SENATE JOURNAL

STATE OF ILLINOIS

NINETY-THIRD GENERAL ASSEMBLY

46TH LEGISLATIVE DAY

THURSDAY, MAY 15, 2003

10:16 O'CLOCK A.M.

NO. 46
[May 15, 2003]

SENATE
Daily Journal Index
46th Legislative Day

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

Senator Woolard moved that reading and approval of the Journal of Wednesday, May 14, 2003 be postponed pending arrival of the printed Journal.
The motion prevailed.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 154

Offered by Senator Geo-Karis and all Senators
Mourns the death of Fred C. Fettinger of Millburn.

SENATE RESOLUTION 155

Offered by Senator Jacobs and all Senators
Mourns the death of Rose M. Nelson of Silvis.

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

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Rossi, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 922

A bill for AN ACT in relation to child support.
Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:
House Amendment No. 1 to SENATE BILL NO. 922

Passed the House, as amended, May 14, 2003.
ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 922

AMENDMENT NO. 1. Amend Senate Bill 922 by replacing the title with the following:
"AN ACT in relation to support."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Uniform Interstate Family Support Act is amended by renumbering Sections 100, 102, 903, 904, and 905; by changing and renumbering Sections 101 and 103; by changing Sections 201, 202, 204, 205, 206, 207, 208, 209, 301, 302, 303, 304, 305, 306, 307, 310, 311, 312, 314, 316, 317, 319, 401, 501, 502, 503, 506, 507, 601, 602, 604, 605, 607, 610, 611, 612, 701, 801, 802, and 901; by adding Sections 210, 211, and 615; by changing the headings of Article 2, Part 1, Article 2, Part 2, and Article 2, Part 3; and by changing the heading of Article 6 as follows:
(750 ILCS 22/101) (was 750 ILCS 22/100)
Sec. 101. ~~100.~~ Short title. This Act may be cited as the Uniform Interstate Family Support Act. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)
(750 ILCS 22/102) (was 750 ILCS 22/101)
Sec. 102. ~~101.~~ Definitions. In this Act:
"Child" means an individual, whether over or under the age of 18, who is or is alleged to be owed a duty of support by the individual's parent or who is or is alleged to be the beneficiary of a support order

directed to the parent.

"Child-support order" means a support order for a child, including a child who has attained the age of 18.

"Duty of support" means an obligation imposed or imposable by law to provide support for a child, spouse, or former spouse including an unsatisfied obligation to provide support.

"Home state" means the state in which a child lived with a parent or a person acting as parent for at least 6 consecutive months immediately preceding the time of filing of a petition or comparable pleading for support, and if a child is less than 6 months old, the state in which the child lived from birth with any of them. A period of temporary absence of any of them is counted as part of the 6-month or other period.

"Income" includes earnings or other periodic entitlements to money from any source and any other property subject to withholding for support under the law of this State.

"Income-withholding order" means an order or other legal process directed to an obligor's employer or other debtor, as defined by the Illinois Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Illinois Public Aid Code, and the Illinois Parentage Act of 1984, to withhold support from the income of the obligor.

"Initiating state" means a state from which a proceeding is forwarded or in which a proceeding is filed for forwarding to a responding state under this Act or a law or procedure substantially similar to this Act.

"Initiating tribunal" means the authorized tribunal in an initiating state.

"Issuing state" means the state in which a tribunal issues a support order or renders a judgment determining parentage.

"Issuing tribunal" means the tribunal that issues a support order or renders a judgment determining parentage.

"Obligee" means:

(A) ~~(i)~~ an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered;

(B) ~~(ii)~~ a state or political subdivision to which the rights under a duty of support or support order have been assigned or which has independent claims based on financial assistance provided to an individual obligee; or

(C) ~~(iii)~~ an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent:

(i) who owes or is alleged to owe a duty of support;

(ii) who is alleged but has not been adjudicated to be a parent of a child; or

(iii) who is liable under a support order.

"Person means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, instrumentality, public corporation, or any other legal or commercial entity.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Register" means to record a support order or judgment determining parentage in the appropriate Registry of Foreign Support Orders.

"Registering tribunal" means a tribunal in which a support order is registered.

"Responding state" means a state in which a proceeding is filed or to which a proceeding is forwarded for filing from an initiating state under this Act or a law or procedure substantially similar to this Act.

"Responding tribunal" means the authorized tribunal in a responding state.

"Spousal-support order" means a support order for a spouse or former spouse of the obligor.

"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes:

(A) ~~(i)~~ an Indian tribe; and

(B) ~~(ii)~~ a foreign country or political subdivision ~~jurisdiction~~ that:

(i) has been declared to be a foreign reciprocating country or political subdivision under federal law;

(ii) has established a reciprocal arrangement for child support with this State as provided in Section 308; or

(iii) has enacted a law or established procedures for issuance and enforcement of support orders which are substantially similar to the procedures under this Act~~, the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act~~.

"Support enforcement agency" means a public official or agency authorized to seek:

(A) ~~(1)~~ enforcement of support orders or laws relating to the duty of support;

(B) ~~(2)~~ establishment or modification of child support;

(C) ~~(3)~~ determination of parentage; ~~or~~

(D) ~~(4)~~ to locate obligors or their assets; or

(E) determination of the controlling child support order.

"Support order" means a judgment, decree, ~~or~~ order, or directive, whether temporary, final, or subject to modification, issued by a tribunal for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, or reimbursement, and may include related costs and fees, interest, income withholding, attorney's fees, and other relief.

"Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage. (Source: P.A. 90-240, eff. 7-28-97; 91-613, eff. 10-1-99.)

(750 ILCS 22/103) (was 750 ILCS 22/102)

Sec. 103. ~~102.~~ Tribunal of State. The circuit court is a tribunal of this State. The Illinois Department of Public Aid is an initiating tribunal. The Illinois Department of Public Aid is also a responding tribunal of this State to the extent that it can administratively establish paternity and establish, modify, and enforce an administrative child-support order under authority of Article X of the Illinois Public Aid Code. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/104) (was 750 ILCS 22/103)

Sec. 104. ~~103.~~ Remedies cumulative. (a) Remedies provided by this Act are cumulative and do not affect the availability of remedies under other law, including the recognition of a support order of a foreign country or political subdivision on the basis of comity.

(b) This Act does not:

(1) provide the exclusive method of establishing or enforcing a support order under the law of this State; or

(2) grant a tribunal of this State jurisdiction to render judgment or issue an order relating to child custody or visitation in a proceeding under this Act.

(Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.) (750 ILCS 22/Art. 2, Part 1, heading)

~~PART 1. EXTENDED PERSONAL JURISDICTION~~

(750 ILCS 22/201)

Sec. 201. Bases for jurisdiction over nonresident.

(a) In a proceeding to establish or~~,~~ enforce~~, or modify~~ a support order or to determine parentage, a tribunal of this State may exercise personal jurisdiction over a nonresident individual or the individual's guardian or conservator if:

(1) the individual is personally served with notice within this State;

(2) the individual submits to the jurisdiction of this State by consent, by entering a general appearance, or by filing a responsive document having the effect of waiving any contest to personal jurisdiction;

(3) the individual resided with the child in this State;

(4) the individual resided in this State and provided prenatal expenses or support for the child;

(5) the child resides in this State as a result of the acts or directives of the individual;

(6) the individual engaged in sexual intercourse in this State and the child may have been conceived by that act of intercourse;

(7) (Blank); or

(8) there is any other basis consistent with the constitutions of this State and the United States for the exercise of personal jurisdiction.

(b) The bases of personal jurisdiction set forth in subsection (a) or in any other law of this State may not be used to acquire personal jurisdiction for a tribunal of the State to modify a child support order of another state unless the requirements of Section 611 or 615 are met. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/202)

Sec. 202. Duration of personal jurisdiction. Personal jurisdiction acquired by a tribunal of this State in a proceeding under this Act or other law of this State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by Sections 205, 206, and 211.

~~Procedure when exercising jurisdiction over nonresident. A tribunal of this State exercising personal jurisdiction over a nonresident under Section 201 may apply Section 316 to receive evidence from another state, and Section 318 to obtain discovery through a tribunal of another state. In all other~~

~~respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this Act.~~ (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/Art. 2, Part 2 heading)

~~PART 2. PROCEEDINGS INVOLVING TWO OR MORE STATES~~

(750 ILCS 22/204)

Sec. 204. Simultaneous proceedings ~~in another state~~. (a) A tribunal of this State may exercise jurisdiction to establish a support order if the petition is filed after a petition or comparable pleading is filed in another state only if:

(1) the petition in this State is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) the contesting party timely challenges the exercise of jurisdiction in the other state; and

(3) if relevant, this State is the home state of the child.

(b) A tribunal of this State may not exercise jurisdiction to establish a support order if the petition is filed before a petition or comparable pleading is filed in another state if:

(1) the petition or comparable pleading in the other state is filed before the expiration of the time allowed in this State for filing a responsive pleading challenging the exercise of jurisdiction by this State;

(2) the contesting party timely challenges the exercise of jurisdiction in this State; and

(3) if relevant, the other state is the home state of the child.

(Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/205)

Sec. 205. Continuing, exclusive jurisdiction to modify child-support order.

(a) A tribunal of this State that has issued ~~issuing~~ a support order consistent with the law of this State has and shall exercise continuing, exclusive jurisdiction to modify its ~~over a~~ child-support order if the order is the controlling order and:

(1) at the time of the filing of a request for modification ~~as long as~~ this State is ~~remains~~ the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued; or

(2) even if this State is not the residence of the obligor, the individual obligee, or the child for whose benefit the support order is issued, the parties consent in a record or in open court that the tribunal of this State may continue to exercise the jurisdiction to modify its order ~~until all of the parties who are individuals have filed written consents with the tribunal of this State for a tribunal of another state to modify the order and assume continuing, exclusive jurisdiction~~.

(b) A tribunal of this State that has issued ~~issuing~~ a child-support order consistent with the law of this State may not exercise ~~its~~ continuing exclusive jurisdiction to modify the order if:

(1) all of the parties who are individuals file consent in a record with the tribunal of this State that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction; or

(2) its order is not the controlling order ~~the order has been modified by a tribunal of another state pursuant to a law substantially similar to this Act~~.

~~(c) If a child support order of this State is modified by a tribunal of another state pursuant to a law substantially similar to this Act, a tribunal of this State loses its continuing, exclusive jurisdiction with regard to prospective enforcement of the order issued in this State, and may only:~~

~~(1) enforce the order that was modified as to amounts accruing before the modification;~~

~~(2) enforce nonmodifiable aspects of that order; and~~

~~(3) provide other appropriate relief for violations of that order which occurred before the effective date of the modification.~~

~~(d) A tribunal of this State shall recognize the continuing, exclusive jurisdiction of~~ a tribunal of another state ~~which~~ has issued a child-support order pursuant to the Uniform Interstate Family Support Act or a law substantially similar to that ~~this~~ Act which modifies a child-support order of a tribunal of this State, tribunals of this State shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state.

(d) A tribunal of this State that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state.

(e) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal.

~~(f) A tribunal of this State issuing a support order consistent with the law of this State has continuing, exclusive jurisdiction over a spousal support order throughout the existence of the support obligation. A tribunal of this State may not modify a spousal support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.~~ (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/206)

Sec. 206. ~~Enforcement and modification of support order by tribunal having~~ Continuing jurisdiction to enforce child-support order.

(a) A tribunal of this State that has issued a child-support order consistent with the law of this State may serve as an initiating tribunal to request a tribunal of another state to enforce: ~~or modify a support order issued in that state.~~

(1) the order if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to the Uniform Interstate Family Support Act; or

(2) a money judgment for arrears of support and interest on the order accrued before a determination that an order of another state is the controlling order.

(b) A tribunal of this State having continuing~~, exclusive~~ jurisdiction over a support order may act as a responding tribunal to enforce ~~or modify~~ the order. ~~If a party subject to the continuing, exclusive jurisdiction of the tribunal no longer resides in the issuing state, in subsequent proceedings the tribunal may apply Section 316 (Special Rules of Evidence and Procedure) to receive evidence from another state and Section 318 (Assistance with Discovery) to obtain discovery through a tribunal of another state.~~

~~(c) A tribunal of this State which lacks continuing, exclusive jurisdiction over a spousal support order may not serve as a responding tribunal to modify a spousal support order of another state.~~ (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/Art. 2, Part 3 heading)

~~PART 3. RECONCILIATION OF MULTIPLE ORDERS~~

(750 ILCS 22/207)

Sec. 207. Determination ~~Recognition~~ of controlling child-support order.

(a) If a proceeding is brought under this Act and only one tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under this Act, and two or more child-support orders have been issued by tribunals of this State or another state with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine ~~in determining~~ which order controls ~~to recognize for purposes of continuing, exclusive jurisdiction~~:

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this Act, the order of that tribunal controls and must be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this Act:

(A) ~~,~~ an order issued by a tribunal in the current home state of the child controls; ~~and must be so recognized,~~ but

(B) if an order has not been issued in the current home state of the child, the order most recently issued controls ~~and must be so recognized~~.

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this Act, the tribunal of this State ~~having jurisdiction over the parties~~ shall issue a child-support order, which controls ~~and must be so recognized~~.

(c) If two or more child-support orders have been issued for the same obligor and same child, upon request of ~~and if the obligor or the individual obligee resides in this State,~~ a party who is an individual or a support enforcement agency, ~~may request~~ a tribunal of this State having personal jurisdiction over both the obligor and the obligee who is an individual shall ~~to~~ determine which order controls ~~and must be so recognized~~ under subsection (b). The request may be filed with a registration for enforcement or registration for modification pursuant to Article 6, or may be filed as a separate proceeding. ~~The request must be accompanied by a certified copy of every support order in effect. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.~~

(d) A request to determine which is the controlling order must be accompanied by a copy of every child-support order in effect and the applicable record of payments. The requesting party shall give notice of the request to each party whose rights may be affected by the determination.

(e) The tribunal that issued the controlling order under subsection (a), (b), or (c) ~~is the tribunal that~~ has continuing~~, exclusive~~ jurisdiction to the extent provided in ~~under~~ Section 205 or 206.

(f) ~~(e)~~ A tribunal of this State that ~~which~~ determines by order which is ~~the identity of~~ the controlling

order under subsection (b)(1) or (2) or (c), or that ~~which~~ issues a new controlling order under subsection (b)(3), shall state in that order:

(1) the basis upon which the tribunal made its determination;

(2) the amount of prospective support, if any; and

(3) the total amount of consolidated arrears and accrued interest, if any, under all of the orders after all payments made are credited as provided by Section 209.

(g) ~~(f)~~ Within 30 days after issuance of an order determining which is ~~the identity of~~ the controlling order, the party obtaining the order shall file a certified copy of it in ~~with~~ each tribunal that issued or registered an earlier order of child support. A party or support enforcement agency obtaining ~~who obtains~~ the order that ~~and~~ fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure to file does not affect the validity or enforceability of the controlling order.

(h) An order that has been determined to be the controlling order, or a judgment for consolidated arrears of support and interest, if any, made pursuant to this Section must be recognized in proceedings under this Act. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/208)

Sec. 208. ~~Multiple~~ Child-support orders for two or more obligees. In responding to ~~multiple~~ registrations or petitions for enforcement of two or more child support orders in effect at the same time with regard to the same obligor and different individual obligees, at least one of which was issued by a tribunal of another state, a tribunal of this State shall enforce those orders in the same manner as if the ~~multiple~~ orders had been issued by a tribunal of this State. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/209)

Sec. 209. Credit for payments. A tribunal of this State shall credit amounts ~~Amounts~~ collected ~~and credited~~ for a particular period pursuant to any child-support order against the amounts owed for the same period under any other child-support order for support of the same child ~~a support order~~ issued by a tribunal of this or another state ~~must be credited against the amounts accruing or accrued for the same period under a support order issued by the tribunal of this State~~. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/210 new)

Sec. 210. Application of Act to nonresident subject to personal jurisdiction. A tribunal of this State exercising personal jurisdiction over a nonresident in a proceeding under this Act, under other law of this State relating to a support order, or recognizing a support order of a foreign country or political subdivision on the basis of comity may receive evidence from another state pursuant to Section 316, communicate with a tribunal of another state pursuant to Section 317, and obtain discovery through a tribunal of another state pursuant to Section 318. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this State.

(750 ILCS 22/211 new)

Sec. 211. Continuing, exclusive jurisdiction to modify spousal-support order.

(a) A tribunal of this State issuing a spousal-support order consistent with the law of this State has continuing, exclusive jurisdiction to modify the spousal-support order throughout the existence of the support obligation.

(b) A tribunal of this State may not modify a spousal-support order issued by a tribunal of another state having continuing, exclusive jurisdiction over that order under the law of that state.

(c) A tribunal of this State that has continuing, exclusive jurisdiction over a spousal-support order may serve as:

(1) an initiating tribunal to request a tribunal of another state to enforce the spousal-support order issued in this State; or

(2) a responding tribunal to enforce or modify its own spousal-support order.

(750 ILCS 22/301)

Sec. 301. Proceedings under Act. (a) Except as otherwise provided in this Act, this Article applies to all proceedings under this Act.

(b) ~~This Act provides for the following proceedings:~~

~~(1) establishment of an order for spousal support or child support pursuant to Article 4;~~

~~(2) enforcement of a support order and income withholding order of another state without registration pursuant to Article 5;~~

~~(3) registration of an order for spousal support or child support of another state for enforcement pursuant to Article 6;~~

~~(4) modification of an order for child support or spousal support issued by a tribunal of this State~~

~~pursuant to Article 2, Part 2;~~

~~(5) registration of an order for child support of another state for modification pursuant to Article 6;~~

~~(6) determination of parentage pursuant to Article 7; and~~

~~(7) assertion of jurisdiction over nonresidents pursuant to Article 2, Part 1.~~

~~(c)~~ An individual obligee or a support enforcement agency may initiate ~~commence~~ a proceeding authorized under this Act by filing a petition in an initiating tribunal for forwarding to a responding tribunal or by filing a petition or a comparable pleading directly in a tribunal of another state which has or can obtain personal jurisdiction over the obligor. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/302)

Sec. 302. Proceeding ~~Action~~ by minor parent. A minor parent or a guardian or other legal representative of a minor parent may maintain a proceeding on behalf of or for the benefit of the minor's child. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/303)

Sec. 303. Application of law of State. Except as otherwise provided in ~~by~~ this Act, a responding tribunal of this State shall:

(1) ~~shall~~ apply the procedural and substantive law~~, including the rules on choice of law,~~ generally applicable to similar proceedings originating in this State and may exercise all powers and provide all remedies available in those proceedings; and

(2) ~~shall~~ determine the duty of support and the amount payable in accordance with the law and support guidelines of this State. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/304)

Sec. 304. Duties of initiating tribunal. (a) Upon the filing of a petition authorized by this Act, an initiating tribunal of this State shall forward ~~three copies of~~ the petition and its accompanying documents:

(1) to the responding tribunal or appropriate support enforcement agency in the responding state; or

(2) if the identity of the responding tribunal is unknown, to the state information agency of the responding state with a request that they be forwarded to the appropriate tribunal and that receipt be acknowledged.

