways".

Direct access to Willett Avenue shall not be so restricted easterly of Chaining Station 520+98.99 on the Center Line of the eastbound lane of FA Route 561 (IL 2).

The property may only be used for public purposes, or title shall revert without further action to the Illinois Department of Transportation.

Section 900. The Secretary of Transportation shall obtain a certified copy of the portions of this Act containing the title, enacting clause, the effective date, the appropriate Section or Sections containing the land descriptions of the property to be transferred or otherwise affected, and this Section within 60 days after its effective date and, upon receipt of payment required by the Section or Sections, if any payment is required, shall record the certified document in the Recorder's Office in the county which the land is located.

Section 999. Effective date. This Act takes effect upon becoming law."

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

On motion of Senator Halvorson, **House Bill No. 1484** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 2291** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 2301** having been printed, was taken up and read by title a second time.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2301 on page 1, line 1, by replacing "highways." with "transportation."; and on page 2, by replacing lines 32 and 33 with the following:

"Section 10. The Illinois Vehicle Code is amended by changing Sections 1-140, 11-302, 11-304, 15-102, 15-107, 15-111, and 15-316 as follows:

(625 ILCS 5/1-140) (from Ch. 95 1/2, par. 1-140)

Sec. 1-140. Local authorities.

Every county, municipal and other local board or body having authority to enact laws relating to traffic under the constitution and laws of this State and each road district highway commissioner having that authority. (Source: P.A. 76-1586.)

(625 ILCS 5/11-302) (from Ch. 95 1/2, par. 11-302)

Sec. 11-302. Authority to designate through highway and stop and yield intersections.

(a) The Department with reference to State highways under its jurisdiction, and local authorities ~~and road district highway commissioners~~ with reference to other highways under their jurisdiction, may designate through highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersection. Designation of through highways and stop or yield intersections and the erection of stop signs or yield signs on township or road district roads are subject to the written approval of the county engineer or superintendent of highways.

(b) Every stop sign and yield sign shall conform to the State Manual and Specifications and shall be located as near as practicable to the nearest line of the crosswalk on the near side of the intersection or, if there is no crosswalk, then as close as practicable to the nearest line of the intersecting roadway.

(c) The Department may in its discretion and when traffic conditions warrant such action give preference to traffic upon any of the State highways under its jurisdiction over traffic crossing or

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entering such highway by erecting appropriate traffic control devices. (Source: P.A. 87-217.)

(625 ILCS 5/11-304) (from Ch. 95 1/2, par. 11-304)

Sec. 11-304. Local traffic-control devices; tourist oriented businesses signs.

Local authorities ~~and road district highway commissioners~~ in their respective maintenance jurisdiction shall place and maintain such traffic-control devices upon highways under their maintenance jurisdiction as are required to indicate and carry out the provisions of this Chapter, and local traffic ordinances or to regulate, warn, or guide traffic. All such traffic control devices shall conform to the State Manual and Specifications and shall be justified by traffic warrants stated in the Manual. Placement of traffic-control devices on township or road district roads also shall be subject to the written approval of the county engineer or superintendent of highways.

Local authorities ~~and road district highway commissioners~~ in their respective maintenance jurisdictions shall have the authority to install signs, in conformance with the State Manual and specifications, alerting motorists of the tourist oriented businesses available on roads under local jurisdiction in rural areas as may be required to guide motorists to the businesses. The local authorities and road district highway commissioners shall also have the authority to sell or lease space on these signs to the owners or operators of the businesses. (Source: P.A. 90-519, eff. 6-1-98.)

(625 ILCS 5/15-102) (from Ch. 95 1/2, par. 15-102)

Sec. 15-102. Width of Vehicles. (a) On Class III and non-designated State and local highways, the total outside width of any vehicle or load thereon shall not exceed 8 feet.

(b) Except during those times when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 1000 feet, the following vehicles may exceed the 8 feet limitation during the period from a half hour before sunrise to a half hour after sunset:

(1) Loads of hay, straw or other similar farm products provided that the load is not more than 12 feet wide.

(2) Implements of husbandry being transported on another vehicle and the transporting vehicle while loaded.

The following requirements apply to the transportation on another vehicle of an implement of husbandry wider than 8 feet 6 inches on the National System of Interstate and Defense Highways or other highways in the system of State highways:

(A) The driver of a vehicle transporting an implement of husbandry that exceeds 8 feet 6 inches in width shall obey all traffic laws and shall check the roadways prior to making a movement in order to ensure that adequate clearance is available for the movement. It is prima facie evidence that the driver of a vehicle transporting an implement of husbandry has failed to check the roadway prior to making a movement if the vehicle is involved in a collision with a bridge, overpass, fixed structure, or properly placed traffic control device or if the vehicle blocks traffic due to its inability to proceed because of a bridge, overpass, fixed structure, or properly placed traffic control device.

(B) Flags shall be displayed so as to wave freely at the extremities of overwidth objects and at the extreme ends of all protrusions, projections, and overhangs. All flags shall be clean, bright red flags with no advertising, wording, emblem, or insignia inscribed upon them and at least 18 inches square.

(C) "OVERSIZE LOAD" signs are mandatory on the front and rear of all vehicles with loads over 10 feet wide. These signs must have 12-inch high black letters with a 2-inch stroke on a yellow sign that is 7 feet wide by 18 inches high.

(D) One civilian escort vehicle is required for a load that exceeds 14 feet 6 inches in width and 2 civilian escort vehicles are required for a load that exceeds 16 feet in width on the National System of Interstate and Defense Highways or other highways in the system of State highways.

(E) The requirements for a civilian escort vehicle and driver are as follows:

(1) The civilian escort vehicle shall be a passenger car or a second division vehicle not exceeding a gross vehicle weight of 8,000 pounds that is designed to afford clear and unobstructed vision to both front and rear.

(2) The escort vehicle driver must be properly licensed to operate the vehicle.

(3) While in use, the escort vehicle must be equipped with illuminated rotating, oscillating, or flashing amber lights or flashing amber strobe lights mounted on top that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(4) "OVERSIZE LOAD" signs are mandatory on all escort vehicles. The sign on an escort vehicle shall have 8-inch high black letters on a yellow sign that is 5 feet wide by 12 inches high.