(b) If requested by the responding tribunal, a ~~a responding state has not enacted this Act or a law or procedure substantially similar to this Act, a~~ tribunal of this State shall ~~may~~ issue a certificate or other document and make findings required by the law of the responding state. If the responding state is a foreign country or political subdivision ~~jurisdiction~~, upon request the tribunal shall ~~may~~ specify the amount of support sought, convert that amount into the equivalent amount in the foreign currency under applicable official or market exchange rate as publicly reported, and ~~and~~ provide any other documents necessary to satisfy the requirements of the responding state. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/305)

Sec. 305. Duties and powers of responding tribunal. (a) When a responding tribunal of this State receives a petition or comparable pleading from an initiating tribunal or directly pursuant to Section 301(b)~~(c)~~, it shall cause the petition or pleading to be filed and notify the obligee where and when it was filed.

(b) A responding tribunal of this State, to the extent not prohibited ~~otherwise authorized~~ by other law, may do one or more of the following:

(1) issue or enforce a support order, modify a child-support order, determine the controlling child-support order, or ~~render a judgment to~~ determine parentage;

(2) order an obligor to comply with a support order, specifying the amount and the manner of compliance;

(3) order income withholding;

(4) determine the amount of any arrearages, and specify a method of payment;

(5) enforce orders by civil or criminal contempt, or both;

(6) set aside property for satisfaction of the support order;

(7) place liens and order execution on the obligor's property;

(8) order an obligor to keep the tribunal informed of the obligor's current residential address, telephone number, employer, address of employment, and telephone number at the place of employment;

(9) issue a bench warrant for an obligor who has failed after proper notice to appear at a hearing ordered by the tribunal and enter the bench warrant in any local and state computer systems for criminal warrants;

(10) order the obligor to seek appropriate employment by specified methods;

(11) award reasonable attorney's fees and other fees and costs; and

(12) grant any other available remedy.

(c) A responding tribunal of this State shall include in a support order issued under this Act, or in the documents accompanying the order, the calculations on which the support order is based.

(d) A responding tribunal of this State may not condition the payment of a support order issued under this Act upon compliance by a party with provisions for visitation.

(e) If a responding tribunal of this State issues an order under this Act, the tribunal shall send a copy of the order to the obligee and the obligor and to the initiating tribunal, if any.

(f) If requested to enforce a support order, arrears, or judgement or modify a support order stated in a foreign currency, a responding tribunal of this State shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/306)

Sec. 306. Inappropriate tribunal. If a petition or comparable pleading is received by an inappropriate tribunal of this State, ~~it~~ the tribunal shall forward the pleading and accompanying documents to an appropriate tribunal in this State or another state and notify the obligee where and when the pleading was sent. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/307)

Sec. 307. Duties of support enforcement agency. (a) A support enforcement agency of this State, upon request, shall provide services to a petitioner in a proceeding under this Act. This subsection does not affect any ability the support enforcement agency may have to require an application for services, charge fees, or recover costs in accordance with federal or State law and regulations.

(b) A support enforcement agency that is providing services to the petitioner ~~as appropriate~~ shall:

(1) take all steps necessary to enable an appropriate tribunal in this State or another state to obtain jurisdiction over the respondent;

(2) request an appropriate tribunal to set a date, time, and place for a hearing;

(3) make a reasonable effort to obtain all relevant information, including information as to income and property of the parties;

(4) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner;

(5) within 10 days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of a written communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; and

(6) notify the petitioner if jurisdiction over the respondent cannot be obtained.

(c) A support enforcement agency of this State that requests registration of a child-support order in this State for enforcement or for modification shall make reasonable efforts:

(1) to ensure that the order to be registered is the controlling order; or

(2) if two or more child-support orders exist and the identity of the controlling order has not been determined, to ensure that a request for such a determination is made in a tribunal having jurisdiction to do so.

(d) A support enforcement agency of this State that requests registration and enforcement of a support order, arrears, or judgement stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported.

(e) A support enforcement agency of this State shall issue or request a tribunal of this State to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to Section 319 of the Uniform Interstate Family Support Act.

(f) ~~(e)~~ This Act does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/310)

Sec. 310. Duties of the Illinois Department of Public Aid. (a) The Illinois Department of Public Aid is the state information agency under this Act.

(b) The state information agency shall:

(1) compile and maintain a current list, including addresses, of the tribunals in this State which have jurisdiction under this Act and any support enforcement agencies in this State and transmit a

copy to the state information agency of every other state;

(2) maintain a register of names and addresses of tribunals and support enforcement agencies received from other states;

(3) forward to the appropriate tribunal in the county ~~place~~ in this State in which the ~~individual~~ obligee who is an individual or the obligor resides, or in which the obligor's property is believed to be located, all documents concerning a proceeding under this Act received from an initiating tribunal or the state information agency of the initiating state; and

(4) obtain information concerning the location of the obligor and the obligor's property within this State not exempt from execution, by such means as postal verification and federal or state locator services, examination of telephone directories, requests for the obligor's address from employers, and examination of governmental records, including, to the extent not prohibited by other law, those relating to real property, vital statistics, law enforcement, taxation, motor vehicles, driver's licenses, and social security.

(c) The Illinois Department of Public Aid may determine that a foreign country or political subdivision has established a reciprocal arrangement for child support with Illinois and take appropriate action for notification of this determination. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/311)

Sec. 311. Pleadings and accompanying documents. (a) In a proceeding under this Act, a ~~A~~ petitioner seeking to establish ~~or modify~~ a support order ~~or~~ to determine parentage or to register and modify a support order of another state ~~in a proceeding under this Act~~ must file a ~~verify the~~ petition. Unless otherwise ordered under Section 312, the petition or accompanying documents must provide, so far as known, the name, residential address, and social security numbers of the respondent and the petitioner or the parent and alleged parent, and the name, sex, residential address, social security number, and date of birth of each child for whose benefit ~~whom~~ support is sought or whose parentage is to be determined. Unless filed at the time of registration, the petition must be accompanied by a ~~certified~~ copy of any support order known to have been issued by another tribunal ~~in effect~~. The petition may include any other information that may assist in locating or identifying the respondent.

(b) The petition must specify the relief sought. The petition and accompanying documents must conform substantially with the requirements imposed by the forms mandated by federal law for use in cases filed by a support enforcement agency. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691; 88-691, eff. 1-24-95.)

(750 ILCS 22/312)

Sec. 312. Nondisclosure of information in exceptional circumstances. If a party alleges in an affidavit or a pleading under oath that the health, safety, or liberty of a party or child would be jeopardized by disclosure of specific identifying information, that information must be sealed and may not be disclosed to the other party or public. After a hearing in which a tribunal takes into consideration the health, safety, or liberty of the party or child, the tribunal may order disclosure of information that the tribunal determines to be in the interest of justice. ~~Upon a finding, which may be made ex parte, that the health, safety, or liberty of a party or child would be unreasonably put at risk by the disclosure of identifying information, or if an existing order so provides, a tribunal shall order that the address of the child or party or other identifying information not be disclosed in a pleading or other document filed in a proceeding under this Act.~~ (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/314)

Sec. 314. Limited immunity of petitioner. (a) Participation by a petitioner in a proceeding under this Act before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(b) A petitioner is not amenable to service of civil process while physically present in this State to participate in a proceeding under this Act.

(c) The immunity granted by this Section does not extend to civil litigation based on acts unrelated to a proceeding under this Act committed by a party while present in this State to participate in the proceeding. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691; 88-691, eff. 1-24-95.)

(750 ILCS 22/316)

Sec. 316. Special rules of evidence and procedure. (a) The physical presence of a nonresident party who is an individual ~~the petitioner~~ in a ~~responding~~ tribunal of this State is not required for the establishment, enforcement, or modification of a support order or the rendition of a judgment

determining parentage.

(b) An ~~A verified petition,~~ affidavit, a document substantially complying with federally mandated forms, or ~~and~~ a document incorporated by reference in any of them, which would not be excluded under the hearsay rule if given in person, is admissible in evidence if given under penalty of perjury ~~oath~~ by a party or witness residing in another state.

(c) A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made.

(d) Copies of bills for testing for parentage, and for prenatal and postnatal health care of the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

(e) Documentary evidence transmitted from another state to a tribunal of this State by telephone, telecopier, or other means that do not provide an original record ~~writing~~ may not be excluded from evidence on an objection based on the means of transmission.

(f) In a proceeding under this Act, a tribunal of this State shall ~~may~~ permit a party or witness residing in another state to be deposed or to testify by telephone, audiovisual means, or other electronic means at a designated tribunal or other location in that state. A tribunal of this State shall cooperate with tribunals of other states in designating an appropriate location for the deposition or testimony.

(g) If a party called to testify at a civil hearing refuses to answer on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

(h) A privilege against disclosure of communications between spouses does not apply in a proceeding under this Act.

(i) The defense of immunity based on the relationship of husband and wife or parent and child does not apply in a proceeding under this Act.

(j) A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish parentage of the child. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/317)

Sec. 317. Communications between tribunals. A tribunal of this State may communicate with a tribunal of another state or foreign country or political subdivision in a record ~~writing~~, or by telephone or other means, to obtain information concerning the laws ~~of that state~~, the legal effect of a judgment, decree, or order of that tribunal, and the status of a proceeding in the other state or foreign country or political subdivision. A tribunal of this State may furnish similar information by similar means to a tribunal of another state or foreign country or political subdivision. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/319)

Sec. 319. Receipt and disbursement of payments. A support enforcement agency or tribunal of this State shall disburse promptly any amounts received pursuant to a support order, as directed by the order. The agency or tribunal shall furnish to a requesting party or tribunal of another state a certified statement by the custodian of the record of the amounts and dates of all payments received.

(b) If neither the obligor, nor the obligee who is an individual, nor the child resides in this State, upon request from the support enforcement agency of this State or another state, the support enforcement agency of this State or a tribunal of this State shall:

(1) direct that the support payment be made to the support enforcement agency in the state in which the obligee is receiving services; and

(2) issue and send to the obligor's employer a conforming income-withholding order or an administrative notice of change of payee, reflecting the redirected payments.

(3) The support enforcement agency of this State receiving redirected payments from another state pursuant to a law similar to subsection (b) shall furnish to a requesting party or tribunal of the other state a certified statement by the custodian of the record of the amount and dates of all payments received.

(Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/401)

Sec. 401. Petition to establish support order. (a) If a support order entitled to recognition under this Act has not been issued, a responding tribunal of this State may issue a support order if:

(1) the individual seeking the order resides in another state; or

(2) the support enforcement agency seeking the order is located in another state.

(b) The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is:

(1) a presumed father of the child;

(2) petitioning to have his paternity adjudicated;

(3) identified as the father of the child through genetic testing;

(4) an alleged father who has declined to submit to genetic testing;

(5) shown by clear and convincing evidence to be the father of the child;

(6) an acknowledged father as provided by applicable State law;

(7) the mother of the child; or

(8) an individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

~~(1) the respondent has signed a verified statement acknowledging parentage;~~

~~(2) the respondent has been determined by or pursuant to law to be the parent; or~~

~~(3) there is other clear and convincing evidence that the respondent is the child's parent.~~

(c) Upon finding, after notice and opportunity to be heard, that a respondent owes a duty of support, the tribunal shall issue a support order directed to the respondent and may issue other orders pursuant to Section 305. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/501)

Sec. 501. Employer's receipt of income-withholding order of another state. An income-withholding order issued in another state may be sent by or on behalf of the obligee, or by the support enforcement agency, to the person ~~or entity~~ defined as the obligor's employer under the income-withholding law of this State without first filing a petition or comparable pleading or registering the order with a tribunal of this State. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/502)

Sec. 502. Employer's compliance with income-withholding order of another state.

(a) Upon receipt of an income-withholding order, the obligor's employer shall immediately provide a copy of the order to the obligor.

(b) The employer shall treat an income-withholding order issued in another state which appears regular on its face as if it had been issued by a tribunal of this State.

(c) Except as otherwise provided in subsection (d) and Section 503 the employer shall withhold and distribute the funds as directed in the withholding order by complying with terms of the order which specify:

(1) the duration and amount of periodic payments of current child-support, stated as a sum certain;

(2) the person ~~or agency~~ designated to receive payments and the address to which the payments are to be forwarded;

(3) medical support, whether in the form of periodic cash payment, stated as a sum certain, or ordering the obligor to provide health insurance coverage for the child under a policy available through the obligor's employment;

(4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and

(5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

(d) An employer shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to:

(1) the employer's fee for processing an income-withholding order;

(2) the maximum amount permitted to be withheld from the obligor's income; and

(3) the times within which the employer must implement the withholding order and forward the child support payment.

(Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/503)

Sec. 503. Employer's compliance with two or more ~~multiple~~ income-withholding orders. If an obligor's employer receives two or more ~~multiple~~ income-withholding orders with respect to the earnings of the same obligor, the employer satisfies the terms of the ~~multiple~~ orders if the employer complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more ~~multiple~~ child support obligees. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/506)

Sec. 506. Contest by obligor. (a) An obligor may contest the validity or enforcement of an income-withholding order issued in another state and received directly by an employer in this State by registering the order in a tribunal of this State and filing a contest to that order as provided in Article 6, or otherwise contesting the order in the same manner as if the order had been issued by a tribunal of this

State. ~~Section 604 applies to the contest.~~

(b) The obligor shall give notice of the contest to:

(1) a support enforcement agency providing services to the obligee;

(2) each employer that has directly received an income-withholding order relating to the obligor; and

(3) the person ~~or agency~~ designated to receive payments in the income-withholding order or if no person ~~or agency~~ is designated, to the obligee.

(Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/507)

Sec. 507. Administrative enforcement of orders. (a) A party or support enforcement agency seeking to enforce a support order or an income-withholding order, or both, issued by a tribunal of another state may send the documents required for registering the order to a support enforcement agency of this State.

(b) Upon receipt of the documents, the support enforcement agency, without initially seeking to register the order, shall consider and, if appropriate, use any administrative procedure authorized by the law of this State to enforce a support order or an income-withholding order, or both. If the obligor does not contest administrative enforcement, the order need not be registered. If the obligor contests the validity or administrative enforcement of the order, the support enforcement agency shall register the order pursuant to this Act. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/Art. 6 heading) ARTICLE 6.

REGISTRATION, ENFORCEMENT, AND MODIFICATION OF SUPPORT ORDER ~~AFTER REGISTRATION~~

(750 ILCS 22/601)

Sec. 601. Registration of order for enforcement. A support order or ~~an~~ income-withholding order issued by a tribunal of another state may be registered in this State for enforcement. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/602)

Sec. 602. Procedure to register order for enforcement. (a) A support order or income-withholding order of another state may be registered in this State by sending the following records ~~documents~~ and information to the appropriate tribunal in this State:

(1) a letter of transmittal to the tribunal requesting registration and enforcement;

(2) 2 copies, including one certified copy, of the order ~~all orders~~ to be registered, including any modification of the ~~an~~ order;

(3) a sworn statement by the person requesting ~~party seeking~~ registration or a certified statement by the custodian of the records showing the amount of any arrearage;

(4) the name of the obligor and, if known:

(i) the obligor's address and social security number;

(ii) the name and address of the obligor's employer and any other source of income of the obligor; and

(iii) a description and the location of property of the obligor in this State not exempt from execution; and

(5) except as otherwise provided in Section 312, the name and address of the obligee and, if applicable, the ~~agency or~~ person to whom support payments are to be remitted.

(b) On receipt of a request for registration, the registering tribunal shall cause the order to be filed as a foreign judgment, together with one copy of the documents and information, regardless of their form.

(c) A petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State may be filed at the same time as the request for registration or later. The pleading must specify the grounds for the remedy sought.

(d) If two or more orders are in effect, the person requesting registration shall:

(1) furnish to the tribunal a copy of every support order asserted to be in effect in addition to the documents specified in this Section;

(2) specify the order alleged to be the controlling order, if any; and

(3) specify the amount of consolidated arrears, if any.

(e) A request for a determination of which is the controlling order may be filed separately or with a request for registration and enforcement or for registration and modification. The person requesting registration shall give notice of the request to each party whose rights may be affected by the determination. (Source: P.A. 92-463, eff. 8-22-01.)

(750 ILCS 22/604)

Sec. 604. Choice of law. (a) Except as otherwise provided in subsection (d), the law of the issuing state governs:

(1) the nature, extent, amount, and duration of current payments under a registered support order; ~~and other obligations of support and~~

(2) the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and

(3) the existence and satisfaction of other obligations under the support order.

(b) In a proceeding for arrears under a registered support order ~~arrearages~~, the statute of limitation ~~under the laws~~ of this State or of the issuing state, whichever is longer, applies.

(c) A responding tribunal of this State shall apply the procedures and remedies of this State to enforce current support and collect arrears and interest due on a support order of another state registered in this State.

(d) After a tribunal of this or another state determines which is the controlling order and issues an order consolidating arrears, if any, a tribunal of this State shall prospectively apply the law of the state issuing the controlling order, including its law on interest on arrears, on current and future support, and on consolidated arrears. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/605)

Sec. 605. Notice of registration of order. (a) When a support order or income-withholding order issued in another state is registered, the registering tribunal shall notify the nonregistering party. The notice must be accompanied by a copy of the registered order and the documents and relevant information accompanying the order.

(b) A ~~The~~ notice must inform the nonregistering party:

(1) that a registered order is enforceable as of the date of registration in the same manner as an order issued by a tribunal of this State;

(2) that a hearing to contest the validity or enforcement of the registered order must be requested within 20 days after the date of mailing or personal service of the notice;

(3) that failure to contest the validity or enforcement of the registered order in a timely manner will result in confirmation of the order and enforcement of the order and the alleged arrearages and precludes further contest of that order with respect to any matter that could have been asserted; and

(4) of the amount of any alleged arrearages.

(c) If the registering party asserts that two or more orders are in effect, a notice must also:

(1) identify the two or more orders and the order alleged by the registering person to be the controlling order and the consolidated arrears, if any;

(2) notify the nonregistering party of the right to a determination of which is the controlling order;

(3) state that the procedures provided in subsection (b) apply to the determination of which is the controlling order; and

(4) state that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order.

(d) ~~(c)~~ Upon registration of an income-withholding order for enforcement, the registering tribunal shall notify the obligor's employer pursuant to the Income Withholding for Support Act. (Source: P.A. 90-240, eff. 7-28-97; 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 91-357, eff. 7-29-99.)

(750 ILCS 22/607)

Sec. 607. Contest of registration or enforcement. (a) A party contesting the validity or enforcement of a registered order or seeking to vacate the registration has the burden of proving one or more of the following defenses:

(1) the issuing tribunal lacked personal jurisdiction over the contesting party;

(2) the order was obtained by fraud;

(3) the order has been vacated, suspended, or modified by a later order;

(4) the issuing tribunal has stayed the order pending appeal;

(5) there is a defense under the law of this State to the remedy sought;

(6) full or partial payment has been made; ~~or~~

(7) the statute of limitation under Section 604 precludes enforcement of some or all of the alleged arrearages; or

(8) the alleged controlling order is not the controlling order.

(b) If a party presents evidence establishing a full or partial defense under subsection (a), a tribunal may stay enforcement of the registered order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered order may be enforced by all remedies available under the law of this State.

(c) If the contesting party does not establish a defense under subsection (a) to the validity or

enforcement of the order, the registering tribunal shall issue an order confirming the order. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/610)

Sec. 610. Effect of registration for modification. A tribunal of this State may enforce a child-support order of another state registered for purposes of modification, in the same manner as if the order had been issued by a tribunal of this State, but the registered order may be modified only if the requirements of Section 611, 613, or 615 have been met. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/611)

Sec. 611. Modification of Child-Support Order of Another State.

(a) If Section 613 does no apply, except as otherwise provided in Section 615, upon petition a tribunal of this State may modify ~~After~~ a child-support order issued in another state which is ~~has been~~ registered in this State~~, the responding tribunal of this State may modify that order only if Section 613 does not apply and~~ if, after notice and hearing, the tribunal ~~it~~ finds that:

(1) the following requirements are met:

(A) ~~(i)~~ neither the child, nor the ~~individual~~ petitioner who is an individual, nor ~~and~~ the respondent resides ~~do not reside~~ in the issuing state;

(B) ~~(ii)~~ a petitioner who is a nonresident of this State seeks modification; and

(C) ~~(iii)~~ the respondent is subject to the personal jurisdiction of the tribunal of this State; or

(2) this State is the State of residence of the child, or a party who is an individual~~,~~ is subject to the personal jurisdiction of the tribunal of this State and all of the parties who are individuals have filed ~~written~~ consents in a record in the issuing tribunal for a tribunal of this State to modify the support order and assume continuing, exclusive jurisdiction ~~over the order. However, if the issuing state is a foreign jurisdiction that has not enacted a law or established procedures substantially similar to the procedures under this Act, the consent otherwise required of an individual residing in this State is not required for the tribunal to assume jurisdiction to modify the child-support order~~.

(b) Modification of a registered child-support order is subject to the same requirements, procedures, and defenses that apply to the modification of an order issued by a tribunal of this State and the order may be enforced and satisfied in the same manner.

(c) Except as otherwise provided in Section 615, a tribunal of this State may not modify any aspect of a child-support order that may not be modified under the law of the issuing state, including the duration of the obligation of support. If two or more tribunals have issued child-support orders for the same obligor and same child, the order that controls and must be so recognized under Section 207 establishes the aspects of the support order which are nonmodifiable.

(d) In a proceeding to modify a child-support order, the law of the state that is determined to have issued the initial controlling order governs the duration of the obligation of support. The obligor's fulfillment of the duty of support established by that order precludes imposition of a further obligation of support by a tribunal of this State.

(e) ~~(d)~~ On issuance of an order by a tribunal of this State modifying a child-support order issued in another state, the ~~a~~ tribunal of this State becomes the tribunal having continuing, exclusive jurisdiction. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/612)

Sec. 612. Recognition of order modified in another state. If a child-support order issued by a tribunal of this State is modified ~~shall recognize a modification of its earlier child-support order~~ by a tribunal of another state which assumed jurisdiction pursuant to the Uniform Interstate Family Support Act, a tribunal of this State ~~a law substantially similar to this Act and, upon request, except as otherwise provided in this Act, shall~~:

(1) may enforce its ~~the~~ order that was modified only as to arrears and interest ~~amounts~~ accruing before the modification;

~~(2) enforce only nonmodifiable aspects of that order;~~

(2) ~~(3)~~ provide ~~other~~ appropriate relief ~~only~~ for violations of its ~~that~~ order which occurred before the effective date of the modification; and

(3) ~~(4)~~ recognize the modifying order of the other state, upon registration, for the purpose of enforcement. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/615 new)

Sec. 615. Jurisdiction to modify child-support order of foreign country or political subdivision.

(a) If a foreign country or political subdivision that otherwise meets the requirements for inclusion under this Act as set forth in subpart (B) of the definition of "State" contained in Section 102 will not or may not modify its order pursuant to its laws, a tribunal of this State may assume jurisdiction to modify the child-support order and bind all individuals subject to the personal jurisdiction of the tribunal

whether or not the consent to modification of a child-support order otherwise required of the individual pursuant to Section 611 has been given or whether the individual seeking modification is a resident of this State or of the foreign country or political subdivision.

(b) An order issued pursuant to this Section is the controlling order.

(750 ILCS 22/701)

Sec. 701. Proceeding to determine parentage. ~~(a)~~ A tribunal of this State authorized to determine parentage of a child may serve as a ~~an initiating or~~ responding tribunal in a proceeding to determine parentage brought under this Act or a law substantially similar to this Act~~, to determine that the obligee is a parent of a particular child or to determine that an obligor is a parent of that child~~.

~~(b) In a proceeding to determine parentage, a responding tribunal of this State shall apply the Illinois Parentage Act of 1984, and the rules of this State on choice of law.~~ (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/801)

Sec. 801. Grounds for rendition. (a) For purposes of this Article, "governor" includes an individual performing the functions of governor or the executive authority of a state covered by this Act.

(b) The governor of this State may:

(1) demand that the governor of another state surrender an individual found in the other state who is charged criminally in this State with having failed to provide for the support of an obligee; or

(2) on the demand of ~~by~~ the governor of another state, surrender an individual found in this State who is charged criminally in the other state with having failed to provide for the support of an obligee.

(c) A provision for extradition of individuals not inconsistent with this Act applies to the demand even if the individual whose surrender is demanded was not in the demanding state when the crime was allegedly committed and has not fled therefrom. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/802)

Sec. 802. Conditions of rendition. (a) Before making demand that the governor of another state surrender an individual charged criminally in this State with having failed to provide for the support of an obligee, the Governor of this State may require a prosecutor of this State to demonstrate that at least 60 days previously the obligee had initiated proceedings for support pursuant to this Act or that the proceeding would be of no avail.

(b) If, under this Act or a law substantially similar to this Act, ~~the Uniform Reciprocal Enforcement of Support Act, or the Revised Uniform Reciprocal Enforcement of Support Act,~~ the Governor of another state makes a demand that the governor of this State surrender an individual charged criminally in that state with having failed to provide for the support of a child or other individual to whom a duty of support is owed, the governor may require a prosecutor to investigate the demand and report whether a proceeding for support has been initiated or would be effective. If it appears that a proceeding would be effective but has not been initiated, the governor may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) If a proceeding for support has been initiated and the individual whose rendition is demanded prevails, the governor may decline to honor the demand. If the obligee prevails and the individual whose rendition is demanded is subject to a support order, the governor may decline to honor the demand if the individual is complying with the support order. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/901)

Sec. 901. Uniformity of application and construction. In applying and construing this Uniform Act consideration must be given to the need to promote uniformity of ~~This Act shall be applied and construed to effectuate its general purpose to make uniform~~ the law with respect to its ~~the~~ subject ~~of this Act~~ matter among states that enact ~~enacting~~ it. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/902) (was 750 ILCS 22/903)

Sec. 902. ~~903.~~ Severability clause. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable. (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/903) (was 750 ILCS 22/904)

Sec. 903. ~~904.~~ Effective date. (See Sec. 999 for effective date.) (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96 by P.A. 88-691.)

(750 ILCS 22/904) (was 750 ILCS 22/905)

Sec. 904. ~~905.~~ Repeal. The Revised Uniform Reciprocal Enforcement of Support Act is repealed on the effective date of this amendatory Act of 1997. An action that was commenced under the Revised Uniform Reciprocal Enforcement of Support Act and is pending on the effective date of this amendatory Act of 1997 shall be decided in accordance with that Act as it existed immediately before its repeal by this amendatory Act of 1997. (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/902 rep.)

Section 10. The Uniform Interstate Family Support Act is amended by repealing Section 902.

Section 99. Operative date. This Act shall become operative upon at least one of the following 2 events taking place, whichever occurs first, but in no event prior to July 1, 2004:

(1) The amendment by Congress of subdivision (f) of 42 U.S.C. Sec. 666 to statutorily require or authorize, in connection with the approval of state plans for purposes of federal funding, the adoption of the Uniform Interstate Family Support Act as promulgated by the National Conference of Commissioners on Uniform State Laws in 2001.

(2) The approval, either generally or with specific application to Illinois, by the federal office of Child Support Enforcement or by the Secretary of Health and Human Services, of a waiver, exemption, finding, or other indicia of regulatory approval of the Uniform Interstate Family Support Act, as promulgated by the National Conference of Commissioners on Uniform State Laws in 2001, in connection with the approval of state plans for purposes of federal funding.".

Under the rules, the foregoing **Senate Bill No. 922**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

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

SENATE BILL NO. 946

A bill for AN ACT in relation to criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 946

Passed the House, as amended, May 14, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 946

AMENDMENT NO. 1. Amend Senate Bill 946 by replacing the title with the following:

"AN ACT concerning peace officers."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Uniform Peace Officers' Disciplinary Act is amended by changing Section 3.8 as follows:

(50 ILCS 725/3.8) (from Ch. 85, par. 2561)

Sec. 3.8. Admissions; counsel; verified complaint. (a) No officer shall be interrogated without first being advised in writing that admissions made in the course of the interrogation may be used as evidence of misconduct or as the basis for charges seeking suspension, removal, or discharge; and without first being advised in writing that he or she has the right to counsel of his or her choosing who may be present to advise him or her at any stage of any interrogation.

(b) Anyone filing a complaint against a sworn peace officer must have the complaint supported by a sworn affidavit. (Source: P.A. 83-981.)".

Under the rules, the foregoing **Senate Bill No. 946**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by
Mr. Rossi, Clerk:

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

SENATE BILL NO. 1044

A bill for AN ACT in relation to taxation.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1044

Passed the House, as amended, May 14, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1044

AMENDMENT NO. 1. Amend Senate Bill 1044 by replacing Section 5 with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-358 as follows:

(20 ILCS 2310/2310-358 new)

Sec. 2310-358. Grants to the Les Turner ALS Foundation. Subject to appropriation, the Department of Public Health shall make grants from the Lou Gehrig's Disease (ALS) Research Fund, a special fund in the State treasury, to the Les Turner ALS Foundation for research on Amyotrophic Lateral Sclerosis (ALS).".

Under the rules, the foregoing **Senate Bill No. 1044**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 1053

A bill for AN ACT in relation to criminal law.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1053

Passed the House, as amended, May 14, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1053

AMENDMENT NO. 1. Amend Senate Bill 1053 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Section 17-24 and adding Article 16H as follows:

(720 ILCS 5/Art. 16H heading new)

ARTICLE 16H. ILLINOIS FINANCIAL CRIME LAW

(720 ILCS 5/16H-1 new)

Sec. 16H-1. Short title. This Article may be cited as the Illinois Financial Crime Act.

(720 ILCS 5/16H-5 new)

Sec. 16H-5. Legislative declaration. It is the public policy of this State that the substantial burden placed upon the economy of this State resulting from the rising incidence of financial crime is a matter of grave concern to the people of this State who have a right to be protected in their health, safety and welfare from the effects of this crime.

(720 ILCS 5/16H-10 new)

Sec. 16-10. Definitions. In this Article unless the context otherwise requires:

(a) "Financial crime" means an offense described in this Article.

(b) "Financial institution" means any bank, savings bank, savings and loan association, credit union, trust company, or other depository of money, or medium of savings and collective investment.

(720 ILCS 5/16H-15 new)

Sec. 16H-15. Misappropriation of financial institution property. A person commits the offense of misappropriation of a financial institution's property whenever the person knowingly misappropriates, embezzles, abstracts, purloins or willfully misapplies any of the moneys, funds or credits of such financial institution, or any moneys, funds, assets or securities entrusted to the custody or care of such financial institution, or to the custody or care of any agent, officer, director, or employee of such financial institution.

(new 720 ILCS 5/16H-20)

Sec. 16H-20. Commercial bribery involving a financial institution.

(a) A person commits the offense of commercial bribery involving a financial institution when the person confers or offers or agrees to confer any benefit upon any employee, agent, or fiduciary without the consent of the latter's employer or principal, with intent to influence his or her conduct in relation to his or her employer's or principal's affairs.

(b) An employee, agent, or fiduciary of a financial institution commits the offense of commercial bribery of a financial institution when, without the consent of his or her employer or principal, he or she solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that such benefit will influence his or her conduct in relation to his or her employer's or principal's affairs.

(720 ILCS 5/16H-25 new)

Sec. 16H-25. Financial institution fraud. A person commits the offense of financial institution fraud when the person knowingly executes or attempts to execute a scheme or artifice:

(1) to defraud a financial institution; or

(2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.

For the purposes of this Section, "scheme or artifice to defraud" includes a scheme or artifice to deprive a financial institution of the intangible right to honest services.

(720 ILCS 5/16H-30 new)

Sec. 16H-30. Loan fraud. A person commits the offense of loan fraud when the person knowingly, with intent to defraud, makes any false statement or report, or willfully overvalues any land, property or security, for the purpose of influencing in any way the action of a financial institution to act upon any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment, or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release, or substitution of security.

(720 ILCS 5/16H-35 new)

Sec. 16H-35. Concealment of collateral. A person commits the offense of concealment of collateral when the person, with intent to defraud, knowingly conceals, removes, disposes of, or converts to the person's own use or to that of another, any property mortgaged or pledged to or held by a financial institution.

(720 ILCS 5/16H-40 new)

Sec. 16H-40. Financial institution robbery. A person commits the offense of financial institution robbery when the person, by force or threat of force, or by intimidation, takes, or attempts to take, from the person or presence of another, or obtains or attempts to obtain by extortion, any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, a financial institution.

(720 ILCS 5/16H-45 new)

Sec. 16H-45. Conspiracy to commit a financial crime.

(a) A person commits the offense of a conspiracy to commit a financial crime when, with the intent that a violation of this Article be committed, the person agrees with another person to the commission of that offense.

(b) No person may be convicted of conspiracy to commit a financial crime unless an overt act or acts in furtherance of the agreement is alleged and proved to have been committed by that person or by a co-conspirator and the accused is a part of a common scheme or plan to engage in the unlawful activity.

(c) It shall not be a defense to the offense of a conspiracy to commit a financial crime that the person or persons with whom the accused is alleged to have conspired:

(1) has not been prosecuted or convicted,

(2) has been convicted of a different offense,

(3) is not amenable to justice,
(4) has been acquitted, or
(5) lacked the capacity to commit the offense.

(720 ILCS 5/16H-50 new)
Sec. 16H-50. Continuing financial crimes enterprise. A person commits the offense of a continuing financial crimes enterprise when the person knowingly, within an 18 month period, commits 3 or more separate offenses under this Article, or, if involving a financial institution, any other felony offenses established under this Code.
(720 ILCS 5/16H-55 new)
Sec. 16H-55. Organizer of a continuing financial crimes enterprise.
(a) A person commits the offense of being an organizer of a continuing financial crimes enterprise when the person:
(1) with the intent to commit an offense under this Article, or, if involving a financial institution, any other felony offense established under this Code, agrees with another person to the commission of that offense on 3 or more separate occasions within an 18 month period, and
(2) with respect to the other persons within the conspiracy, occupies a position of organizer, supervisor, or financier or other position of management.
(b) The person with whom the accused agreed to commit the 3 or more offenses under this Article, or, if involving a financial institution, any other felony offenses established under this Code, need not be the same person or persons for each offense, as long as the accused was a part of the common scheme or plan to engage in each of the 3 or more alleged offenses.
(720 ILCS 5/16H-60 new)
Sec. 16H-60. Sentence.
(a) A financial crime, the full value of which does not exceed $300, is a Class A misdemeanor.
(b) A person who has been convicted of a financial crime, the full value of which does not exceed $300, and who has been previously convicted of a financial crime or any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, or home invasion, is guilty of a Class 4 felony. When a person has such prior conviction, the information or indictment charging that person shall state such prior conviction so as to give notice of the State's intention to treat the charge as a felony. The fact of such prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during such trial.
(c) A financial crime, the full value of which exceeds $300 but does not exceed $10,000, is a Class 3 felony. When a charge of financial crime, the full value of which exceeds $300 but does not exceed $10,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $300.
(d) A financial crime, the full value of which exceeds $10,000 but does not exceed $100,000, is a Class 2 felony. When a charge of financial crime, the full value of which exceeds $10,000 but does not exceed $100,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $10,000.
(e) A financial crime, the full value of which exceeds $100,000, is a Class 1 felony. When a charge of financial crime, the full value of which exceeds $100,000, is brought, the value of the financial crime involved is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding $100,000.
(f) A financial crime which is a financial institution robbery is a Class 1 felony.
(g) A financial crime which is a continuing financial crimes enterprise is a Class 1 felony.
(h) A financial crime which is the offense of being an organizer of a continuing financial crimes enterprise is a Class X felony.
(i) Notwithstanding any other provisions of this Section, a financial crime which is loan fraud in connection with a loan secured by residential real estate is a Class 4 felony.
(720 ILCS 5/16H-65 new)
Sec. 16H-65. Period of limitations. The period of limitations for prosecution of any offense defined in this Article begins at the time when the last act in furtherance of the offense is committed.
(720 ILCS 5/17-24)
Sec. 17-24. Fraudulent schemes and artifices. (a) Fraud by wire, radio, or television.
(1) A person commits wire fraud when he or she:
(A) devises or intends to devise a scheme or artifice to defraud or to obtain money or property by means of false pretenses, representations, or promises; and
(B) (i) transmits or causes to be transmitted from within this State; or

(ii) transmits or causes to be transmitted so that it is received by a person within this State; or

(iii) transmits or causes to be transmitted so that it is reasonably foreseeable that it will be accessed by a person within this State:

any writings, signals, pictures, sounds, or electronic or electric impulses by means of wire, radio, or television communications for the purpose of executing the scheme or artifice.

(2) A scheme or artifice to defraud using electronic transmissions is deemed to occur in the county from which a transmission is sent, if the transmission is sent from within this State, the county in which a person within this State receives the transmission, and the county in which a person who is within this State is located when the person accesses a transmission.

(3) Wire fraud is a Class 3 felony.

(b) Mail fraud.

(1) A person commits mail fraud when he or she:

(A) devises or intends to devise any scheme or artifice to defraud or to obtain money or property by means of false or fraudulent pretenses, representations or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit obligation, security, or other article, or anything represented to be or intimidated or held out to be such counterfeit or spurious article; and

(B) for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter within this State, any matter or thing whatever to be delivered by the Postal Service, or deposits or causes to be deposited in this State by mail or by private or commercial carrier according to the direction on the matter or thing, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing.