(5) When only one escort vehicle is required and it is operating on a two-lane highway, the escort vehicle shall travel approximately 300 feet ahead of the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicle and shall be visible from the front. When only one escort vehicle is required and it is operating on a multilane divided highway, the escort vehicle shall travel approximately 300 feet behind the load and the sign and lights shall be visible from the rear.

(6) When 2 escort vehicles are required, one escort shall travel approximately 300 feet ahead of the load and the second escort shall travel approximately 300 feet behind the load. The rotating, oscillating, or flashing lights or flashing amber strobe lights and an "OVERSIZE LOAD" sign shall be displayed on the escort vehicles and shall be visible from the front on the lead escort and from the rear on the trailing escort.

(7) When traveling within the corporate limits of a municipality, the escort vehicle shall maintain a reasonable and proper distance from the oversize load, consistent with existing traffic conditions.

(8) A separate escort shall be provided for each load hauled.

(9) The driver of an escort vehicle shall obey all traffic laws.

(10) The escort vehicle must be in safe operational condition.

(11) The driver of the escort vehicle must be in radio contact with the driver of the vehicle carrying the oversize load.

(F) A transport vehicle while under load of more than 8 feet 6 inches in width must be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the top of the cab that are of sufficient intensity to be visible at 500 feet in normal sunlight. If the load on the transport vehicle blocks the visibility of the amber lighting from the rear of the vehicle, the vehicle must also be equipped with an illuminated rotating, oscillating, or flashing amber light or lights or a flashing amber strobe light or lights mounted on the rear of the load that are of sufficient intensity to be visible at 500 feet in normal sunlight.

(G) When a flashing amber light is required on the transport vehicle under load and it is operating on a two-lane highway, the transport vehicle shall display to the rear at least one rotating, oscillating, or flashing light or a flashing amber strobe light and an "OVERSIZE LOAD" sign. When a flashing amber light is required on the transport vehicle under load and it is operating on a multilane divided highway, the sign and light shall be visible from the rear.

(H) Maximum speed shall be 45 miles per hour on all such moves or 5 miles per hour above the posted minimum speed limit, whichever is greater, but the vehicle shall not at any time exceed the posted maximum speed limit.

(3) Portable buildings designed and used for agricultural and livestock raising operations that are not more than 14 feet wide and with not more than a 1 foot overhang along the left side of the hauling vehicle. However, the buildings shall not be transported more than 10 miles and not on any route that is part of the National System of Interstate and Defense Highways.

All buildings when being transported shall display at least 2 red cloth flags, not less than 12 inches square, mounted as high as practicable on the left and right side of the building.

A State Police escort shall be required if it is necessary for this load to use part of the left lane when crossing any 2 laned State highway bridge.

(c) Vehicles propelled by electric power obtained from overhead trolley wires operated wholly within the corporate limits of a municipality are also exempt from the width limitation.

(d) Exemptions are also granted to vehicles designed for the carrying of more than 10 persons under the following conditions:

(1) (Blank);

(2) When operated within any public transportation service with the approval of local authorities or an appropriate public body authorized by law to provide public transportation. Any vehicle so operated may be 8 feet 6 inches in width; or

(3) When a county engineer or superintendent of highways, after giving due consideration to the mass transportation needs of the area and to the width and condition of the road, has determined that the operation of buses wider than 8 feet will not pose an undue safety hazard on a particular county or township road segment, he or she may authorize buses not to exceed 8 feet 6 inches in width on any highway under that engineer's or superintendent's jurisdiction.

(e) A vehicle and load traveling upon the National System of Interstate and Defense Highways or any other highway in the system of State highways that has been designated as a Class I or Class II

highway by the Department, or any street or highway designated by local authorities or road-district commissioners, may have a total outside width of 8 feet 6 inches, provided that certain safety devices that the Department determines as necessary for the safe and efficient operation of motor vehicles shall not be included in the calculation of width.

(e-1) A vehicle and load more than 8 feet wide but not exceeding 8 feet 6 inches in width is allowed access according to the following:

(1) A vehicle and load not exceeding 73,280 pounds in weight is allowed access from any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

(A) The vehicle and load does not exceed 65 feet overall length.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(2) A vehicle and load not exceeding 73,280 pounds in weight is allowed access from any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle and load does not exceed 65 feet overall length.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(3) A vehicle and load not exceeding 80,000 pounds in weight is allowed access from a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(4) A vehicle and load not exceeding 80,000 pounds in weight is allowed access from a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(5) A trailer or semi-trailer not exceeding 28 feet 6 inches in length, that was originally in combination with a truck tractor, shall have unlimited access to points of loading and unloading.

(6) All household goods carriers shall have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) Mirrors required by Section 12-502 of this Code and other safety devices identified by the Department may project up to 14 inches beyond each side of a bus and up to 6 inches beyond each side of any other vehicle, and that projection shall not be deemed a violation of the width restrictions of this Section.

(g) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113. (Source: P.A. 91-780, eff. 6-9-00; 92-417, eff. 1-1-02.)

(625 ILCS 5/15-107) (from Ch. 95 1/2, par. 15-107)

Sec. 15-107. Length of vehicles. (a) The maximum length of a single vehicle on any highway of this State may not exceed 42 feet except the following:

(1) Semitrailers.

(2) Charter or regulated route buses may be up to 45 feet in length, not including energy absorbing bumpers.

(a-1) A motor home as defined in Section 1-145.01 may be up to 45 feet in length, not including energy absorbing bumpers. The length limitations described in this subsection (a-1) shall be exclusive of energy-absorbing bumpers and rear view mirrors.

(b) On all non-State highways, the maximum length of vehicles in combinations is as follows:

(1) A truck tractor in combination with a semitrailer may not exceed 55 feet overall dimension.

(2) A truck tractor-semitrailer-trailer may not exceed 60 feet overall dimension.

(3) Combinations specially designed to transport motor vehicles or boats may not exceed 60 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations

every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

All other combinations not listed in this subsection (b) may not exceed 60 feet overall dimension.

(c) Combinations of vehicles may not exceed a total of 2 vehicles except the following:

(1) A truck tractor semitrailer may draw one trailer.

(2) A truck tractor semitrailer may draw one converter dolly.

(3) A truck tractor semitrailer may draw one vehicle that is defined in Chapter 1 as special mobile equipment, provided the overall dimension does not exceed 60 feet.

(4) A truck in transit may draw 3 trucks in transit coupled together by the triple saddlemount method.

(5) Recreational vehicles consisting of 3 vehicles, provided the following:

(A) The total overall dimension does not exceed 60 feet.

(B) The towing vehicle is a properly registered vehicle capable of towing another vehicle using a fifth-wheel type assembly.

(C) The second vehicle in the combination of vehicles is a recreational vehicle that is towed by a fifth-wheel assembly. This vehicle must be properly registered and must be equipped with brakes, regardless of weight.

(D) The third vehicle must be the lightest of the 3 vehicles and be a trailer or semitrailer designed or used for transporting a boat, all-terrain vehicle, personal watercraft, or motorcycle.

(E) The towed vehicles may be only for the use of the operator of the towing vehicle.

(F) All vehicles must be properly equipped with operating brakes and safety equipment required by this Code, except the additional brake requirement in subdivision (C) of this subparagraph (5).

(6) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle:

(A) Is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes. For the purpose of this subsection, gross vehicle weight rating, or GVWR, means the value specified by the manufacturer as the loaded weight of the tow truck.

(B) Is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) Is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) Does not engage a tow exceeding 50 highway miles from the initial point of wreck or disablement to a place of repair. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For purposes of this Section, a tow-dolly that merely serves as substitute wheels for another legally licensed vehicle is considered part of the licensed vehicle and not a separate vehicle.

(d) On Class 1 highways there are no overall length limitations on motor vehicles operating in combinations provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor may not exceed 53 feet.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semitrailer-trailer combination, may not exceed 28 feet 6 inches.

(4) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(5) Combinations of vehicles specifically designed to transport motor vehicles or boats may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(6) Stinger steered semitrailer vehicles as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in

paragraph (i) of this Section.

(7) A truck in transit transporting 3 trucks coupled together by the triple saddle mount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

The length limitations described in this paragraph (d) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (d).

(e) On Class II highways there are no overall length limitations on motor vehicles operating in combinations, provided:

(1) The length of a semitrailer, unladen or with load, in combination with a truck tractor, may not exceed 53 feet overall dimension.

(2) The distance between the kingpin and the center of the rear axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 45 feet 6 inches.

(3) A truck tractor-semi-trailer-trailer combination may not exceed 65 feet in dimension from front axle to rear axle.

(4) The length of a semitrailer or trailer, unladen or with load, operated in a truck tractor-semi-trailer-trailer combination, may not exceed 28 feet 6 inches.

(5) Maxi-cube combinations, as defined in Chapter 1, may not exceed 65 feet overall dimension.

(6) A combination of vehicles, specifically designed to transport motor vehicles or boats, may not exceed 65 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(7) Stinger steered semitrailer vehicles, as defined in Chapter 1, specifically designed to transport motor vehicles or boats, may not exceed 75 feet overall dimension. The length limitation is inclusive of front and rear bumpers but exclusive of the overhang of the transported vehicles, as provided in paragraph (i) of this Section.

(8) A truck in transit transporting 3 trucks coupled together by the triple saddle mount method may not exceed 75 feet overall dimension.

Vehicles operating during daylight hours when transporting poles, pipes, machinery, or other objects of a structural nature that cannot readily be dismembered are exempt from length limitations, provided that no object may exceed 80 feet in length and the overall dimension of the vehicle including the load may not exceed 100 feet. This exemption does not apply to operation on a Saturday, Sunday, or legal holiday. Legal holidays referred to in this Section are the days on which the following traditional holidays are celebrated: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day.

Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties are exempt from length limitations, provided that during night operations every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps on the extreme ends of any projecting load to clearly mark the dimensions of the load.

A tow truck in combination with a disabled vehicle or combination of disabled vehicles, as provided in paragraph (6) of subsection (c) of this Section, is exempt from length limitations.

Local authorities ~~and road district commissioners~~, with respect to streets and highways under their jurisdiction, may also by ordinance or resolution allow length limitations of this subsection (e).

The length limitations described in this paragraph (e) shall be exclusive of safety and energy conservation devices, such as bumpers, refrigeration units or air compressors and other devices, that the

Department may interpret as necessary for safe and efficient operation; except that no device excluded under this paragraph shall have by its design or use the capability to carry cargo.

(e-1) Combinations of vehicles not exceeding 65 feet overall length are allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

(A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles or onto any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle does not exceed 73,280 pounds in gross weight and 8 feet 6 inches in width.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(e-2) Except as provided in subsection (e-3), combinations of vehicles over 65 feet in length, with no overall length limitation except as provided in subsections (d) and (e) of this Section, are allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I or Class II highway onto any State highway or any locally designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

(e-3) Combinations of vehicles over 65 feet in length operated by household goods carriers, with no overall length limitations except as provided in subsections (d) and (e) of this Section, have unlimited access to points of loading and unloading.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this paragraph (e).

(f) On Class III and other non-designated State highways, the length limitations for vehicles in combination are as follows:

(1) Truck tractor-semitrailer combinations, must comply with either a maximum 55 feet overall wheel base or a maximum 65 feet extreme overall dimension.

(2) Semitrailers, unladen or with load, may not exceed 53 feet overall dimension.

(3) No truck tractor-semitrailer-trailer combination may exceed 60 feet extreme overall dimension.

(4) The distance between the kingpin and the center axle of a semitrailer longer than 48 feet, in combination with a truck tractor, may not exceed 42 feet 6 inches.

(g) Length limitations in the preceding subsections of this Section 15-107 do not apply to the following:

(1) Vehicles operated in the daytime, except on Saturdays, Sundays, or legal holidays, when transporting poles, pipe, machinery, or other objects of a structural nature that cannot readily be dismembered, provided the overall length of vehicle and load may not exceed 100 feet and no object exceeding 80 feet in length may be transported unless a permit has been obtained as authorized in Section 15-301.