(2) A scheme or artifice to defraud using a government or private carrier is deemed to occur in the county in which mail or other matter is deposited with the Postal Service or a private commercial carrier for delivery, if deposited with the Postal Service or a private or commercial carrier within this State and the county in which a person within this State receives the mail or other matter from the Postal Service or a private or commercial carrier.

(3) Mail fraud is a Class 3 felony.

(c) (Blank). ~~Financial institution fraud.~~

~~(1) A person is guilty of financial institution fraud who knowingly executes or attempts to execute a scheme or artifice:~~

~~(i) to defraud a financial institution; or~~

~~(ii) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of a financial institution, by means of pretenses, representations, or promises he or she knows to be false.~~

~~(2) Financial institution fraud is a Class 3 felony.~~

(d) The period of limitations for prosecution of any offense defined in this Section begins at the time when the last act in furtherance of the scheme or artifice is committed.

(e) In this Section:

(1) "Scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right to honest services.

(2) (Blank). ~~"Financial institution" has the meaning ascribed to it in paragraph (i) of subsection (A) of Section 17-1 of this Code.~~

(Source: P.A. 91-228, eff. 1-1-00; 92-16, eff. 6-28-01.) Section 99. This Act takes effect upon becoming law.".

Under the rules, the foregoing **Senate Bill No. 1053**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

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

SENATE BILL NO. 1098

A bill for AN ACT concerning telecommunications.

Together with the following amendment which is attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 1098

Passed the House, as amended, May 14, 2003.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 1098

AMENDMENT NO. 1. Amend Senate Bill 1098 on page 1, line 5, by replacing "Sections 10 and 17" with "Sections 10, 17, and 35"; and

on page 2, immediately below line 21, by inserting the following:

"Sufficient positive balance" means a dollar amount greater than or equal to the monthly wireless 911 surcharge amount."; and

on page 4, by replacing lines 4 and 5 with the following:

"address, or the location associated with the MTN for each active prepaid wireless telephone that has a sufficient positive balance as of the last day of each month, if that information is available. No wireless carrier"; and

on page 5, immediately below line 6, by inserting the following:

"(50 ILCS 751/35) (Section scheduled to be repealed on April 1, 2005)

Sec. 35. Wireless Carrier Reimbursement Fund; reimbursement. To recover costs from the Wireless Carrier Reimbursement Fund, the wireless carrier shall submit sworn invoices to the Department of Central Management Services. In no event may any invoice for payment be approved for (i) costs that are not related to compliance with the requirements established by the wireless enhanced 9-1-1 mandates of the Federal Communications Commission, (ii) costs with respect to any wireless enhanced 9-1-1 service that is not operable at the time the invoice is submitted, or (iii) costs of any wireless carrier exceeding 125% of the wireless emergency services charges remitted to the Wireless Carrier Reimbursement Fund by the wireless carrier under Section 17(b)unless the wireless carrier received prior approval for the expenditures from the Department of Central Management Services.

If in any month the total amount of invoices submitted to the Department of Central Management Services and approved for payment exceeds the amount available in the Wireless Carrier Reimbursement Fund, wireless carriers that have invoices approved for payment shall receive a pro-rata share of the amount available in the Wireless Carrier Reimbursement Fund based on the relative amount of their approved invoices available that month, and the balance of the payments shall be carried into the following months~~, and shall include appropriate interest at the statutory rate,~~ until all of the approved payments are made.

A wireless carrier may not receive payment from the Wireless Carrier Reimbursement Fund for its costs of providing wireless enhanced 9-1-1 services in an area when a unit of local government or emergency telephone system board provides wireless 9-1-1 services in that area and was imposing and collecting a wireless carrier surcharge prior to July 1, 1998.

The Department of Central Management Services shall maintain detailed records of all receipts and disbursements and shall provide an annual accounting of all receipts and disbursements to the Auditor General.

The Department of Central Management Services shall adopt rules to govern the reimbursement process. (Source: P.A. 91-660, eff. 12-22-99.)".

Under the rules, the foregoing **Senate Bill No. 1098**, with House Amendment No. 1 was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 902

A bill for AN ACT relating to schools.

SENATE BILL NO. 1030

A bill for AN ACT in relation to criminal law.

SENATE BILL NO. 1034
A bill for AN ACT concerning freedom of information.
SENATE BILL NO. 1039
A bill for AN ACT concerning education.
SENATE BILL NO. 1054
A bill for AN ACT concerning highways.
SENATE BILL NO. 1056
A bill for AN ACT concerning telecommunications.
SENATE BILL NO. 1079
A bill for AN ACT concerning child care facilities.
SENATE BILL NO. 1118
A bill for AN ACT concerning children's advocacy.
SENATE BILL NO. 1122
A bill for AN ACT in relation to highways.

Passed the House, May 14, 2003.

ANTHONY D. ROSSI, Clerk of the House

JOINT ACTION MOTIONS FILED

The following Joint Action Motions to the Senate Bills listed below have been filed with the Secretary and referred to the Committee on Rules:

Motion to Concur in House Amendment 1 to Senate Bill 280
Motion to Concur in House Amendment 1 to Senate Bill 686

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Dillard, **House Bill No. 186** 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 186 on page 1, line 5 by deleting "and by adding Section 29.5"; and
by deleting lines 28 through 33 on page 19 and lines 1 and 2 on page 20.

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

On motion of Senator Walsh, **House Bill No. 264** was taken up and read by title a second time.

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

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

On motion of Senator Dillard, **House Bill No. 1373** having been printed, was taken up and read by title a second time.

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

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1373 by replacing the title with the following:
"AN ACT concerning detection of deception."; and
by replacing everything after the enacting clause with the following:
"Section 5. The Detection of Deception Examiners Act is amended by changing Sections 1 and 4 as follows:
(225 ILCS 430/1) (from Ch. 111, par. 2401) (Section scheduled to be repealed on January 1, 2012)
Sec. 1. Definitions. As used in this Act, unless the context otherwise requires:

"Detection of Deception Examination", hereinafter referred to as "Examination" means any examination in which a device or instrument is used to test or question individuals for the purpose of evaluating truthfulness or untruthfulness.

"Examiner" means any person licensed under this Act.

"Person" includes any natural person, partnership, association, corporation or trust.

"Department" means the Department of Professional Regulation of the State of Illinois.

"Director" means the Director of Professional Regulation of the State of Illinois.

"Him" means both the male and female gender.

"Law enforcement agency" means an agency of the State or a unit of local government that is vested by law or ordinance with the power to maintain public order and to enforce criminal laws and ordinances. (Source: P.A. 92-453, eff. 8-21-01.)

(225 ILCS 430/4) (from Ch. 111, par. 2404) (Section scheduled to be repealed on January 1, 2012)

Sec. 4. Registration or license required; exceptions. (a) It is unlawful for any person to administer detection of deception examinations, or attempt to hold himself out as an Examiner, unless registered or licensed by the Department. However, this shall not prohibit the use of detection of deception equipment by a person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 when the results are to be used in research.

(b) Nothing in this Act prohibits the use of a voice stress analyzer by any fully trained personnel of a law enforcement agency in the course of its duties. Law enforcement users of a voice stress analyzer shall be trained in a manner approved by the Illinois Law Enforcement Training Standards Board. Use of a voice stress analyzer is prohibited when a State or local law enforcement officer stops a motorist for an alleged violation of the Illinois Vehicle Code. For the purposes of this subsection (b), "voice stress analyzer" means an investigative tool that records voice stress factors pertinent to the detection of deception. (Source: P.A. 85-1209.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Trotter, **House Bill No. 1480** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 1514** 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 1514, AS AMENDED, with reference to page and line numbers of House Amendment No. 1, on page 5, line 18, by replacing "If the boundaries" with "(2) If the boundaries"; and

on page 5, by replacing lines 22 through 25 with the following:

"(3) The voters of the district may submit to the board of trustees a written petition signed by a number of voters equal to at least 8% of the votes for candidates for Governor within the district in the preceding gubernatorial election.".

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1514, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Conservation District Act is amended by adding Section 18.1 as follows:

(70 ILCS 410/18.1 new)

Sec. 18.1. Organization as a forest preserve district. The voters of a conservation district that is entirely within one county may, by a single referendum proposition, dissolve the conservation district under Section 18 of this Act and incorporate as a forest preserve district under Section 1 the Downstate Forest Preserve District Act. The referendum may be placed on the ballot upon either of the following:

(1) An ordinance by the county board of the county in which the district lies requiring the referendum.

(2) The filing of a petition with the board of trustees signed by the electors of the district equal in number to 8% or more of the total number of votes cast for Governor district-wide in the most recent gubernatorial election asking that the question of whether the district shall be dissolved and organized as a forest preserve district.

The Secretary of the board of trustees of the county board or the board of trustees, as appropriate, shall certify the proposition to the appropriate election authorities who shall submit the proposition at a consolidated or general election according to the Election Code. The Election code shall apply to and govern the election.

The proposition shall be in substantially the following form:

Shall (insert name) Conservation District be dissolved under the provisions of Section 18 of the Conservation District Act and be organized as a forest preserve district under the provisions of the Downstate Forest Preserve District Act?

The votes shall be recorded as "Yes" or "No".

If a majority of the votes cast on the proposition are in the affirmative, the conservation district shall be deemed to be dissolved under Section 18 of the Conservation District Act and the territory shall be incorporated as a forest preserve district under Section 1 of the Downstate Forest Preserve District Act. The resulting forest preserve district shall not be deemed to be the legal successor or assign of the dissolved conservation district.

Section 10. The Downstate Forest Preserve District Act is amended by changing Section 1 as follows:

(70 ILCS 805/1) (from Ch. 96 1/2, par. 6302)

Sec. 1. Whenever any area of contiguous territory lying wholly within one county contains one or more natural forests or parks thereof and one or more cities, towns or villages, such territory may be incorporated as a forest preserve district by a referendum passed under Section 18.1 of the Conservation District Act or in the following manner, to wit:

Any 500 legal voters residing within the limits of such proposed district may petition the circuit court of the county in which such proposed district lies, to order the question to be submitted to the legal voters of such proposed district whether or not it shall be organized as a forest preserve district under this act. Such petition shall be addressed to the circuit court of the county in which such proposed forest preserve district is situated and shall contain a definite description of the territory intended to be embraced in such district, and the name of such district. Upon the filing of such petition in the office of the clerk of the circuit court of the county in which such territory is situated, it shall be the duty of such circuit court to fix a day and hour for the public consideration thereof, which shall not be less than 15 days after the filing of such petition. Such circuit court shall cause a notice of the time and place of such public consideration to be published 3 successive days in some newspaper having a general circulation in the territory proposed to be placed in such district. The date of the last publication of such notice shall not be less than 5 days prior to the time set for such public hearing. At the time and place fixed for such public hearing the circuit court shall hear any person owning property in such proposed district who desires to be heard, and if the circuit judge finds that all of the provisions of this act have been complied with, the court shall enter an order fixing and defining the boundaries and the name of such proposed district in accordance with the prayer of the petition. In the event that any other petition or petitions for the organization of a forest preserve district or districts in the same county is filed under this act before the time fixed for the public hearing of the first petition, the circuit court shall postpone the public consideration of the first petition so that the hearing of all petitions shall be set for the same day and hour. In any county where there are 2 or more judges sitting at the time of filing such first petitions the clerk of the circuit court shall cause all petitions filed subsequent to the first petition to be assigned to the judge to whom the first petition is assigned so that all such petitions may be heard by the same judge.

Should 2 or more petitions be filed under this act and come on for hearing at the same time and it shall be found by the circuit court that any of the territory embraced in any one of the petitions is included in or contiguous with the territory embraced in any other petition or petitions, the circuit court may include all of the territory described in such petitions in one district and shall fix the name proposed in the petition first filed as the name for the district. After the entry of the order fixing and defining the boundaries and the name of such proposed district, it shall be the duty of the circuit court to order to be submitted to the legal voters of such proposed district at any election, the question of the organization of such proposed district. The clerk of the circuit court shall certify the order and the question to the proper election officials who shall submit the question to the voters of the proposed district in accordance with the general election law. Notice of the referendum shall contain a definite description of the territory

intended to be embraced in such district, and the name of such district. (Source: P.A. 83-1362.)".

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 Dillard, **House Bill No. 2524** having been printed, was taken up and read by title a second time.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2524 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Domestic Violence Act of 1986 is amended by changing Section 214 as follows:

(750 ILCS 60/214) (from Ch. 40, par. 2312-14)

Sec. 214. Order of protection; remedies. (a) Issuance of order. If the court finds that petitioner has been abused by a family or household member or that petitioner is a high-risk adult who has been abused, neglected, or exploited, as defined in this Act, an order of protection prohibiting the abuse, neglect, or exploitation shall issue; provided that petitioner must also satisfy the requirements of one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, or Section 219 on plenary orders. Petitioner shall not be denied an order of protection because petitioner or respondent is a minor. The court, when determining whether or not to issue an order of protection, shall not require physical manifestations of abuse on the person of the victim. Modification and extension of prior orders of protection shall be in accordance with this Act.

(b) Remedies and standards. The remedies to be included in an order of protection shall be determined in accordance with this Section and one of the following Sections, as appropriate: Section 217 on emergency orders, Section 218 on interim orders, and Section 219 on plenary orders. The remedies listed in this subsection shall be in addition to other civil or criminal remedies available to petitioner.

(1) Prohibition of abuse, neglect, or exploitation. Prohibit respondent's harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation, neglect or exploitation, as defined in this Act~~, or stalking of the petitioner, as defined in Section 12-7.3 of the Criminal Code of 1961,~~ if such abuse, neglect, exploitation, or stalking has occurred or otherwise appears likely to occur if not prohibited.

(2) Grant of exclusive possession of residence. Prohibit respondent from entering or remaining in any residence or household of the petitioner, including one owned or leased by respondent, if petitioner has a right to occupancy thereof. The grant of exclusive possession of the residence shall not affect title to real property, nor shall the court be limited by the standard set forth in Section 701 of the Illinois Marriage and Dissolution of Marriage Act.

(A) Right to occupancy. A party has a right to occupancy of a residence or household if it is solely or jointly owned or leased by that party, that party's spouse, a person with a legal duty to support that party or a minor child in that party's care, or by any person or entity other than the opposing party that authorizes that party's occupancy (e.g., a domestic violence shelter). Standards set forth in subparagraph (B) shall not preclude equitable relief.

(B) Presumption of hardships. If petitioner and respondent each has the right to occupancy of a residence or household, the court shall balance (i) the hardships to respondent and any minor child or dependent adult in respondent's care resulting from entry of this remedy with (ii) the hardships to petitioner and any minor child or dependent adult in petitioner's care resulting from continued exposure to the risk of abuse (should petitioner remain at the residence or household) or from loss of possession of the residence or household (should petitioner leave to avoid the risk of abuse). When determining the balance of hardships, the court shall also take into account the accessibility of the residence or household. Hardships need not be balanced if respondent does not have a right to occupancy.

The balance of hardships is presumed to favor possession by petitioner unless the presumption is rebutted by a preponderance of the evidence, showing that the hardships to respondent substantially outweigh the hardships to petitioner and any minor child or dependent adult in petitioner's care. The court, on the request of petitioner or on its own motion, may order respondent to provide suitable, accessible, alternate housing for petitioner instead of excluding

respondent from a mutual residence or household.

(3) Stay away order and additional prohibitions. Order respondent to stay away from petitioner or any other person protected by the order of protection, or prohibit respondent from entering or remaining present at petitioner's school, place of employment, or other specified places at times when petitioner is present, or both, if reasonable, given the balance of hardships. Hardships need not be balanced for the court to enter a stay away order or prohibit entry if respondent has no right to enter the premises.

If an order of protection grants petitioner exclusive possession of the residence, or prohibits respondent from entering the residence, or orders respondent to stay away from petitioner or other protected persons, then the court may allow respondent access to the residence to remove items of clothing and personal adornment used exclusively by respondent, medications, and other items as the court directs. The right to access shall be exercised on only one occasion as the court directs and in the presence of an agreed-upon adult third party or law enforcement officer.

(4) Counseling. Require or recommend the respondent to undergo counseling for a specified duration with a social worker, psychologist, clinical psychologist, psychiatrist, family service agency, alcohol or substance abuse program, mental health center guidance counselor, agency providing services to elders, program designed for domestic violence abusers or any other guidance service the court deems appropriate.

(5) Physical care and possession of the minor child. In order to protect the minor child from abuse, neglect, or unwarranted separation from the person who has been the minor child's primary caretaker, or to otherwise protect the well-being of the minor child, the court may do either or both of the following: (i) grant petitioner physical care or possession of the minor child, or both, or (ii) order respondent to return a minor child to, or not remove a minor child from, the physical care of a parent or person in loco parentis.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding physical care to respondent would not be in the minor child's best interest.

(6) Temporary legal custody. Award temporary legal custody to petitioner in accordance with this Section, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, and this State's Uniform Child Custody Jurisdiction Act.

If a court finds, after a hearing, that respondent has committed abuse (as defined in Section 103) of a minor child, there shall be a rebuttable presumption that awarding temporary legal custody to respondent would not be in the child's best interest.

(7) Visitation. Determine the visitation rights, if any, of respondent in any case in which the court awards physical care or temporary legal custody of a minor child to petitioner. The court shall restrict or deny respondent's visitation with a minor child if the court finds that respondent has done or is likely to do any of the following: (i) abuse or endanger the minor child during visitation; (ii) use the visitation as an opportunity to abuse or harass petitioner or petitioner's family or household members; (iii) improperly conceal or detain the minor child; or (iv) otherwise act in a manner that is not in the best interests of the minor child. The court shall not be limited by the standards set forth in Section 607.1 of the Illinois Marriage and Dissolution of Marriage Act. If the court grants visitation, the order shall specify dates and times for the visitation to take place or other specific parameters or conditions that are appropriate. No order for visitation shall refer merely to the term "reasonable visitation".

Petitioner may deny respondent access to the minor child if, when respondent arrives for visitation, respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of petitioner or petitioner's minor children or is behaving in a violent or abusive manner.

If necessary to protect any member of petitioner's family or household from future abuse, respondent shall be prohibited from coming to petitioner's residence to meet the minor child for visitation, and the parties shall submit to the court their recommendations for reasonable alternative arrangements for visitation. A person may be approved to supervise visitation only after filing an affidavit accepting that responsibility and acknowledging accountability to the court.

(8) Removal or concealment of minor child. Prohibit respondent from removing a minor child from the State or concealing the child within the State.

(9) Order to appear. Order the respondent to appear in court, alone or with a minor child, to prevent abuse, neglect, removal or concealment of the child, to return the child to the custody or care of the petitioner or to permit any court-ordered interview or examination of the child or the respondent.

(10) Possession of personal property. Grant petitioner exclusive possession of personal property

and, if respondent has possession or control, direct respondent to promptly make it available to petitioner, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the parties own the property jointly; sharing it would risk abuse of petitioner by respondent or is impracticable; and the balance of hardships favors temporary possession by petitioner.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may award petitioner temporary possession thereof under the standards of subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

No order under this provision shall affect title to property.