(2) Vehicles and loads operated by a public utility while en route to make emergency repairs to public service facilities or properties, but during night operation every vehicle and its load must be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of the load.

(3) A tow truck in combination with a disabled vehicle or combination of disabled vehicles, provided the towing vehicle meets the following conditions:

(A) It is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes.

(B) It is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions.

(C) It is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles.

(D) It does not engage in a tow exceeding 50 miles from the initial point of wreck or disablement.

The Department may by rule or regulation prescribe additional requirements regarding length limitations for a tow truck towing another vehicle.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck. Legal holidays referred to in this Section shall be specified as the day on which the following traditional holidays are celebrated:

New Year's Day;
 Memorial Day;
 Independence Day;
 Labor Day;
 Thanksgiving Day; and
 Christmas Day.

(h) The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles, shall not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper. The provisions of this subsection (h) shall not apply to any vehicle or combination of vehicles specifically designed for the collection and transportation of waste, garbage, or recyclable materials during the vehicle's operation in the course of collecting garbage, waste, or recyclable materials if the vehicle is traveling at a speed not in excess of 15 miles per hour during the vehicle's operation and in the course of collecting garbage, waste, or recyclable materials. However, in no instance shall the load extend more than 7 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a front bumper.

(i) The load upon the front vehicle of a combination of vehicles specifically designed to transport motor vehicles shall not extend more than 3 feet beyond the foremost part of the transporting vehicle and the load upon the rear transporting vehicle shall not extend more than 4 feet beyond the rear of the bed or body of the vehicle. This paragraph shall only be applicable upon highways designated in paragraphs (d) and (e) of this Section.

(j) Articulated vehicles comprised of 2 sections, neither of which exceeds a length of 42 feet, designed for the carrying of more than 10 persons, may be up to 60 feet in length, not including energy absorbing bumpers, provided that the vehicles are:

1. operated by or for any public body or motor carrier authorized by law to provide public transportation services; or
2. operated in local public transportation service by any other person and the municipality in which the service is to be provided approved the operation of the vehicle.

(j-1) (Blank).

(k) Any person who is convicted of violating this Section is subject to the penalty as provided in paragraph (b) of Section 15-113.

(l) (Blank). (Source: P.A. 92-417, eff. 1-1-02; 92-766, eff. 1-1-03; 92-883, eff. 1-13-03.)

(625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

Sec. 15-111. Wheel and axle loads and gross weights. (a) On non-designated highways, no vehicle or combination of vehicles equipped with pneumatic tires may be operated, unladen or with load, when the total weight transmitted to the road surface exceeds 18,000 pounds on a single axle or 32,000 pounds on a tandem axle with no axle within the tandem exceeding 18,000 pounds except:

(1) when a different limit is established and posted in accordance with Section 15-316 of this Code;

(2) vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code;

(3) tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle;

(4) any single axle of a 2-axle truck weighing 36,000 pounds or less and not a part of a combination of vehicles, shall not exceed 20,000 pounds;

(5) any single axle of a 2-axle truck equipped with a personnel lift or digger derrick, weighing 36,000 pounds or less, owned and operated by a public utility, shall not exceed 20,000 pounds;

(6) any single axle of a 2-axle truck specially equipped with a front loading compactor used exclusively for garbage, refuse, or recycling may not exceed 20,000 pounds per axle, provided that the gross weight of the vehicle does not exceed 40,000 pounds;

(7) a truck, not in combination and specially equipped with a selfcompactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(8) a truck, not in combination and used exclusively for the collection of rendering materials,

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may, when laden, transmit upon the road surface the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle;

(9) tandem axles on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2004 and first registered in Illinois prior to January 1, 2005, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2004 or first registered in Illinois after December 31, 2004 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds;

(10) tandem axles on a 4-axle truck mixer, whose fourth axle is a road surface engaging mixer trailing axle, registered as a Special Hauling Vehicle, used exclusively for the mixing and transportation of concrete and manufactured prior to or in the model year of 2004 and first registered in Illinois prior to January 1, 2005, with a distance greater than 72 inches but not more than 96 inches between any series of 2 axles, is allowed a combined weight on the series not to exceed 36,000 pounds and neither axle of the series may exceed 18,000 pounds. Any vehicle of this type manufactured after the model year of 2004 or first registered in Illinois after December 31, 2004 may not exceed a combined weight of 32,000 pounds through the series of 2 axles and neither axle of the series may exceed 18,000 pounds;

(11) 4-axle vehicles or a 5 or more axle combination of vehicles: The weight transmitted upon the road surface through any series of 3 axles whose centers are more than 96 inches apart, measured between extreme axles in the series, may not exceed those allowed in the table contained in subsection (f) of this Section. No axle or tandem axle of the series may exceed the maximum weight permitted under this Section for a single or tandem axle.

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(b) On non-designated highways, the gross weight of vehicles and combination of vehicles including the weight of the vehicle or combination and its maximum load shall be subject to the foregoing limitations and further shall not exceed the following gross weights dependent upon the number of axles and distance between extreme axles of the vehicle or combination measured longitudinally to the nearest foot.

VEHICLES HAVING 2 AXLES	36,000 pounds		
		VEHICLES OR COMBINATIONS HAVING 3 AXLES	
With Tandem		With or	
Axles		Without	
		Tandem Axles	
Minimum		Minimum	
distance to	Maximum	distance to	Maximum
nearest foot	Gross	nearest foot	Gross
between	Weight	between	Weight
extreme axles	(pounds)	extreme axles	(pounds)
10 feet	41,000	16 feet	46,000
11	42,000	17	47,000

12	43,000	18	47,500
13	44,000	19	48,000
14	44,500	20	49,000
15	45,000	21 feet or more	50,000

VEHICLES OR COMBINATIONS HAVING 4 AXLES

Minimum distance to nearest foot between extreme axles	Maximum Gross Weight (pounds)	Minimum distance to nearest foot between extreme axles	Maximum Gross Weight (pounds)
15 feet	50,000	26 feet	57,500
16	50,500	27	58,000
17	51,500	28	58,500
18	52,000	29	59,500
19	52,500	30	60,000
20	53,500	31	60,500
21	54,000	32	61,500
22	54,500	33	62,000
23	55,500	34	62,500
24	56,000	35	63,500
25	56,500	36 feet or more	64,000

A vehicle not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (b) for 4 axles measured between the extreme axles of the vehicle.

COMBINATIONS HAVING 5 OR MORE AXLES

Minimum distance to nearest foot between extreme axles	Maximum Gross Weight (pounds)
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42 feet or less	72,000
43	73,000
44 feet or more	73,280

VEHICLES OPERATING ON CRAWLER TYPE TRACKS 40,000 pounds
 TRUCKS EQUIPPED WITH SELFCOMPACTORS
 OR ROLL-OFF HOISTS AND ROLL-OFF CONTAINERS FOR GARBAGE
 OR REFUSE HAULS ONLY AND TRUCKS USED FOR
 THE COLLECTION OF RENDERING MATERIALS

On Highway Not Part of National System
 of Interstate and Defense Highways

with 2 axles	36,000 pounds
with 3 axles	54,000 pounds

TWO AXLE TRUCKS EQUIPPED WITH
 A FRONT LOADING COMPACTOR USED EXCLUSIVELY
 FOR THE COLLECTION OF GARBAGE, REFUSE, OR RECYCLING

with 2 axles	40,000 pounds
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(c) Cities having a population of more than 50,000 may permit by ordinance axle loads on 2 axle motor vehicles 33 1/2% above those provided for herein, but the increase shall not become effective until the city has officially notified the Department of the passage of the ordinance and shall not apply to those vehicles when outside of the limits of the city, nor shall the gross weight of any 2 axle motor vehicle operating over any street of the city exceed 40,000 pounds.

(d) Weight limitations shall not apply to vehicles (including loads) operated by a public utility when transporting equipment required for emergency repair of public utility facilities or properties or water wells.

A combination of vehicles, including a tow truck and a disabled vehicle or disabled combination of vehicles, that exceeds the weight restriction imposed by this Code, may be operated on a public highway in this State provided that neither the disabled vehicle nor any vehicle being towed nor the tow truck itself shall exceed the weight limitations permitted under this Chapter. During the towing operation, neither the tow truck nor the vehicle combination shall exceed 24,000 pounds on a single rear axle and 44,000 pounds on a tandem rear axle, provided the towing vehicle:

(1) is specifically designed as a tow truck having a gross vehicle weight rating of at least 18,000 pounds and is equipped with air brakes, provided that air brakes are required only if the towing vehicle is towing a vehicle, semitrailer, or tractor-trailer combination that is equipped with air brakes;

(2) is equipped with flashing, rotating, or oscillating amber lights, visible for at least 500 feet in all directions;

(3) is capable of utilizing the lighting and braking systems of the disabled vehicle or combination of vehicles; and

(4) does not engage in a tow exceeding 20 miles from the initial point of wreck or disablement. Any additional movement of the vehicles may occur only upon issuance of authorization for that movement under the provisions of Sections 15-301 through 15-319 of this Code.

Gross weight limits shall not apply to the combination of the tow truck and vehicles being towed. The tow truck license plate must cover the operating empty weight of the tow truck only. The weight of each vehicle being towed shall be covered by a valid license plate issued to the owner or operator of the vehicle being towed and displayed on that vehicle. If no valid plate issued to the owner or operator of that vehicle is displayed on that vehicle, or the plate displayed on that vehicle does not cover the weight of the vehicle, the weight of the vehicle shall be covered by the third tow truck plate issued to the owner or operator of the tow truck and temporarily affixed to the vehicle being towed.

The Department may by rule or regulation prescribe additional requirements. However, nothing in this Code shall prohibit a tow truck under instructions of a police officer from legally clearing a disabled vehicle, that may be in violation of weight limitations of this Chapter, from the roadway to the berm or shoulder of the highway. If in the opinion of the police officer that location is unsafe, the officer is authorized to have the disabled vehicle towed to the nearest place of safety.

For the purpose of this subsection, gross vehicle weight rating, or GVWR, shall mean the value specified by the manufacturer as the loaded weight of the tow truck.

(e) No vehicle or combination of vehicles equipped with pneumatic tires shall be operated, unladen

or with load, upon the highways of this State in violation of the provisions of any permit issued under the provisions of Sections 15-301 through 15-319 of this Chapter.

(f) On designated Class I, II, or III highways and the National System of Interstate and Defense Highways, no vehicle or combination of vehicles with pneumatic tires may be operated, unladen or with load, when the total weight on the road surface exceeds the following: 20,000 pounds on a single axle; 34,000 pounds on a tandem axle with no axle within the tandem exceeding 20,000 pounds; 80,000 pounds gross weight for vehicle combinations of 5 or more axles; or a total weight on a group of 2 or more consecutive axles in excess of that weight produced by the application of the following formula: $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N + 36$, where "W" equals overall total weight on any group of 2 or more consecutive axles to the nearest 500 pounds, "L" equals the distance measured to the nearest foot between extremes of any group of 2 or more consecutive axles, and "N" equals the number of axles in the group under consideration.

The above formula when expressed in tabular form results in allowable loads as follows:

Distance measured to the nearest foot between the extremes of any group of 2 or more consecutive axles	Maximum weight in pounds of any group of 2 or more consecutive axles				
feet	2 axles	3 axles	4 axles	5 axles	6 axles
4	34,000				
5	34,000				
6	34,000				
7	34,000				
8	38,000*	42,000			
9	39,000	42,500			
10	40,000	43,500			
11	44,000				
12	45,000	50,000			
13	45,500	50,500			
14	46,500	51,500			
15	47,000	52,000			
16	48,000	52,500	58,000		
17	48,500	53,500	58,500		
18	49,500	54,000	59,000		
19	50,000	54,500	60,000		
20	51,000	55,500	60,500	66,000	
21	51,500	56,000	61,000	66,500	
22	52,500	56,500	61,500	67,000	
23	53,000	57,500	62,500	68,000	
24	54,000	58,000	63,000	68,500	
25	54,500	58,500	63,500	69,000	
26	55,500	59,500	64,000	69,500	
27	56,000	60,000	65,000	70,000	
28	57,000	60,500	65,500	71,000	
29	57,500	61,500	66,000	71,500	
30	58,500	62,000	66,500	72,000	
31	59,000	62,500	67,500	72,500	