(11) Protection of property. Forbid the respondent from taking, transferring, encumbering, concealing, damaging or otherwise disposing of any real or personal property, except as explicitly authorized by the court, if:

(i) petitioner, but not respondent, owns the property; or

(ii) the parties own the property jointly, and the balance of hardships favors granting this remedy.

If petitioner's sole claim to ownership of the property is that it is marital property, the court may grant petitioner relief under subparagraph (ii) of this paragraph only if a proper proceeding has been filed under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended.

The court may further prohibit respondent from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of respondent or of any other person.

(12) Order for payment of support. Order respondent to pay temporary support for the petitioner or any child in the petitioner's care or custody, when the respondent has a legal obligation to support that person, in accordance with the Illinois Marriage and Dissolution of Marriage Act, which shall govern, among other matters, the amount of support, payment through the clerk and withholding of income to secure payment. An order for child support may be granted to a petitioner with lawful physical care or custody of a child, or an order or agreement for physical care or custody, prior to entry of an order for legal custody. Such a support order shall expire upon entry of a valid order granting legal custody to another, unless otherwise provided in the custody order.

(13) Order for payment of losses. Order respondent to pay petitioner for losses suffered as a direct result of the abuse, neglect, or exploitation. Such losses shall include, but not be limited to, medical expenses, lost earnings or other support, repair or replacement of property damaged or taken, reasonable attorney's fees, court costs and moving or other travel expenses, including additional reasonable expenses for temporary shelter and restaurant meals.

(i) Losses affecting family needs. If a party is entitled to seek maintenance, child support or property distribution from the other party under the Illinois Marriage and Dissolution of Marriage Act, as now or hereafter amended, the court may order respondent to reimburse petitioner's actual losses, to the extent that such reimbursement would be "appropriate temporary relief", as authorized by subsection (a)(3) of Section 501 of that Act.

(ii) Recovery of expenses. In the case of an improper concealment or removal of a minor child, the court may order respondent to pay the reasonable expenses incurred or to be incurred in the search for and recovery of the minor child, including but not limited to legal fees, court costs, private investigator fees, and travel costs.

(14) Prohibition of entry. Prohibit the respondent from entering or remaining in the residence or household while the respondent is under the influence of alcohol or drugs and constitutes a threat to the safety and well-being of the petitioner or the petitioner's children.

(14.5) Prohibition of firearm possession.

(a) When a complaint is made under a request for an order of protection, that the respondent has threatened or is likely to use firearms illegally against the petitioner, and the respondent is present in court, or has failed to appear after receiving actual notice, the court shall examine on oath the petitioner, and any witnesses who may be produced. If the court is satisfied that there is any danger of the illegal use of firearms, it shall issue an order that any firearms in the possession of the respondent, except as provided in subsection (b), be turned over to the local law enforcement agency for safekeeping. If the respondent has failed to appear, the court shall issue a warrant for seizure of any firearm in the possession of the respondent. The period of safekeeping shall be for a stated period of time not to exceed 2 years. The firearm or firearms shall be returned to the respondent at the end of the stated period or at expiration of the order of protection, whichever is sooner.

(b) If the respondent is a peace officer as defined in Section 2-13 of the Criminal Code of 1961, the court shall order that any firearms used by the respondent in the performance of his or her duties as a peace officer be surrendered to the chief law enforcement executive of the agency in which the respondent is employed, who shall retain the firearms for safekeeping for the stated period not to exceed 2 years as set forth in the court order.

(15) Prohibition of access to records. If an order of protection prohibits respondent from having contact with the minor child, or if petitioner's address is omitted under subsection (b) of Section 203, or if necessary to prevent abuse or wrongful removal or concealment of a minor child, the order shall deny respondent access to, and prohibit respondent from inspecting, obtaining, or attempting to inspect or obtain, school or any other records of the minor child who is in the care of petitioner.

(16) Order for payment of shelter services. Order respondent to reimburse a shelter providing temporary housing and counseling services to the petitioner for the cost of the services, as certified by the shelter and deemed reasonable by the court.

(17) Order for injunctive relief. Enter injunctive relief necessary or appropriate to prevent further abuse of a family or household member or further abuse, neglect, or exploitation of a high-risk adult with disabilities or to effectuate one of the granted remedies, if supported by the balance of hardships. If the harm to be prevented by the injunction is abuse or any other harm that one of the remedies listed in paragraphs (1) through (16) of this subsection is designed to prevent, no further evidence is necessary that the harm is an irreparable injury.

(c) Relevant factors; findings.

(1) In determining whether to grant a specific remedy, other than payment of support, the court shall consider relevant factors, including but not limited to the following:

(i) the nature, frequency, severity, pattern and consequences of the respondent's past abuse, neglect or exploitation of the petitioner or any family or household member, including the concealment of his or her location in order to evade service of process or notice, and the likelihood of danger of future abuse, neglect, or exploitation to petitioner or any member of petitioner's or respondent's family or household; and

(ii) the danger that any minor child will be abused or neglected or improperly removed from the jurisdiction, improperly concealed within the State or improperly separated from the child's primary caretaker.

(2) In comparing relative hardships resulting to the parties from loss of possession of the family home, the court shall consider relevant factors, including but not limited to the following:

(i) availability, accessibility, cost, safety, adequacy, location and other characteristics of alternate housing for each party and any minor child or dependent adult in the party's care;

(ii) the effect on the party's employment; and

(iii) the effect on the relationship of the party, and any minor child or dependent adult in the party's care, to family, school, church and community.

(3) Subject to the exceptions set forth in paragraph (4) of this subsection, the court shall make its findings in an official record or in writing, and shall at a minimum set forth the following:

(i) That the court has considered the applicable relevant factors described in paragraphs (1) and (2) of this subsection.

(ii) Whether the conduct or actions of respondent, unless prohibited, will likely cause irreparable harm or continued abuse.

(iii) Whether it is necessary to grant the requested relief in order to protect petitioner or other alleged abused persons.

(4) For purposes of issuing an ex parte emergency order of protection, the court, as an alternative to or as a supplement to making the findings described in paragraphs (c)(3)(i) through (c)(3)(iii) of this subsection, may use the following procedure:

When a verified petition for an emergency order of protection in accordance with the requirements of Sections 203 and 217 is presented to the court, the court shall examine petitioner on oath or affirmation. An emergency order of protection shall be issued by the court if it appears from the contents of the petition and the examination of petitioner that the averments are sufficient to indicate abuse by respondent and to support the granting of relief under the issuance of the emergency order of protection.

(5) Never married parties. No rights or responsibilities for a minor child born outside of marriage attach to a putative father until a father and child relationship has been established under the Illinois Parentage Act of 1984, the Illinois Public Aid Code, Section 12 of the Vital Records Act, the Juvenile Court Act of 1987, the Probate Act of 1985, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the Expedited Child Support Act of 1990, any

judicial, administrative, or other act of another state or territory, any other Illinois statute, or by any foreign nation establishing the father and child relationship, any other proceeding substantially in conformity with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193), or where both parties appeared in open court or at an administrative hearing acknowledging under oath or admitting by affirmation the existence of a father and child relationship. Absent such an adjudication, finding, or acknowledgement, no putative father shall be granted temporary custody of the minor child, visitation with the minor child, or physical care and possession of the minor child, nor shall an order of payment for support of the minor child be entered.

(d) Balance of hardships; findings. If the court finds that the balance of hardships does not support the granting of a remedy governed by paragraph (2), (3), (10), (11), or (16) of subsection (b) of this Section, which may require such balancing, the court's findings shall so indicate and shall include a finding as to whether granting the remedy will result in hardship to respondent that would substantially outweigh the hardship to petitioner from denial of the remedy. The findings shall be an official record or in writing.

(e) Denial of remedies. Denial of any remedy shall not be based, in whole or in part, on evidence that:

(1) Respondent has cause for any use of force, unless that cause satisfies the standards for justifiable use of force provided by Article VII of the Criminal Code of 1961;

(2) Respondent was voluntarily intoxicated;

(3) Petitioner acted in self-defense or defense of another, provided that, if petitioner utilized force, such force was justifiable under Article VII of the Criminal Code of 1961;

(4) Petitioner did not act in self-defense or defense of another;

(5) Petitioner left the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(6) Petitioner did not leave the residence or household to avoid further abuse, neglect, or exploitation by respondent;

(7) Conduct by any family or household member excused the abuse, neglect, or exploitation by respondent, unless that same conduct would have excused such abuse, neglect, or exploitation if the parties had not been family or household members.

(Source: P.A. 89-367, eff. 1-1-96; 90-118, eff. 1-1-98.)".

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 Maloney, **House Bill No. 2549** having been printed, was taken up and read by title a second time.

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

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

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 2549 by replacing everything after the enacting clause with the following:

"Section 5. The Mosquito Abatement District Act is amended by changing Sections 5 and 8 and adding Sections 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.10, 0.11, 0.12, and 5.1 as follows:

(70 ILCS 1005/0.02 new)

Sec. 0.02. Purpose. It is the purpose of this amendatory Act of the 93rd General Assembly to abolish the North Shore Mosquito Abatement District and to transfer all its assets, liabilities, rights, powers, duties, and functions, including the eradication of the West Nile Virus, to the Northwest Mosquito Abatement District. It is also the purpose of this amendatory Act of the 93rd General Assembly to abolish the South Cook County Mosquito Abatement District and to transfer to the Des Plaines Valley Mosquito Abatement District, or, in the case of territory lying in the City of Chicago, to the City of Chicago, all it's assets, liabilities, rights, powers, duties, and functions, including the eradication of the West Nile Virus.

(70 ILCS 1005/0.03 new)

Sec. 0.03. Districts abolished; assets, liabilities, rights, powers, duties, and functions assumed. Notwithstanding any other provision of law, including any other provision of this Act, the North Shore Mosquito Abatement District and the South Cook County Mosquito Abatement District are abolished on

November 1, 2004. In counties with a population of 3,000,000 or more, no new mosquito abatement districts may be organized on or after November 1, 2004. On November 1, 2004, the Northwest Mosquito Abatement District shall assume all assets, liabilities, rights, powers, duties, and functions, including the eradication of the West Nile Virus, of the North Shore Mosquito Abatement District. On November 1, 2004, the Des Plaines Valley Mosquito Abatement District shall assume all assets, liabilities, rights, powers, duties, and functions, including the eradication of the West Nile Virus, of the South Cook County Mosquito Abatement District, except with respect to that the part of the South Cook County Mosquito Abatement District that lies in the City of Chicago, which shall be assumed by the City of Chicago.

(70 ILCS 1005/0.04 new)

Sec. 0.04. Mosquito abatement districts expanded. Notwithstanding any other provision of this Act to the contrary, beginning on November 1, 2004 the territory of the Northwest Mosquito Abatement District shall consist of the territory of the District as it existed on October 31, 2004 plus the territory of the North Shore Mosquito Abatement District as it existed on October 31, 2004. Notwithstanding any other provision of this Act to the contrary, beginning on November 1, 2004 the territory of the Des Plaines Valley Mosquito Abatement District shall consist of the territory of the District as it existed on October 31, 2004 plus the territory of the South Cook County Mosquito Abatement District as it existed on October 31, 2004, except with respect to that the part of the South Cook County Mosquito Abatement District that lies in the City of Chicago on October 31, 2004, which shall be assumed by the City of Chicago.

(70 ILCS 1005/0.05 new)

Sec. 0.05. Transfer of property.

(a) Effective November 1, 2004, all books, records, documents, property (real and personal), unexpended appropriations, and pending business of the North Shore Mosquito Abatement District shall be transferred and delivered to the Northwest Mosquito Abatement District. Effective November 1, 2004, all books, records, documents, property (real and personal), unexpended appropriations, and pending business of the South Cook County Mosquito Abatement District shall be transferred and delivered to the Des Plaines Valley Mosquito Abatement District, or, in the case of any part of the South Cook County Mosquito Abatement District that lies in the City of Chicago, to the City of Chicago.

(b) With respect to the assets, liabilities, rights, powers, duties, and functions of the South Cook County Mosquito Abatement District abolished by this amendatory Act of the 93rd General Assembly, the decision on which books, records, documents, property (real and personal), unexpended appropriations, and pending business shall be transferred to the Des Plaines Valley Mosquito Abatement District and which shall be transferred to the City of Chicago shall be made by giving consideration to the proportionate percentage of territory transferred to the Des Plaines Valley Mosquito Abatement District and the proportionate percentage transferred to the City of Chicago.

(70 ILCS 1005/0.06 new)

Sec. 0.06. Tax levies for assumed mosquito abatement districts.

(a) With respect to the territory of the North Shore Mosquito Abatement District abolished by this amendatory Act of the 93rd General Assembly, the Northwest Mosquito Abatement District shall have the power and authority to levy and collect such taxes at such rates as shall have been previously authorized, levied, and collected by the North Shore Mosquito Abatement District

(b) With respect to the territory of the South Cook County Mosquito Abatement District abolished by this amendatory Act of the 93rd General Assembly and assumed by the Des Plaines Valley Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District shall have the power and authority to levy and collect such taxes at such rates as shall have been previously authorized, levied, and collected by the South Cook County Mosquito Abatement District.

(70 ILCS 1005/0.07 new)

Sec. 0.07. City of Chicago tax levy. In the case of territory of the South Cook County Mosquito Abatement District abolished by this amendatory Act of the 93rd General Assembly that lies in the City of Chicago, the City of Chicago shall have the power and authority to levy and collect such taxes at such rates as shall have been previously authorized, levied, and collected by the South Cook County Mosquito Abatement District with respect to that territory for mosquito abatement purposes and for other emerging public health threats.

(70 ILCS 1005/0.08 new)

Sec. 0.08. Ordinances, orders, and resolutions.

(a) On November 1, 2004, the ordinances, orders, and resolutions of a mosquito abatement district abolished by this amendatory Act of the 93rd General Assembly that were in effect on October 31, 2004 and pertain to the assets, liabilities, rights, powers, duties, and functions transferred to the Northwest

Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago under this amendatory Act of the 93rd General Assembly shall become, with respect to that territory, the ordinances, orders, and resolutions of the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, and shall continue in effect until amended or repealed.

(b) Any ordinances, orders, or resolutions pertaining to the assets, liabilities, rights, powers, duties, and functions transferred to the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago under this amendatory Act of the 93rd General Assembly that have been proposed by a mosquito abatement district abolished by this amendatory Act of the 93rd General Assembly but have not taken effect or been finally adopted by October 31, 2004 shall become, with respect to that territory, the proposed ordinances, orders, and resolutions of the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, on November 1, 2004, and any procedures that have already been completed by a mosquito abatement district abolished by this amendatory Act of the 93rd General Assembly for those proposed ordinances, orders, or resolutions need not be repeated.

(c) As soon as practical after November 1, 2004, the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, and the City of Chicago shall revise and clarify the ordinances, orders, and resolutions transferred to them under this amendatory Act of the 93rd General Assembly to reflect the reorganization of assets, liabilities, rights, powers, duties, and functions effected by this amendatory Act of the 93rd General Assembly. The Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, may propose and adopt such other ordinances, orders, or resolutions as may be necessary to consolidate and clarify the ordinances, orders, and resolutions assumed under this amendatory Act of the 93rd General Assembly.

(70 ILCS 1005/0.09 new)

Sec. 0.09. Cross references. Beginning on November 1, 2004, all references in other statutes, however phrased, to a mosquito abatement district abolished under this amendatory Act of the 93rd General Assembly shall be references to the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, in its capacity as successor to a mosquito abatement district abolished under this amendatory Act of the 93rd General Assembly.

(70 ILCS 1005/0.10 new)

Sec. 0.10. Savings provisions.

(a) The assets, liabilities, rights, powers, duties, and functions transferred to the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago by this amendatory Act of the 93rd General Assembly shall be vested in the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, subject to the provisions of this amendatory Act of the 93rd General Assembly. An act done by a mosquito abatement district abolished by this amendatory Act of the 93rd General Assembly or an officer, employee, or agent of the abolished district with respect to the transferred assets, liabilities, rights, powers, duties, or functions shall have the same legal effect as if done by the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, or an officer, employee, or agent of the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate.

(b) The transfer of assets, liabilities, rights, powers, duties, and functions under this amendatory Act of the 93rd General Assembly does not invalidate any previous action taken by or in respect to a mosquito abatement district abolished by this amendatory Act of the 93rd General Assembly or its officers, employees, or agents. References to an abolished mosquito abatement district or its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, or its officers, employees, or agents.

(c) The transfer under this amendatory Act of the 93rd General Assembly of assets, liabilities, rights, powers, duties, and functions of a mosquito abatement district abolished by this amendatory Act of the 93rd General Assembly does not affect any person's rights, obligations, or duties, including any civil or criminal penalties applicable thereto, arising out of those transferred assets, liabilities, rights, powers, duties, and functions.

(d) With respect to matters that pertain to an asset, liability, right, power, duty, or function transferred to the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago under this Act:

(1) Beginning November 1, 2004, a report or notice that was previously required to be made or given by any person to a mosquito abatement district abolished by this amendatory Act of the 93rd

General Assembly or any of its officers, employees, or agents shall be made or given in the same manner to the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, or its appropriate officer, employee, or agent.

(2) Beginning November 1, 2004, a document that was previously required to be furnished or served by any person to or upon a mosquito abatement district abolished by this amendatory Act of the 93rd General Assembly or any of its officers, employees, or agents shall be furnished or served in the same manner to or upon the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate, or its appropriate officer, employee, or agent.

(e) This amendatory Act of the 93rd General Assembly does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause before November 1, 2004. Any such action or proceeding that pertains to an asset, liability, right, power, duty, or function transferred to the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago under this amendatory Act of the 93rd General Assembly and that is pending on that date may be prosecuted, defended, or continued by the Northwest Mosquito Abatement District, the Des Plaines Valley Mosquito Abatement District, or the City of Chicago, as appropriate.

(70 ILCS 1005/0.11 new)

Sec. 0.11. Disputes. Any disputes that arise as a result of the abolishment of a mosquito district and the assumption of the assets, liabilities, rights, powers, duties, and functions of the abolished district shall be resolved by an appropriate action commenced in the circuit court.

(70 ILCS 1005/0.12 new)

Sec. 0.12. Stipend. The Northwest Mosquito Abatement District and the Des Plaines Valley Mosquito Abatement District shall pay each of the members of the board of trustees of the respective district a stipend of $3,000 per year as compensation for the additional duties undertaken as a result of this amendatory Act of the 93rd General Assembly.

(70 ILCS 1005/5) (from Ch. 111 1/2, par. 78)

Sec. 5. Within 60 days after the organization of any mosquito abatement district under the provisions of this Act a board of trustees, consisting of 5 members ,except as provided in Section 5.1, for the government and control of the affairs and business of such mosquito abatement district shall be appointed in the following manner:

(1) If the district lies wholly within a single township, the board of trustees of that township shall appoint the trustees for the district but no township official is eligible for such appointment;

(2) If the district is not contained wholly within a single township, but is located wholly within a single county, the trustees for the district shall be appointed by the presiding officer of the county board with the advice and consent of the county board;

(3) If the district lies wholly within a municipality, the governing body of the municipality shall appoint trustees for the district;

(4) If the district does not conform to any of the foregoing classifications, the trustees for the district shall be from each county in the district in numbers proportionate, as nearly as practicable, to the number of residents of the district who reside in each county in relation to the total population of the district. Trustees shall be appointed by the county board of their respective counties, or in the case of a home rule county as defined by Article VII, Section 6 of the Illinois Constitution, by the chief executive officer of that county with the advice and consent of the county board.

Upon the expiration of the term of a trustee who is in office on the effective date of this amendatory Act of 1975 or at the time of the publication of each decennial Federal census of population, the successor shall be a resident of whichever county is entitled to such representation in order to bring about the proportional representation required herein, and he shall be appointed by the appointing authority of that county. Thereafter, each trustee shall be succeeded by a resident of the same county who shall be appointed by the same appointing authority. Of the trustees thus appointed 3 shall hold office until the second Monday in December after the next succeeding general election for members of the General Assembly and 2 shall hold office until the second Monday in December, 2 years after the next succeeding general election for members of the General Assembly, and until their successors are appointed and qualified. Thereafter the trustees of the district shall be appointed in every year in which the term of any of the trustees expires and shall hold office for 4 years and until their successors are appointed and qualified. Each trustee shall be a legal voter in the district, and such trustees shall serve without compensation, except as provided in Section 0.12.

Whenever a vacancy occurs in the board of trustees the appropriate appointing authority shall appoint some person to fill the remainder of the unexpired term. (Source: P.A. 82-783.)

(70 ILCS 1005/5.1 new)

Sec. 5.1. Additional trustees. As soon as practical after November 1, 2004, the Director of the Cook County Department of Public Health shall appoint an additional member to the board of trustees of the Northwest Mosquito Abatement District and the Des Plaines Valley Mosquito Abatement District, respectively. The trustees appointed under this Section shall hold office until the second Monday in December 2006 and until their successors are appointed and qualified. Thereafter a trustee shall be appointed under this Section in every year in which the term of a trustee appointed under this Section expires and shall hold office for 4 years and until his or her successor is appointed and qualified.

If this Section conflicts with any other provision of this Act, this Section controls. Any other provision of this Act concerning trustees applies to the trustees appointed under this Section if it does not conflict with this Section.

(70 ILCS 1005/8) (from Ch. 111 1/2, par. 81)

Sec. 8. The board of trustees of any mosquito abatement district shall, in its work, advise and cooperate with the Department of Public Health of the State, and the board of trustees of such district shall submit to such Department, on or before January 1st of each year, a report of the work done and results obtained by the district during the preceding year.

The board of trustees of any mosquito abatement district, or its designee, shall conduct routine surveillance of mosquitoes to detect the presence of mosquito-borne diseases of public health significance. The surveillance shall be conducted in accordance with mosquito abatement and control guidelines as set forth by the U.S. Centers for Disease Control and Prevention. Areas reporting disease in humans shall be included in the surveillance activities. Mosquito abatement districts shall report to the local certified public health department the results of any positive mosquito samples infected with any arboviral infections, including, but not limited to: West Nile Virus, St. Louis Encephalitis, and Eastern Equine Encephalitis. Reports shall be made to the local certified public health department's director of environmental health, or a designee of the department, within 24 hours after receiving a positive report. The report shall include the type of infection, the number of mosquitoes collected in the trapping device, the type of trapping device used, and the type of laboratory testing used to confirm the infection. Any trustee of a mosquito abatement district, or designee of the board of trustees of a mosquito abatement district, that fails to comply with the requirements of this Act is guilty of a Class A Misdemeanor. (Source: Laws 1927, p. 694.)".

Section 10. The Township Code is amended by changing Section 30-170 as follows:

(60 ILCS 1/30-170)

Sec. 30-170. Mosquito abatement district. (a) The electors may authorize the township board to contract for the furnishing of mosquito abatement services in the unincorporated area of the township.

(a-5) Notwithstanding any other provision of this Code, as provided in Section 0.03 of the Mosquito Abatement District Act, on November 1, 2004 the North Shore Mosquito Abatement District and the South Cook County Mosquito Abatement District are abolished. No new mosquito abatement districts may be organized in counties with a population of 3,000,000 or more on or after November 1, 2004.

(b) The township board may adopt a resolution declaring the unincorporated area of the township a mosquito abatement district for tax purposes. Proof of the resolution authorizes the county clerk to extend a tax upon the mosquito abatement district in the amount specified in the annual township tax levy, but not more than a rate of 0.075% of the value of taxable property as equalized or assessed by the Department of Revenue.

(c) Whenever a resolution creating a mosquito abatement district has been adopted, the township board shall order the proposition submitted to the voters within the territory of the proposed district at an election. The clerk shall certify the proposition to the proper election officials. Notice shall be given and the election conducted in accordance with the general election law. The proposition shall be in substantially the following form:

Shall a mosquito abatement district be created to serve the unincorporated areas of (name of township), and shall a tax be levied at a rate of not more than 0.075% of the value of taxable property in the district as equalized or assessed by the Department of Revenue?

The votes shall be recorded as "Yes" or "No".

(d) If a majority of votes cast on the proposition is in favor of the mosquito abatement district, the district shall be created.

(e) Any territory within a mosquito abatement district that is annexed to a municipality that provides mosquito abatement services within its corporate limits shall be automatically disconnected from the township mosquito abatement taxing district. (Source: P.A. 86-310; 88-62.)

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

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

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Dillard, **House Bill No. 2902** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 3048** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Walsh, **House Bill No. 3398** having been printed, was taken up and read by title a second time.

Senator Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3398 by replacing everything after the enacting clause with the following:

"Section 5. The Prevailing Wage Act is amended by changing Sections 2, 4, 5, 9, 10, and 11a as follows:

(820 ILCS 130/2) (from Ch. 48, par. 39s-2)

Sec. 2. This Act applies to the wages of laborers, mechanics and other workers employed in any public works, as hereinafter defined, by any public body and to anyone under contracts for public works.

As used in this Act, unless the context indicates otherwise:

"Public works" means all fixed works constructed for public use by any public body, other than work done directly by any public utility company, whether or not done under public supervision or direction, or paid for wholly or in part out of public funds. "Public works" as defined herein includes all projects financed in whole or in part with bonds issued under the Industrial Project Revenue Bond Act (Article 11, Division 74 of the Illinois Municipal Code), the Industrial Building Revenue Bond Act, the Illinois Development Finance Authority Act, the Illinois Sports Facilities Authority Act, or the Build Illinois Bond Act, and all projects financed in whole or in part with loans or other funds made available pursuant to the Build Illinois Act. "Public works" also includes all projects financed in whole or in part with funds from the Fund for Illinois' Future under Section 6z-47 of the State Finance Act, funds for school construction under Section 5 of the General Obligation Bond Act, funds authorized under Section 3 of the School Construction Bond Act, funds for school infrastructure under Section 6z-45 of the State Finance Act, or funds for transportation purposes under Section 4 of the General Obligation Bond Act.

"Construction" means all work on public works involving laborers, workers or mechanics.

"Locality" means the county where the physical work upon public works is performed, except (1) that if there is not available in the county a sufficient number of competent skilled laborers, workers and mechanics to construct the public works efficiently and properly, "locality" includes any other county nearest the one in which the work or construction is to be performed and from which such persons may be obtained in sufficient numbers to perform the work and (2) that, with respect to contracts for highway work with the Department of Transportation of this State, "locality" may at the discretion of the Secretary of the Department of Transportation be construed to include two or more adjacent counties from which workers may be accessible for work on such construction.

"Public body" means the State or any officer, board or commission of the State or any political subdivision or department thereof, or any institution supported in whole or in part by public funds, ~~authorized by law to construct public works or to enter into any contract for the construction of public works,~~ and includes every county, city, town, village, township, school district, irrigation, utility, reclamation improvement or other district and every other political subdivision, district or municipality of the state whether such political subdivision, municipality or district operates under a special charter or not.

The terms "general prevailing rate of hourly wages", "general prevailing rate of wages" or "prevailing rate of wages" when used in this Act mean the hourly cash wages plus fringe benefits for training and apprenticeship programs approved by the U.S. Department of Labor, Bureau of Apprenticeship and

Training, health and welfare, insurance, vacations and pensions paid generally, in the locality in which the work is being performed, to employees engaged in work of a similar character on public works. (Source: P.A. 91-105, eff. 1-1-00; 91-935, eff. 6-1-01; 92-16, eff. 6-28-01.)

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

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

(b) It shall also be mandatory upon the contractor to whom the contract is awarded to insert into each subcontract and into the project specifications for each subcontract a written stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. It shall also be mandatory upon each subcontractor to cause to be inserted into each lower tiered subcontract and into the project specifications for each lower tiered subcontract a stipulation to the effect that not less than the prevailing rate of wages shall be paid to all laborers, workers, and mechanics performing work under the contract. A contractor or subcontractor who fails to comply with this subsection (b) is in violation of this Act.

(c) It shall also require in all such contractor's bonds that the contractor include such provision as will guarantee the faithful performance of such prevailing wage clause as provided by contract. All bid specifications shall list the specified rates to all laborers, workers and mechanics in the locality for each craft or type of worker or mechanic needed to execute the contract.

(d) If the Department of Labor revises the prevailing rate of hourly wages to be paid by the public body, the revised rate shall apply to such contract, and the public body shall be responsible to notify the contractor and each subcontractor, of the revised rate.

(e) Two or more investigatory hearings under this Section on the issue of establishing a new prevailing wage classification for a particular craft or type of worker shall be consolidated in a single hearing before the Department. Such consolidation shall occur whether each separate investigatory hearing is conducted by a public body or the Department. The party requesting a consolidated investigatory hearing shall have the burden of establishing that there is no existing prevailing wage classification for the particular craft or type of worker in any of the localities under consideration.

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

(820 ILCS 130/5) (from Ch. 48, par. 39s-5)

Sec. 5. The contractor and each subcontractor or the officer of the public body in charge of the project shall make and keep, for a period of not less than 3 years, true and accurate records of the name, address, telephone number when available, social security number, ~~keep or cause to be kept, an accurate record showing the names~~ and occupation of all laborers, workers and mechanics employed by them, in

connection with said public work. The records shall also show the actual hourly wages paid in each pay period to each employee and the hours worked each day in each work week by each employee. While participating on public works, each contractor's payroll records shall include the starting and ending times of work for each employee. The~~, and showing also the actual hourly wages paid to each of such persons, which~~ record shall be open at all reasonable hours to the inspection of the public body awarding the contract, its officers and agents, and to the Director of Labor and his deputies and agents. Any contractor or subcontractor that maintains its principal place of business outside of this State shall make the required records or accurate copies of those records available within this State at all reasonable hours for inspection. (Source: P.A. 92-783, eff. 8-6-02.)

(820 ILCS 130/9) (from Ch. 48, par. 39s-9)

Sec. 9. To effectuate the purpose and policy of this Act each public body shall, during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages as defined in this Act and publicly post or keep available for inspection by any interested party in the main office of such public body its determination of such prevailing rate of wage and shall promptly file, no later than July 15 of each year, a certified copy thereof in the office of the Secretary of State at Springfield and the office of the Illinois Department of Labor.

The Department of Labor shall during the month of June of each calendar year, investigate and ascertain the prevailing rate of wages for each county in the State. If a public body does not investigate and ascertain the prevailing rate of wages during the month of June as required by the previous paragraph, then the prevailing rate of wages for that public body shall be the rate as determined by the Department under this paragraph for the county in which such public body is located.

Where the Department of Labor ascertains the prevailing rate of wages, it is the duty of the Department of Labor within 30 days after receiving a notice from the public body authorizing the proposed work, to conduct an investigation to ascertain the prevailing rate of wages as defined in this Act and such investigation shall be conducted in the locality in which the work is to be performed. The Department of Labor shall send a certified copy of its findings to the public body authorizing the work and keep a record of its findings available for inspection by any interested party in the office of the Department of Labor at Springfield.

The public body except for the Department of Transportation with respect to highway contracts shall within 30 days after filing with the Secretary of State, or the Department of Labor shall within 30 days after filing with such public body, publish in a newspaper of general circulation within the area that the determination is effective, a notice of its determination and shall promptly mail a copy of its determination to any employer, and to any association of employers and to any person or association of employees who have filed their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workers whose wages will be affected by such rates.

At any time within 30 ~~15~~ days after the Department of Labor has published on its official web site a prevailing wage schedule ~~a certified copy of the determination has been published as herein provided~~, any person affected thereby may object in writing to the determination or such part thereof as they may deem objectionable by filing a written notice with the public body or Department of Labor, whichever has made such determination, stating the specified grounds of the objection. It shall thereafter be the duty of the public body or Department of Labor to set a date for a hearing on the objection after giving written notice to the objectors at least 10 days before the date of the hearing and said notice shall state the time and place of such hearing. Such hearing by a public body shall be held within 45 ~~20~~ days after the objection is filed, and shall not be postponed or reset for a later date except upon the consent, in writing, of all the objectors and the public body. If such hearing is not held by the public body within the time herein specified, the Department of Labor may, upon request of the objectors, conduct the hearing on behalf of the public body.

The public body or Department of Labor, whichever has made such determination, is authorized in its discretion to hear each written objection filed separately or consolidate for hearing any one or more written objections filed with them. At such hearing the public body or Department of Labor shall introduce in evidence the investigation it instituted which formed the basis of its determination, and the public body or Department of Labor, or any interested objectors may thereafter introduce such evidence as is material to the issue. Thereafter, the public body or Department of Labor, must rule upon the written objection and make such final determination as it believes the evidence warrants, and promptly file a certified copy of its final determination with such public body and the Secretary of State, and serve a copy by personal service or registered mail on all parties to the proceedings. The final determination by the Department of Labor or a public body shall be rendered within 30 ~~10~~ days after the conclusion of the hearing.

If proceedings to review judicially the final determination of the public body or Department of Labor

are not instituted as hereafter provided, such determination shall be final and binding.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of any public body or the Department of Labor hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

Appeals from all final orders and judgments entered by the court in review of the final administrative decision of the public body or Department of Labor, may be taken by any party to the action.

Any proceeding in any court affecting a determination of the Department of Labor or public body shall have priority in hearing and determination over all other civil proceedings pending in said court, except election contests.

In all reviews or appeals under this Act, it shall be the duty of the Attorney General to represent the Department of Labor, and defend its determination. The Attorney General shall not represent any public body, except the State, in any such review or appeal. (Source: P.A. 83-201.)

(820 ILCS 130/10) (from Ch. 48, par. 39s-10)

Sec. 10. The presiding officer of the public body, or his or her authorized representative and the Director of the Department of Labor, or his or her authorized representative may interview workers, administer oaths, take or cause to be taken the depositions of witnesses, and require by subpoena the attendance and testimony of witnesses, and the production of all books, records, and other evidence relative to the matter under investigation or hearing. Such subpoena shall be signed and issued by such presiding officer or his or her authorized representative, or the Director or his or her authorized representative.

Upon request by the Director of Labor or his or her deputies or agents, records shall be copied and submitted for evidence at no cost to the Department of Labor. Every employer upon request shall furnish to the Director or his or her authorized representative, on demand, a sworn statement of the accuracy of the records. Any employer who refuses to furnish a sworn statement of the records is in violation of this Act.

In case of failure of any person to comply with any subpoena lawfully issued under this section or on the refusal of any witness to produce evidence or to testify to any matter regarding which he or she may be lawfully interrogated, it is the duty of any circuit court, upon application of such presiding officer or his or her authorized representative, or the Director or his or her authorized representative, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by such court or a refusal to testify therein. Such presiding officer and the Director may certify to official acts. (Source: P.A. 83-334.)

(820 ILCS 130/11a) (from Ch. 48, par. 39s-11a)

Sec. 11a. The Director of the Department of Labor shall publish in the Illinois Register no less often than once each calendar quarter a list of contractors or subcontractors found to have disregarded their obligations to employees under this Act. The Department of Labor shall determine the contractors or subcontractors who, on 2 separate occasions, have been determined to have violated the provisions of this Act. Upon such determination the Department shall notify the violating contractor or subcontractor. Such contractor or subcontractor shall then have 10 working days to request a hearing by the Department on the alleged violations. Failure to respond within the 10 working day period shall result in automatic and immediate placement and publication on the list. If the contractor or subcontractor requests a hearing within the 10 working day period, the Director shall set a hearing on the alleged violations. Such hearing shall take place no later than 45 ~~30~~ calendar days after the receipt by the Department of Labor of the request for a hearing. The Department of Labor is empowered to promulgate, adopt, amend and rescind rules and regulations to govern the hearing procedure. No contract shall be awarded to a contractor or subcontractor appearing on the list, or to any firm, corporation, partnership or association in which such contractor or subcontractor has an interest until 2 years have elapsed from the date of publication of the list containing the name of such contractor or subcontractor. (Source: P.A. 86-693; 86-799; 86-1028.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3398, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 5 by deleting "2,"; and
by deleting lines 6 through 22 of page 1, all of page 2, and lines 1 through 16 of page 3; and
by deleting lines 27 through 34 of page 5 and line 1 of page 6.

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 Crotty, **House Bill No. 43** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Health Care and Human Services.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 43 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Physical Fitness Facility Medical Emergency Preparedness Act.

Section 5. Definitions. In this Act, words and phrases have the meanings set forth in the following Sections.

Section 5.5. Automated external defibrillator. "Automated external defibrillator" or "AED" means an automated external defibrillator as defined in the Automated External Defibrillator Act.

Section 5.10. Department. "Department" means the Department of Public Health.

Section 5.15. Director. "Director" means the Director of Public Health.

Section 5.20. Medical emergency. "Medical emergency" means the occurrence of a sudden, serious, and unexpected sickness or injury that would lead a reasonable person, possessing an average knowledge of medicine and health, to believe that the sick or injured person requires urgent or unscheduled medical care.

Section 5.25. Physical fitness facility.

(a) "Physical fitness facility" means the following:

(1) Any of the following indoor facilities that is (i) owned or operated by a park district, municipality, or other unit of local government or by a public or private elementary or secondary school, college, university, or technical or trade school and (ii) supervised by one or more persons, other than maintenance or security personnel, employed by the unit of local government, school, college, or university for the purpose of directly supervising the physical fitness activities taking place at any of these indoor facilities: a swimming pool; stadium; athletic field; track and field facility; tennis court; basketball court; or volleyball court; or such facilities located adjacent thereto.

(2) Except as provided in subsection (b), any other indoor establishment, whether public or private, that provides services or facilities for preserving, maintaining, encouraging, or developing physical fitness or well-being, including an establishment designated as a "health club", "fitness club", or "exercise gym" or by any other term of similar import.

(b) "Physical fitness facility" does not include a facility located in a hospital or in a hotel or motel, or any outdoor facility. The term also does not include any facility that does not employ any persons to provide instruction, training, or assistance for persons using the facility.