32	60,000	63,500	68,000	73,000
33	64,000	68,500	74,000	
34	64,500	69,000	74,500	
35	65,500	70,000	75,000	
36	66,000	70,500	75,500	
37	66,500	71,000	76,000	
38	67,500	72,000	77,000	
39	68,000	72,500	77,500	
40	68,500	73,000	78,000	
41	69,500	73,500	78,500	
42	70,000	74,000	79,000	
43	70,500	75,000	80,000	
44	71,500	75,500		
45	72,000	76,000		
46	72,500	76,500		
47	73,500	77,500		
48	74,000	78,000		
49	74,500	78,500		
50	75,500	79,000		
51	76,000	80,000		
52	76,500			
53	77,500			
54	78,000			
55	78,500			
56	79,500			
57	80,000			

*If the distance between 2 axles is 96 inches or less, the 2 axles are tandem axles and the maximum total weight may not exceed 34,000 pounds, notwithstanding the higher limit resulting from the application of the formula.

Vehicles not in a combination having more than 4 axles may not exceed the weight in the table in this subsection (f) for 4 axles measured between the extreme axles of the vehicle.

Vehicles in a combination having more than 6 axles may not exceed the weight in the table in this subsection (f) for 6 axles measured between the extreme axles of the combination.

Local authorities ~~and road district highway commissioners~~, with respect to streets and highways under their jurisdiction, without additional fees, may also by ordinance or resolution allow the weight limitations of this subsection, provided the maximum gross weight on any one axle shall not exceed 20,000 pounds and the maximum total weight on any tandem axle shall not exceed 34,000 pounds, on designated highways when appropriate regulatory signs giving notice are erected upon the street or highway or portion of any street or highway affected by the ordinance or resolution.

The following are exceptions to the above formula:

(1) Two consecutive sets of tandem axles may carry a total weight of 34,000 pounds each if the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.

(2) Vehicles for which a different limit is established and posted in accordance with Section 15-316 of this Code.

(3) Vehicles for which the Department of Transportation and local authorities issue overweight permits under authority of Section 15-301 of this Code. These vehicles are not subject to the bridge formula.

(4) Tow trucks subject to the conditions provided in subsection (d) may not exceed 24,000 pounds on a single rear axle or 44,000 pounds on a tandem rear axle.

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(5) A tandem axle on a 3-axle truck registered as a Special Hauling Vehicle, manufactured prior to or in the model year of 2004, and registered in Illinois prior to January 1, 2005, with a distance between 2 axles in a series greater than 72 inches but not more than 96 inches may not exceed a total weight of 36,000 pounds and neither axle of the series may exceed 18,000 pounds.

(6) A truck not in combination, equipped with a self compactor or an industrial roll-off hoist and roll-off container, used exclusively for garbage or refuse operations, may, when laden, transmit upon the road surface, except when on part of the National System of Interstate and Defense Highways, the following maximum weights: 22,000 pounds on a single axle; 40,000 pounds on a tandem axle; 36,000 pounds gross weight on a 2-axle vehicle; 54,000 pounds gross weight on a 3-axle vehicle. This vehicle is not subject to the bridge formula.

(7) Combinations of vehicles, registered as Special Hauling Vehicles that include a semitrailer manufactured prior to or in the model year of 2004, and registered in Illinois prior to January 1, 2005, having 5 axles with a distance of 42 feet or less between extreme axles, may not exceed the following maximum weights: 18,000 pounds on a single axle; 32,000 pounds on a tandem axle; and 72,000 pounds gross weight. This combination of vehicles is not subject to the bridge formula. For all those combinations of vehicles that include a semitrailer manufactured after the effective date of this amendatory Act of the 92nd General Assembly, the overall distance between the first and last axles of the 2 sets of tandems must be 18 feet 6 inches or more. Any combination of vehicles that has had its cargo container replaced in its entirety after December 31, 2004 may not exceed the weights allowed by the bridge formula.

No vehicle or combination of vehicles equipped with other than pneumatic tires may be operated, unladen or with load, upon the highways of this State when the gross weight on the road surface through any wheel exceeds 800 pounds per inch width of tire tread or when the gross weight on the road surface through any axle exceeds 16,000 pounds.

(f-1) A vehicle and load not exceeding 73,280 pounds is allowed access as follows:

(1) From any State designated highway onto any county, township, or municipal highway for a distance of 5 highway miles for the purpose of loading and unloading, provided:

(A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(2) From any State designated highway onto any county or township highway for a distance of 5 highway miles, or any municipal highway for a distance of one highway mile for the purpose of food, fuel, repairs, and rest, provided:

(A) The vehicle and load does not exceed 8 feet 6 inches in width and 65 feet overall length.

(B) There is no sign prohibiting that access.

(C) The route is not being used as a thoroughfare between State designated highways.

(f-2) A vehicle and load greater than 73,280 pounds in weight but not exceeding 80,000 pounds is allowed access as follows:

(1) From a Class I highway onto any street or highway for a distance of one highway mile for the purpose of loading, unloading, food, fuel, repairs, and rest, provided there is no sign prohibiting that access.

(2) From a Class I, II, or III highway onto any State highway or any local designated highway for a distance of 5 highway miles for the purpose of loading, unloading, food, fuel, repairs, and rest.

Section 5-35 of the Illinois Administrative Procedure Act relating to procedures for rulemaking shall not apply to the designation of highways under this subsection.

(g) No person shall operate a vehicle or combination of vehicles over a bridge or other elevated structure constituting part of a highway with a gross weight that is greater than the maximum weight permitted by the Department, when the structure is sign posted as provided in this Section.

(h) The Department upon request from any local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand the weight of vehicles otherwise permissible under this Code the Department shall determine and declare the maximum weight of vehicles that the structures can withstand, and shall cause or permit suitable signs stating maximum weight to be erected and maintained before each end of the structure. No person shall operate a vehicle or combination of vehicles over any structure with a gross weight that is greater than the posted maximum weight.