Section 10. Medical emergency plan required.

(a) Before July 1, 2004, each person or entity that operates a physical fitness facility must adopt and implement a written plan for responding to medical emergencies that occur at the facility during the time that the facility is open for use by its members or by the public. The plan must comply with this Act and rules adopted by the Department to implement this Act. The facility must file a copy of the plan with the Department.

(b) Whenever there is a change in the structure occupied by the facility or in the services provided or offered by the facility that would materially affect the facility's ability to respond to a medical emergency, the person or entity must promptly update its plan developed under subsection (a) and must file a copy of the updated plan with the Department.

Section 15. Automated external defibrillator required.

(a) The Department shall adopt rules to ensure coordination with local emergency medical services systems regarding the placement and use of AEDs in physical fitness facilities. The Department may adopt rules requiring a facility to have more than one AED on the premises, based on factors that include the following:

(1) The size of the area or the number of buildings or floors occupied by the facility.

(2) The number of persons using the facility, excluding spectators.

(b) A physical fitness facility must ensure that there is a trained AED user on staff.

(c) Every physical fitness facility must ensure that every AED on the facility's premises is properly tested and maintained in accordance with rules adopted by the Department.

Section 20. Training. The Department shall adopt rules to establish programs to train physical fitness facility staff on the role of cardiopulmonary resuscitation and the use of automated external defibrillators. The rules must be consistent with those adopted by the Department for training AED users under the Automated External Defibrillator Act.

Section 25. Economic incentives.

(a) The Department must work with physical fitness facilities and manufacturers and distributors of automated external defibrillators to develop a procedure by which 2 or more facilities may submit a joint bid for the purchase of AEDs in order to maximize their purchasing power.

(b) A private physical fitness facility that purchases an automated external defibrillator in order to comply with this Act is eligible for a tax exemption as provided in Section 3-5 of the Use Tax Act, Section 3-5 of the Service Use Tax Act, Section 3-5 of the Service Occupation Tax Act, and Section 2-5 of the Retailers' Occupation Tax Act.

Section 30. Inspections. The Department shall inspect a physical fitness facility in response to a complaint filed with the Department alleging a violation of this Act. For the purpose of ensuring compliance with this Act, the Department may inspect a physical fitness facility at other times in accordance with rules adopted by the Department.

Section 35. Penalties for violations.

(a) If a physical fitness facility violates this Act by (i) failing to adopt or implement a plan for responding to medical emergencies under Section 10 or (ii) failing to have on the premises an AED or trained AED user as required under subsection (a) or (b) of Section 15, the Director may impose a civil penalty against the facility as follows:

(1) At least $250 but less than $500 for a first violation.

(2) At least $500 but less than $1,000 for a second violation.

(3) At least $1,000 for a third or subsequent violation.

(b) The Director may impose a civil penalty under this Section only after it provides the following to the facility:

(1) Written notice of the alleged violation.

(2) Written notice of the facility's right to request an administrative hearing on the question of the alleged violation.

(3) An opportunity to present evidence, orally or in writing or both, on the question of the alleged violation before an impartial hearing examiner appointed by the Director.

(4) A written decision from the Director, based on the evidence introduced at the hearing and the hearing examiner's recommendations, finding that the facility violated this Act and imposing the civil penalty.

(c) The Attorney General may bring an action in the circuit court to enforce the collection of a monetary penalty imposed under this Section.

Section 40. Rules. The Department shall adopt rules to implement this Act.

Section 45. Liability. Nothing in this Act shall be construed to either limit or expand the exemptions from civil liability in connection with the purchase or use of an automated external defibrillator that are provided under the Automated External Defibrillator Act or under any other provision of law. A right of action does not exist in connection with the use or non-use of an automated external defibrillator at a facility governed by this Act, provided that the person, unit of state or local government, or school district operating the facility has adopted a medical emergency plan as required under Section 10 of this Act, has an automated external defibrillator at the facility as required under Section 15 of this Act, and has maintained the automated external defibrillator in accordance with the rules adopted by the Department.

Section 50. Compliance dates; private and public indoor physical fitness facilities.

(a) Privately-owned indoor physical fitness facilities. Every privately-owned or operated indoor physical fitness facility must be in compliance with this Act on or before July 1, 2004.

(b) Publicly owned indoor physical fitness facilities. A public entity owning or operating 4 or fewer indoor physical fitness facilities must have at least one such facility in compliance with this Act on or before July 1, 2004; its second facility in compliance by July 1, 2005; its third facility in compliance by July 1, 2006; and its fourth facility in compliance by July 1, 2007.

If a funding source is identified for the purchase of an automated external defibrillator, a public entity owning or operating more than 4 indoor physical fitness facilities must have 25% of those facilities in compliance by July 1, 2004; 50% of those facilities in compliance by July 1, 2005; 75% of those facilities in compliance by July 1, 2006; and 100% of those facilities in compliance by July 1, 2007.

Section 88. 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 90. The Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Personal property purchased by a governmental body, by a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or by a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active exemption identification number issued by the Department.

(5) A passenger car that is a replacement vehicle to the extent that the purchase price of the car is subject to the Replacement Vehicle Tax.

(6) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order, certified by the purchaser to be used primarily for graphic arts production, and including machinery and equipment purchased for lease. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(7) Farm chemicals.

(8) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(9) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(10) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(11) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be

considered farm machinery and equipment under this item (11). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (11) is exempt from the provisions of Section 3-90.

(12) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(13) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages purchased at retail from a retailer, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(14) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(15) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(16) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(17) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(18) Manufacturing and assembling machinery and equipment used primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether that sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether that sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(19) Personal property delivered to a purchaser or purchaser's donee inside Illinois when the purchase order for that personal property was received by a florist located outside Illinois who has a florist located inside Illinois deliver the personal property.

(20) Semen used for artificial insemination of livestock for direct agricultural production.

(21) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(22) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any

other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(23) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(24) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(25) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(26) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-90.

(27) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(28) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-90.

(29) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used

in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-90.

(30) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(31) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(32) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active sales tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Service Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Service Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-90.

(33) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of $300 per year. For purposes of this paragraph (33), "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 91-901, eff. 1-1-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02.)

Section 91. The Service Use Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

Sec. 3-5. Exemptions. Use of the following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property purchased from a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a non-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of

the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property purchased from a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-75.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages acquired as an incident to the purchase of a service from a serviceman, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Proceeds from the sale of photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Semen used for artificial insemination of livestock for direct agricultural production.

(14) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(15) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(16) Personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other non-exempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the non-qualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department.

(17) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(19) Beginning July 1, 1999, game or game birds purchased at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-75.

(20) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(21) Beginning January 1, 2000, personal property, including food, purchased through fundraising

events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-75.

(22) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-75.

(23) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients purchased by a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the equipment is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property purchased by a lessor who leases the property, under a lease of one year or longer executed or in effect at the time the lessor would otherwise be subject to the tax imposed by this Act, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. If the property is leased in a manner that does not qualify for this exemption or is used in any other nonexempt manner, the lessor shall be liable for the tax imposed under this Act or the Use Tax Act, as the case may be, based on the fair market value of the property at the time the nonqualifying use occurs. No lessor shall collect or attempt to collect an amount (however designated) that purports to reimburse that lessor for the tax imposed by this Act or the Use Tax Act, as the case may be, if the tax has not been paid by the lessor. If a lessor improperly collects any such amount from the lessee, the lessee shall have a legal right to claim a refund of that amount from the lessor. If, however, that amount is not refunded to the lessee for any reason, the lessor is liable to pay that amount to the Department. This paragraph is exempt from the provisions of Section 3-75.

(26) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of $300 per year. For purposes of this paragraph (26), "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02.)

Section 92. The Service Occupation Tax Act is amended by changing Section 3-5 as follows:

(35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

Sec. 3-5. Exemptions. The following tangible personal property is exempt from the tax imposed by this Act:

(1) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(2) Personal property purchased by a not-for-profit Illinois county fair association for use in conducting, operating, or promoting the county fair.

(3) Personal property purchased by any not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(4) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(5) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (7). Agricultural chemical tender tanks and dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 3-55.

(8) Fuel and petroleum products sold to or used by an air common carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(9) Proceeds of mandatory service charges separately stated on customers' bills for the purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(10) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual

replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(11) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(12) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(13) Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks and food that has been prepared for immediate consumption) and prescription and non-prescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(14) Semen used for artificial insemination of livestock for direct agricultural production.

(15) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or racing for prizes.

(16) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(17) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act.

(18) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(19) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(20) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 3-55.

(21) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(22) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or

one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 3-55.

(23) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 3-55.

(24) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(25) Beginning on the effective date of this amendatory Act of the 92nd General Assembly, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of the Retailers' Occupation Tax Act. This paragraph is exempt from the provisions of Section 3-55.

(26) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (26). The permit issued under this paragraph (26) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(27) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of $300 per year. For purposes of this paragraph (27), "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02.)

Section 93. The Retailers' Occupation Tax Act is amended by changing Section 2-5 as follows:

(35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

Sec. 2-5. Exemptions. Gross receipts from proceeds from the sale of the following tangible personal property are exempt from the tax imposed by this Act:

(1) Farm chemicals.

(2) Farm machinery and equipment, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for production agriculture or State or federal agricultural programs, including individual replacement parts for the machinery and equipment, including machinery and equipment purchased for lease, and including implements of husbandry defined in Section 1-130 of the Illinois Vehicle Code, farm machinery and agricultural chemical and fertilizer spreaders, and nurse wagons required to be registered under Section 3-809 of the Illinois Vehicle Code, but excluding other motor vehicles required to be registered under the Illinois Vehicle Code. Horticultural polyhouses or hoop houses used for propagating, growing, or overwintering plants shall be considered farm machinery and equipment under this item (2). Agricultural chemical tender tanks and

dry boxes shall include units sold separately from a motor vehicle required to be licensed and units sold mounted on a motor vehicle required to be licensed, if the selling price of the tender is separately stated.

Farm machinery and equipment shall include precision farming equipment that is installed or purchased to be installed on farm machinery and equipment including, but not limited to, tractors, harvesters, sprayers, planters, seeders, or spreaders. Precision farming equipment includes, but is not limited to, soil testing sensors, computers, monitors, software, global positioning and mapping systems, and other such equipment.

Farm machinery and equipment also includes computers, sensors, software, and related equipment used primarily in the computer-assisted operation of production agriculture facilities, equipment, and activities such as, but not limited to, the collection, monitoring, and correlation of animal and crop data for the purpose of formulating animal diets and agricultural chemicals. This item (7) is exempt from the provisions of Section 2-70.

(3) Distillation machinery and equipment, sold as a unit or kit, assembled or installed by the retailer, certified by the user to be used only for the production of ethyl alcohol that will be used for consumption as motor fuel or as a component of motor fuel for the personal use of the user, and not subject to sale or resale.

(4) Graphic arts machinery and equipment, including repair and replacement parts, both new and used, and including that manufactured on special order or purchased for lease, certified by the purchaser to be used primarily for graphic arts production. Equipment includes chemicals or chemicals acting as catalysts but only if the chemicals or chemicals acting as catalysts effect a direct and immediate change upon a graphic arts product.

(5) A motor vehicle of the first division, a motor vehicle of the second division that is a self-contained motor vehicle designed or permanently converted to provide living quarters for recreational, camping, or travel use, with direct walk through access to the living quarters from the driver's seat, or a motor vehicle of the second division that is of the van configuration designed for the transportation of not less than 7 nor more than 16 passengers, as defined in Section 1-146 of the Illinois Vehicle Code, that is used for automobile renting, as defined in the Automobile Renting Occupation and Use Tax Act.

(6) Personal property sold by a teacher-sponsored student organization affiliated with an elementary or secondary school located in Illinois.

(7) Proceeds of that portion of the selling price of a passenger car the sale of which is subject to the Replacement Vehicle Tax.

(8) Personal property sold to an Illinois county fair association for use in conducting, operating, or promoting the county fair.

(9) Personal property sold to a not-for-profit arts or cultural organization that establishes, by proof required by the Department by rule, that it has received an exemption under Section 501(c)(3) of the Internal Revenue Code and that is organized and operated primarily for the presentation or support of arts or cultural programming, activities, or services. These organizations include, but are not limited to, music and dramatic arts organizations such as symphony orchestras and theatrical groups, arts and cultural service organizations, local arts councils, visual arts organizations, and media arts organizations. On and after the effective date of this amendatory Act of the 92nd General Assembly, however, an entity otherwise eligible for this exemption shall not make tax-free purchases unless it has an active identification number issued by the Department.

(10) Personal property sold by a corporation, society, association, foundation, institution, or organization, other than a limited liability company, that is organized and operated as a not-for-profit service enterprise for the benefit of persons 65 years of age or older if the personal property was not purchased by the enterprise for the purpose of resale by the enterprise.

(11) Personal property sold to a governmental body, to a corporation, society, association, foundation, or institution organized and operated exclusively for charitable, religious, or educational purposes, or to a not-for-profit corporation, society, association, foundation, institution, or organization that has no compensated officers or employees and that is organized and operated primarily for the recreation of persons 55 years of age or older. A limited liability company may qualify for the exemption under this paragraph only if the limited liability company is organized and operated exclusively for educational purposes. On and after July 1, 1987, however, no entity otherwise eligible for this exemption shall make tax-free purchases unless it has an active identification number issued by the Department.

(12) Personal property sold to interstate carriers for hire for use as rolling stock moving in interstate commerce or to lessors under leases of one year or longer executed or in effect at the time of purchase by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(13) Proceeds from sales to owners, lessors, or shippers of tangible personal property that is utilized by interstate carriers for hire for use as rolling stock moving in interstate commerce and equipment operated by a telecommunications provider, licensed as a common carrier by the Federal Communications Commission, which is permanently installed in or affixed to aircraft moving in interstate commerce.

(14) Machinery and equipment that will be used by the purchaser, or a lessee of the purchaser, primarily in the process of manufacturing or assembling tangible personal property for wholesale or retail sale or lease, whether the sale or lease is made directly by the manufacturer or by some other person, whether the materials used in the process are owned by the manufacturer or some other person, or whether the sale or lease is made apart from or as an incident to the seller's engaging in the service occupation of producing machines, tools, dies, jigs, patterns, gauges, or other similar items of no commercial value on special order for a particular purchaser.

(15) Proceeds of mandatory service charges separately stated on customers' bills for purchase and consumption of food and beverages, to the extent that the proceeds of the service charge are in fact turned over as tips or as a substitute for tips to the employees who participate directly in preparing, serving, hosting or cleaning up the food or beverage function with respect to which the service charge is imposed.

(16) Petroleum products sold to a purchaser if the seller is prohibited by federal law from charging tax to the purchaser.

(17) Tangible personal property sold to a common carrier by rail or motor that receives the physical possession of the property in Illinois and that transports the property, or shares with another common carrier in the transportation of the property, out of Illinois on a standard uniform bill of lading showing the seller of the property as the shipper or consignor of the property to a destination outside Illinois, for use outside Illinois.

(18) Legal tender, currency, medallions, or gold or silver coinage issued by the State of Illinois, the government of the United States of America, or the government of any foreign country, and bullion.

(19) Oil field exploration, drilling, and production equipment, including (i) rigs and parts of rigs, rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and tubular goods, including casing and drill strings, (iii) pumps and pump-jack units, (iv) storage tanks and flow lines, (v) any individual replacement part for oil field exploration, drilling, and production equipment, and (vi) machinery and equipment purchased for lease; but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(20) Photoprocessing machinery and equipment, including repair and replacement parts, both new and used, including that manufactured on special order, certified by the purchaser to be used primarily for photoprocessing, and including photoprocessing machinery and equipment purchased for lease.

(21) Coal exploration, mining, offhighway hauling, processing, maintenance, and reclamation equipment, including replacement parts and equipment, and including equipment purchased for lease, but excluding motor vehicles required to be registered under the Illinois Vehicle Code.

(22) Fuel and petroleum products sold to or used by an air carrier, certified by the carrier to be used for consumption, shipment, or storage in the conduct of its business as an air common carrier, for a flight destined for or returning from a location or locations outside the United States without regard to previous or subsequent domestic stopovers.

(23) A transaction in which the purchase order is received by a florist who is located outside Illinois, but who has a florist located in Illinois deliver the property to the purchaser or the purchaser's donee in Illinois.

(24) Fuel consumed or used in the operation of ships, barges, or vessels that are used primarily in or for the transportation of property or the conveyance of persons for hire on rivers bordering on this State if the fuel is delivered by the seller to the purchaser's barge, ship, or vessel while it is afloat upon that bordering river.

(25) A motor vehicle sold in this State to a nonresident even though the motor vehicle is delivered to the nonresident in this State, if the motor vehicle is not to be titled in this State, and if a drive-away permit is issued to the motor vehicle as provided in Section 3-603 of the Illinois Vehicle Code or if the nonresident purchaser has vehicle registration plates to transfer to the motor vehicle upon returning to his or her home state. The issuance of the drive-away permit or having the out-of-state registration plates to be transferred is prima facie evidence that the motor vehicle will not be titled in this State.

(26) Semen used for artificial insemination of livestock for direct agricultural production.

(27) Horses, or interests in horses, registered with and meeting the requirements of any of the Arabian Horse Club Registry of America, Appaloosa Horse Club, American Quarter Horse Association, United States Trotting Association, or Jockey Club, as appropriate, used for purposes of breeding or

racing for prizes.

(28) Computers and communications equipment utilized for any hospital purpose and equipment used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(29) Personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act.

(30) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is donated for disaster relief to be used in a State or federally declared disaster area in Illinois or bordering Illinois by a manufacturer or retailer that is registered in this State to a corporation, society, association, foundation, or institution that has been issued a sales tax exemption identification number by the Department that assists victims of the disaster who reside within the declared disaster area.

(31) Beginning with taxable years ending on or after December 31, 1995 and ending with taxable years ending on or before December 31, 2004, personal property that is used in the performance of infrastructure repairs in this State, including but not limited to municipal roads and streets, access roads, bridges, sidewalks, waste disposal systems, water and sewer line extensions, water distribution and purification facilities, storm water drainage and retention facilities, and sewage treatment facilities, resulting from a State or federally declared disaster in Illinois or bordering Illinois when such repairs are initiated on facilities located in the declared disaster area within 6 months after the disaster.

(32) Beginning July 1, 1999, game or game birds sold at a "game breeding and hunting preserve area" or an "exotic game hunting area" as those terms are used in the Wildlife Code or at a hunting enclosure approved through rules adopted by the Department of Natural Resources. This paragraph is exempt from the provisions of Section 2-70.

(33) A motor vehicle, as that term is defined in Section 1-146 of the Illinois Vehicle Code, that is donated to a corporation, limited liability company, society, association, foundation, or institution that is determined by the Department to be organized and operated exclusively for educational purposes. For purposes of this exemption, "a corporation, limited liability company, society, association, foundation, or institution organized and operated exclusively for educational purposes" means all tax-supported public schools, private schools that offer systematic instruction in useful branches of learning by methods common to public schools and that compare favorably in their scope and intensity with the course of study presented in tax-supported schools, and vocational or technical schools or institutes organized and operated exclusively to provide a course of study of not less than 6 weeks duration and designed to prepare individuals to follow a trade or to pursue a manual, technical, mechanical, industrial, business, or commercial occupation.