(i) Upon the trial of any person charged with a violation of subsections (g) or (h) of this Section, proof of the determination of the maximum allowable weight by the Department and the existence of the signs, constitutes conclusive evidence of the maximum weight that can be maintained with safety to the

bridge or structure. (Source: P.A. 92-417, eff. 1-1-02.)

(625 ILCS 5/15-316) (from Ch. 95 1/2, par. 15-316)

Sec. 15-316. When the Department, or local authority ~~or road district highway commissioner~~ may restrict right to use highways.

(a) Local authorities ~~and road district highway commissioners~~ with respect to highways under their jurisdiction may by ordinance or resolution prohibit the operation of vehicles upon any such highway or impose restrictions as to the weight of vehicles to be operated upon any such highway, for a total period of not to exceed 90 days in any one calendar year, whenever any said highway by reason of deterioration, rain, snow, or other climate conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

(b) The local authority ~~or road district highway commissioner~~ enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provision of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective unless and until such signs are erected and maintained.

(c) Local authorities ~~and road district highway commissioners~~ with respect to highways under their jurisdiction may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or may impose limitations as the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(c-1) (Blank).

(d) The Department shall likewise have authority as hereinbefore granted to local authorities ~~and road district highway commissioners~~ to determine by resolution and to impose restrictions as to the weight of vehicles operated upon any highway under the jurisdiction of said department, and such restrictions shall be effective when signs giving notice thereof are erected upon the highway or portion of any highway affected by such resolution.

(d-1) (Blank).

(d-2) (Blank).

(e) When any vehicle is operated in violation of this Section, the owner or driver of the vehicle shall be deemed guilty of a violation and either the owner or the driver of the vehicle may be prosecuted for the violation. Any person, firm, or corporation convicted of violating this Section shall be fined \$50 for any weight exceeding the posted limit up to the axle or gross weight limit allowed a vehicle as provided for in subsections (a) or (b) of Section 15-111 and \$75 per every 500 pounds or fraction thereof for any weight exceeding that which is provided for in subsections (a) or (b) of Section 15-111.

(f) A municipality is authorized to enforce a county weight limit ordinance applying to county highways within its corporate limits and is entitled to the proceeds of any fines collected from the enforcement. (Source: P.A. 92-417, eff. 1-1-02.)

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

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

On motion of Senator Halvorson, **House Bill No. 2972** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 3079** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 3080** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **House Bill No. 3285** was taken up, read by title a second time and ordered to a third reading.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Silverstein, **House Bill No. 56**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

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Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Silverstein
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Ronen	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik
Demuzio	Luechtefeld	Sandoval	Woolard
Dillard	Maloney	Schoenberg	Mr. President
Garrett	Martinez	Shadid	
Geo-Karis	Meeks	Sieben	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Silverstein, **House Bill No. 1157**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Halvorson	Obama	Soden
Bomke	Harmon	Peterson	Sullivan, D.
Burzynski	Hendon	Petka	Sullivan, J.
Clayborne	Hunter	Radogno	Syverson
Collins	Jacobs	Rauschenberger	Trotter
Cronin	Jones, J.	Righter	Viverito
Crotty	Jones, W.	Risinger	Walsh
Cullerton	Lauzen	Ronen	Watson
del Valle	Lightford	Roskam	Welch
DeLeo	Link	Rutherford	Winkel
Demuzio	Luechtefeld	Sandoval	Wojcik
Dillard	Maloney	Schoenberg	Woolard
Garrett	Martinez	Shadid	Mr. President
Geo-Karis	Meeks	Sieben	
Haine	Munoz	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Halvorson, **House Bill No. 1274**, 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.

[May 6, 2003]

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Halvorson	Peterson	Sullivan, D.
Bomke	Hendon	Petka	Sullivan, J.
Burzynski	Hunter	Radogno	Syverson
Clayborne	Jacobs	Rauschenberger	Trotter
Collins	Jones, J.	Righter	Viverito
Cronin	Jones, W.	Risinger	Walsh
Crotty	Lauzen	Ronen	Watson
Cullerton	Lightford	Roskam	Welch
del Valle	Link	Rutherford	Winkel
DeLeo	Luechtefeld	Sandoval	Wojcik
Demuzio	Maloney	Schoenberg	Woolard
Dillard	Martinez	Shadid	Mr. President
Garrett	Meeks	Sieben	
Geo-Karis	Munoz	Silverstein	
Haine	Obama	Soden	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Maloney, **House Bill No. 1280**, 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.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Roskam	Welch
del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Demuzio	Luechtefeld	Schoenberg	Woolard
Dillard	Maloney	Shadid	Mr. President
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

[May 6, 2003]

On motion of Senator Jacobs, **House Bill No. 1490**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Obama	Sullivan, D.
Bomke	Halvorson	Peterson	Sullivan, J.
Brady	Harmon	Petka	Syverson
Burzynski	Hendon	Radogno	Trotter
Clayborne	Hunter	Rauschenberger	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, W.	Risinger	Watson
Crotty	Lauzen	Roskam	Welch
Cullerton	Lightford	Rutherford	Winkel
del Valle	Link	Sandoval	Wojcik
DeLeo	Luechtefeld	Schoenberg	Woolard
Demuzio	Maloney	Shadid	Mr. President
Dillard	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Geo-Karis	Munoz	Soden	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Hunter, **House Bill No. 1530**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 56; Nays 1.

The following voted in the affirmative:

Althoff	Haine	Obama	Sullivan, J.
Bomke	Halvorson	Peterson	Syverson
Brady	Harmon	Petka	Trotter
Burzynski	Hendon	Radogno	Viverito
Clayborne	Hunter	Rauschenberger	Walsh
Collins	Jacobs	Righter	Watson
Cronin	Jones, J.	Risinger	Welch
Crotty	Jones, W.	Roskam	Winkel
Cullerton	Lauzen	Rutherford	Wojcik
del Valle	Lightford	Schoenberg	Woolard
DeLeo	Link	Shadid	Mr. President
Demuzio	Maloney	Sieben	
Dillard	Martinez	Silverstein	
Garrett	Meeks	Soden	
Geo-Karis	Munoz	Sullivan, D.	

The following voted in the negative:

Sandoval

[May 6, 2003]

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

Senator Sandoval asked and obtained unanimous consent for the Journal to reflect his affirmative vote on **House Bill No. 1530**.

On motion of Senator Jacobs, **House Bill No. 1640**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 57; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Sullivan, D.
Bomke	Halvorson	Obama	Sullivan, J.
Brady	Harmon	Peterson	Syverson
Burzynski	Hendon	Petka	Trotter
Clayborne	Hunter	Radogno	Viverito
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Roskam	Welch
Cullerton	Lauzen	Rutherford	Winkel
del Valle	Lightford	Sandoval	Wojcik
DeLeo	Link	Schoenberg	Woolard
Demuzio	Luechtefeld	Shadid	Mr. President
Dillard	Maloney	Sieben	
Garrett	Martinez	Silverstein	
Geo-Karis	Meeks	Soden	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Woolard, **House Bill No. 2887**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 55; Nays 3.

The following voted in the affirmative:

Althoff	Haine	Meeks	Silverstein
Bomke	Halvorson	Munoz	Soden
Brady	Harmon	Obama	Sullivan, D.
Burzynski	Hendon	Peterson	Syverson
Clayborne	Hunter	Petka	Trotter
Collins	Jacobs	Radogno	Viverito
Cronin	Jones, J.	Rauschenberger	Walsh
Crotty	Jones, W.	Righter	Watson
Cullerton	Lauzen	Risinger	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Rutherford	Wojcik

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Demuzio	Luechtefeld	Sandoval	Woolard
Dillard	Maloney	Shadid	Mr. President
Geo-Karis	Martinez	Sieben	

The following voted in the negative:

Garrett
Schoenberg
Sullivan, J.

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a). Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Jacobs, **House Bill No. 3506**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter
Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Roskam	Welch
del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Demuzio	Luechtefeld	Schoenberg	Woolard
Dillard	Maloney	Shadid	Mr. President
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a). Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Clayborne, **House Bill No. 3508**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 58; Nays None.

The following voted in the affirmative:

Althoff	Haine	Munoz	Soden
Bomke	Halvorson	Obama	Sullivan, D.
Brady	Harmon	Peterson	Sullivan, J.
Burzynski	Hendon	Petka	Syverson
Clayborne	Hunter	Radogno	Trotter

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Collins	Jacobs	Rauschenberger	Viverito
Cronin	Jones, J.	Righter	Walsh
Crotty	Jones, W.	Risinger	Watson
Cullerton	Lauzen	Roskam	Welch
del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Demuzio	Luechtefeld	Schoenberg	Woolard
Dillard	Maloney	Shadid	Mr. President
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Sandoval, **House Bill No. 3522**, 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.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 38; Nays 17; Present 2.

The following voted in the affirmative:

Bomke	Garrett	Maloney	Sullivan, D.
Clayborne	Geo-Karis	Martinez	Sullivan, J.
Collins	Haine	Meeks	Trotter
Cronin	Halvorson	Munoz	Viverito
Crotty	Harmon	Obama	Walsh
Cullerton	Hendon	Ronen	Welch
del Valle	Hunter	Roskam	Woolard
DeLeo	Jacobs	Schoenberg	Mr. President
Demuzio	Lightford	Shadid	
Dillard	Link	Silverstein	

The following voted in the negative:

Althoff	Luechtefeld	Risinger	Winkel
Brady	Peterson	Rutherford	Wojcik
Burzynski	Radogno	Sieben	
Jones, J.	Rauschenberger	Soden	
Lauzen	Righter	Syverson	

The following voted present:

Petka
Watson

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

COMMITTEE MEETING ANNOUNCEMENT

Senator Trotter, Chairperson of the Committee on Appropriations I announced that the Appropriations I Committee will meet today in Room 212 Capitol Building, immediately upon adjournment.

[May 6, 2003]

MESSAGE FROM THE COMPTROLLER

DANIEL W. HYNES
COMPTROLLER

May 5, 2003

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

I have nominated the following named person to the office enumerated below and respectfully ask concurrence in the confirmation of this appointment by your Honorable body.

DIRECTOR OF THE DEPARTMENT OF HUMAN RESOURCES FOR THE OFFICE OF THE
COMPTROLLER

Michael P. Drea
(Salaried)

Respectfully,
s/Daniel W. Hynes
Comptroller

PRESENTATION OF RESOLUTION

Senator del Valle offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 33

WHEREAS, The State Board of Education has filed its Report on Waiver of School Code Mandates, dated April 30, 2003, with the Senate, the House of Representatives, and the Secretary of State of Illinois as required by Section 2-3.25g of the School Code; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-THIRD GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the General Assembly is encouraged to promptly review and evaluate the Report and determine whether to disapprove, in whole or in part, the Report or any waiver request or appealed request outlined in the Report.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to House Bill 88
Senate Floor Amendment No. 1 to House Bill 276
Senate Floor Amendment No. 1 to House Bill 556
Senate Floor Amendment No. 1 to House Bill 567
Senate Floor Amendment No. 1 to House Bill 701
Senate Floor Amendment No. 1 to House Bill 703
Senate Floor Amendment No. 1 to House Bill 771
Senate Floor Amendment No. 1 to House Bill 784
Senate Floor Amendment No. 1 to House Bill 873
Senate Floor Amendment No. 1 to House Bill 1080

[May 6, 2003]

Senate Floor Amendment No. 1 to House Bill 1385
Senate Floor Amendment No. 1 to House Bill 2352
Senate Floor Amendment No. 2 to House Bill 2549
Senate Floor Amendment No. 1 to House Bill 2805
Senate Floor Amendment No. 1 to House Bill 3587

The following Floor amendment to the Senate Bill listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 3 to Senate Bill 1400

At the hour of 3:33 o'clock p.m., the Chair announced that the Senate stand adjourned until Wednesday, May 7, 2003, at 1:00 o'clock p.m.