(34) Beginning January 1, 2000, personal property, including food, purchased through fundraising events for the benefit of a public or private elementary or secondary school, a group of those schools, or one or more school districts if the events are sponsored by an entity recognized by the school district that consists primarily of volunteers and includes parents and teachers of the school children. This paragraph does not apply to fundraising events (i) for the benefit of private home instruction or (ii) for which the fundraising entity purchases the personal property sold at the events from another individual or entity that sold the property for the purpose of resale by the fundraising entity and that profits from the sale to the fundraising entity. This paragraph is exempt from the provisions of Section 2-70.

(35) Beginning January 1, 2000 and through December 31, 2001, new or used automatic vending machines that prepare and serve hot food and beverages, including coffee, soup, and other items, and replacement parts for these machines. Beginning January 1, 2002, machines and parts for machines used in commercial, coin-operated amusement and vending business if a use or occupation tax is paid on the gross receipts derived from the use of the commercial, coin-operated amusement and vending machines. This paragraph is exempt from the provisions of Section 2-70.

(35-5) ~~(36)~~ Food for human consumption that is to be consumed off the premises where it is sold (other than alcoholic beverages, soft drinks, and food that has been prepared for immediate consumption) and prescription and nonprescription medicines, drugs, medical appliances, and insulin, urine testing materials, syringes, and needles used by diabetics, for human use, when purchased for use by a person receiving medical assistance under Article 5 of the Illinois Public Aid Code who resides in a licensed long-term care facility, as defined in the Nursing Home Care Act.

(36) Beginning August 2, 2001 ~~on the effective date of this amendatory Act of the 92nd General Assembly~~, computers and communications equipment utilized for any hospital purpose and equipment

used in the diagnosis, analysis, or treatment of hospital patients sold to a lessor who leases the equipment, under a lease of one year or longer executed or in effect at the time of the purchase, to a hospital that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(37) Beginning August 2, 2001 ~~on the effective date of this amendatory Act of the 92nd General Assembly~~, personal property sold to a lessor who leases the property, under a lease of one year or longer executed or in effect at the time of the purchase, to a governmental body that has been issued an active tax exemption identification number by the Department under Section 1g of this Act. This paragraph is exempt from the provisions of Section 2-70.

(38) Beginning on January 1, 2002, tangible personal property purchased from an Illinois retailer by a taxpayer engaged in centralized purchasing activities in Illinois who will, upon receipt of the property in Illinois, temporarily store the property in Illinois (i) for the purpose of subsequently transporting it outside this State for use or consumption thereafter solely outside this State or (ii) for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property to be transported outside this State and thereafter used or consumed solely outside this State. The Director of Revenue shall, pursuant to rules adopted in accordance with the Illinois Administrative Procedure Act, issue a permit to any taxpayer in good standing with the Department who is eligible for the exemption under this paragraph (38). The permit issued under this paragraph (38) shall authorize the holder, to the extent and in the manner specified in the rules adopted under this Act, to purchase tangible personal property from a retailer exempt from the taxes imposed by this Act. Taxpayers shall maintain all necessary books and records to substantiate the use and consumption of all such tangible personal property outside of the State of Illinois.

(39) Beginning January 1, 2004 and ending December 31, 2007, automated external defibrillators purchased by a physical fitness facility for the purpose of complying with the Physical Fitness Facility Medical Emergency Preparedness Act, up to a maximum exemption of $300 per year. For purposes of this paragraph (39), "physical fitness facility" is defined as in the Physical Fitness Facility Medical Emergency Preparedness Act, except that the term does not include any facility that is owned or operated by a unit of local government or a public school, college, or university. (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99; 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff. 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff. 7-16-02; revised 1-26-03.)

Section 95. The Automated External Defibrillator Act is amended by changing Section 30 as follows:

(410 ILCS 4/30)

Sec. 30. Exemption from civil liability. (a) A physician licensed in Illinois to practice medicine in all its branches who authorizes the purchase of an automated external defibrillator is not liable for civil damages as a result of any act or omission arising out of authorizing the purchase of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(b) An individual or entity providing training in the use of automated external defibrillators is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(c) A person, unit of State or local government, or school district owning, occupying, or managing the premises where an automated external defibrillator is located is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator, except for willful or wanton misconduct, if the requirements of this Act are met.

(d) An ~~A trained~~ AED user is not liable for civil damages as a result of any act or omission involving the use of an automated external defibrillator in an emergency situation, except for willful or wanton misconduct, if the requirements of this Act are met. (Source: P.A. 91-524, eff. 1-1-00.)".

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 Schoenberg, **House Bill No. 44** 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 44 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 6-305 as follows:

(625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

Sec. 6-305. Renting motor vehicle to another. (a) No person shall rent a motor vehicle to any other person unless the latter person, or a driver designated by a nondriver with disabilities and meeting any minimum age and driver's record requirements that are uniformly applied by the person renting a motor vehicle, is then duly licensed hereunder or, in the case of a nonresident, then duly licensed under the laws of the State or country of his residence unless the State or country of his residence does not require that a driver be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the drivers license of the person to whom the vehicle is to be rented, or by whom it is to be driven, and compared and verified the signature thereon with the signature of such person written in his presence unless, in the case of a nonresident, the State or country wherein the nonresident resides does not require that a driver be licensed.

(c) No person shall rent a motorcycle to another unless the latter person is then duly licensed hereunder as a motorcycle operator, and in the case of a nonresident, then duly licensed under the laws of the State or country of his residence, unless the State or country of his residence does not require that a driver be licensed.

(d) (Blank).

(e) (Blank).

(f) Any person who rents a motor vehicle to another shall only advertise, quote, and charge a rental rate that includes the entire amount except taxes and a mileage charge, if any, which a renter must pay to hire or lease the vehicle for the period of time to which the rental rate applies. The person must provide, on the request of the renter, based on the available information, an estimated total of the daily rental rate, including all applicable taxes, fees, and other charges, or an estimated total rental charge, based on the return date of the vehicle noted on the rental agreement. Further, if the rental agreement does not already provide an estimated total rental charge, the following statement must be included in the rental agreement:

"NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN DATE NOTED ON THIS AGREEMENT."

Such person shall not charge in addition to the rental rate, taxes, and mileage charge, if any, any fee which must be paid by the renter as a condition of hiring or leasing the vehicle, such as, but not limited to, required fuel or airport surcharges, nor any fee for transporting the renter to the location where the rented vehicle will be delivered to the renter. In addition to the rental rate, taxes, and mileage charge, if any, such person may charge for an item or service provided in connection with a particular rental transaction if the renter can avoid incurring the charge by choosing not to obtain or utilize the optional item or service. Items and services for which such person may impose an additional charge include, but are not limited to, optional insurance and accessories requested by the renter, service charges incident to the renter's optional return of the vehicle to a location other than the location where the vehicle was hired or leased, and charges for refueling the vehicle at the conclusion of the rental transaction in the event the renter did not return the vehicle with as much fuel as was in the fuel tank at the beginning of the rental.

(g) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license, if any, of said latter person, and the date and place when and where the license, if any, was issued. Such record shall be open to inspection by any police officer or designated agent of the Secretary of State.

(h) A person licensed as a new car dealer under Section 5-101 of this Code shall not be subject to the provisions of this Section regarding the rental of private passenger motor vehicles when providing, free of charge, temporary substitute vehicles for customers to operate during a period when a customer's vehicle, which is either leased or owned by that customer, is being repaired, serviced, replaced or otherwise made unavailable to the customer in accordance with an agreement with the licensed new car dealer or vehicle manufacturer, so long as the customer orally or in writing is made aware that the temporary substitute vehicle will be covered by his or her insurance policy and the customer shall only be liable to the extent of any amount deductible from such insurance coverage in accordance with the terms of the policy.

(i) This Section, except the requirements of subsection (g), also applies to rental agreements of 30

continuous days or less involving a motor vehicle that was delivered by an out of State person or business to a renter in this State.

(j) A public airport may, if approved by its local government corporate authorities or its airport authority, impose a customer facility charge upon customers of rental car companies for the purposes of financing, designing, constructing, operating, and maintaining consolidated car rental facilities and common use transportation equipment and facilities, which are used to transport the customer, connecting consolidated car rental facilities with other airport facilities.

Notwithstanding subsection (f) of this Section, the customer facility charge shall be collected by the rental car company as a separate charge, and clearly indicated as a separate charge on the rental agreement and invoice. Facility charges shall be immediately deposited into a trust account for the benefit of the airport and remitted at the direction of the airport, but not more often than once per month. The charge shall be uniformly calculated on a per-contract or per-day basis. Facility charges imposed by the airport may not exceed the reasonable costs of financing, designing, constructing, operating, and maintaining the consolidated car rental facilities and common use transportation equipment and facilities and may not be used for any other purpose.

Notwithstanding any other provision of law, the charges collected under this Section are not subject to retailer occupation, sales, use, or transaction taxes.

(k) When a rental car company states a rental rate in any of its rate advertisements, its proprietary computer reservation systems, or its in-person quotations intended to apply to an airport rental, a company that collects from its customers a customer facility charge for that rental under subsection (j) shall do all of the following:

(1) Clearly and conspicuously disclose in any radio, television, or other electronic media advertisements the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

(2) Clearly and conspicuously disclose in any print rate advertising the existence and amount of the charge if the advertisement is intended for rentals at an airport imposing the charge or, if the print rate advertisement covers an area with multiple airports with different charges, a range of amounts of customer facility charges if the advertisement is intended for rentals at an airport imposing the charge.

(3) Clearly and conspicuously disclose the existence and amount of the charge in any telephonic, in-person, or computer-transmitted quotation from the rental car company's proprietary computer reservation system at the time of making an initial quotation of a rental rate if the quotation is made by a rental car company location at an airport imposing the charge and at the time of making a reservation of a rental car if the reservation is made by a rental car company location at an airport imposing the charge.

(4) Clearly and conspicuously display the charge in any proprietary computer-assisted reservation or transaction directly between the rental car company and the customer, shown or referenced on the same page on the computer screen viewed by the customer as the displayed rental rate and in a print size not smaller than the print size of the rental rate.

(5) Clearly and conspicuously disclose and separately identify the existence and amount of the charge on its rental agreement.

(6) A rental car company that collects from its customers a customer facility charge under subsection (j) and engages in a practice which does not comply with subsections (f), (j), and (k) commits an unlawful practice within the meaning of the Consumer Fraud and Deceptive Business Practices Act.

(Source: P.A. 92-426, eff. 1-1-02.)".

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 Trotter, **House Bill No. 88** having been printed, was taken up and read by title a second time.

Floor Amendment No. 1 was held in the Committee on Health and Human Services.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 88 on page 4, by replacing lines 7 through 15 with the following:

"No later than January 1 2004, the Department shall report to the Governor and the General Assembly whether each State-operated facility for the mentally ill and developmentally disabled under the jurisdiction of the Department and all services provided in those facilities comply with all of the applicable standards adopted by the Social Security Administration under Subchapter XVIII (Medicare) of the Social Security Act (42 U.S.C. 1395-1395ccc), if the facility and services may be eligible for federal financial participation under that federal law. For those facilities that do comply, the report shall indicate what actions need to be taken to ensure continued compliance. For those facilities that do not comply, the report shall indicate what actions need to be taken to bring each facility into compliance."; and

on page 5, in line 22, by replacing "Where" with "Subject to specific appropriation, where"; and

on page 12, by replacing lines 21 through 26 with the following: "findings and recommendations. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department of Human Services. The Inspector General shall"; and

on page 16, by replacing lines 8 through 14 with the following:

"implemented. Within 60 days after the Secretary has approved the response, the facility or agency shall send notice of the completion of the corrective action or shall send an updated implementation report. The facility or agency shall continue sending updated implementation reports every 60 days until the facility or agency sends a notice of the completion of the corrective action. The Inspector General shall review any implementation plan that takes more than 120 days. The Inspector General shall monitor compliance through a random review of completed corrective actions. This monitoring may include, but need not be limited to, site visits, telephone contacts, or requests for written documentation from the facility or agency to determine whether the facility or agency is in compliance with the approved response. The facility or agency shall inform the".

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 Schoenberg, **House Bill No. 276** having been printed, was taken up and read by title a second time.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 276 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Tobacco Products Manufacturers' Escrow Enforcement Act of 2003.

Section 5. Findings; purpose. The General Assembly finds that violations of the Tobacco Product Manufacturers' Escrow Act threaten the integrity of the tobacco Master Settlement Agreement, the fiscal soundness of the State, and the public health. The General Assembly finds that enacting procedural enhancements will help prevent violations and aid the enforcement of the Tobacco Product Manufacturers' Escrow Act and thereby safeguard the Master Settlement Agreement, the fiscal soundness of the State, and the public health. The provisions of this Act are not intended to and shall not be interpreted to amend the Tobacco Product Manufacturers' Escrow Act.

Section 10. Definitions. As used in this Act:

"Brand family" means all styles of cigarettes sold under the same trade mark and differentiated from one another by means of additional modifiers or descriptors, including, but not limited to, menthol, lights, kings, and 100s and includes any brand name (alone or in conjunction with any other word) trademark, logo, symbol, motto, selling message, recognizable pattern of colors, or any other indicia of product identification identical or similar to, or identifiable with, a previously known brand of cigarettes.

"Cigarette" has the same meaning in Section 10 of the Escrow Act.

"Director" means the Director of Revenue.

"Distributor" has the same meaning prescribed in Section 1 of the Cigarette Tax Act, Section 1 of the Cigarette Use Tax Act, and, in addition, means a distributor of roll-your-own tobacco in accordance with Section 10-5 of the Tobacco Products Tax Act of 1995, as appropriate.

"Escrow Act" means the Tobacco Product Manufacturers' Escrow Act.

"Non-participating manufacturer" means any Tobacco Product Manufacturer that is not a

participating manufacturer.

"Participating manufacturer" has the meaning given that term in Section II(jj) of the Master Settlement Agreement and all amendments thereto.

"Qualified escrow fund" has the same meaning as that term is defined in Section 10 of the Escrow Act.

"Tobacco product manufacturer" has the same meaning as that term is defined in Section 10 of the Escrow Act.

"Units sold" has the same meaning as that term is defined in Section 10 of the Escrow Act.

Section 15. Certifications; directory; tax stamps.

(a) Every tobacco product manufacturer whose cigarettes are sold in this State whether directly or through a distributor, retailer, or similar intermediary or intermediaries shall execute and deliver on a form prescribed by the Attorney General a certification to the Attorney General, no later than the thirtieth day of April each year, certifying under penalty of perjury that, as of the date of the certification, the tobacco product manufacturer either: (i) is a participating manufacturer and has generally performed its financial obligations under the Master Settlement Agreement; or (ii) is in full compliance with the Escrow Act, including all quarterly installment payments.

(1) A participating manufacturer shall include in its certification a list of its brand families. The participating manufacturer shall update the list 30 days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General.

(2) A non-participating manufacturer shall include in its certification a complete list of all of its brand families: (i) separately listing brand families of cigarettes and the number of units sold for each brand family that were sold in the State during the preceding calendar year; (ii) listing all of its brand families that have been sold in the State at any time during the current calendar year; (iii) indicating by an asterisk, any brand family sold in the State during the preceding calendar year that is no longer being sold in the State as of the date of the certification; and (iv) identifying by name and address any other manufacturer of the brand families in the preceding calendar year. The non-participating manufacturer shall update the list 30 days prior to any addition to or modification of its brand families by executing and delivering a supplemental certification to the Attorney General.

(3) In the case of a non-participating manufacturer, the certification shall further certify:

(A) that the non-participating manufacturer is registered to do business in this State or has appointed a resident agent for service of process and provided notice thereof as required by item 4 of subsection (a) of this Section;

(B) that the non-participating manufacturer has (i) established and continues to maintain a qualified escrow fund as that term is defined in Section 10 of the Escrow Act, and (ii) executed a qualified escrow agreement that has been reviewed and approved by the Attorney General and that governs the qualified escrow fund;

(C) that the non-participating manufacturer is in full compliance with the Escrow Act and this Section, and any regulations promulgated pursuant thereto;

(D) the name, address and telephone number of the financial institution where the non-participating manufacturer has established the qualified escrow fund required pursuant to Section 15 of the Escrow Act and all regulations promulgated thereto;

(E) the account number of the qualified escrow fund and sub-account number for this State;

(F) the amount the non-participating manufacturer placed in the fund for cigarettes sold in the State during the preceding calendar year, including the dates and amount of each deposit, and such evidence or verification as may be deemed necessary by the Attorney General to confirm the foregoing; and

(G) the amounts of and dates of any withdrawal or transfer of funds the non-participating manufacturer made at any time from the fund or from any other qualified escrow fund into which it ever made escrow payments pursuant to Section 15 of the Escrow Act and all regulations promulgated thereto.

(4) A tobacco product manufacturer may not include a brand family in its certification unless: (i) in the case of a participating manufacturer, the participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of calculating its payments under the master settlement agreement for the relevant year, in the volume and shares determined pursuant to the master settlement agreement; and (ii) in the case of a non-participating manufacturer, the non-participating manufacturer affirms that the brand family is to be deemed to be its cigarettes for purposes of Section 15 of the Escrow Act.

Nothing in this Section shall be construed as limiting or otherwise affecting the State's right to maintain that a brand family constitutes cigarettes of a different tobacco product manufacturer for

purposes of calculating payments under the master settlement agreement or for purposes of Section 15 of the Escrow Act.

(5) The tobacco product manufacturers shall maintain all invoices and documentation of sales and other information relied upon for certification for a period of 5 years, unless otherwise required by law to maintain them for a greater period of time.

(b) Not later than 6 months after the effective date of this Act, the Attorney General shall develop and make available for public inspection, through publishing on its website, a directory listing all tobacco product manufacturers that have provided current and accurate certifications conforming to the requirements of subsection (a) of Section 15 and all brand families that are listed in the certifications, except for the following:

(1) The Attorney General shall not include or retain in the directory the name or brand families of any non-participating manufacturer that fails to provide the required certification or whose certification the Attorney General determines is not in compliance with subsections (a)(2) or (a)(3) of Section 15, unless the Attorney General has determined that the violation has been cured to the satisfaction of the Attorney General.

(2) Neither a tobacco product manufacturer nor brand family shall be included or retained in the directory if the Attorney General concludes that: (i) in the case of a non-participating manufacturer all escrow payments required pursuant to Section 15 of the Escrow Act for any period for any brand family, whether or not listed by the non-participating manufacturer, have not been fully paid into a qualified escrow fund governed by a qualified escrow agreement that has been approved by the Attorney General; or (ii) all outstanding final judgments, including interest thereon, for violations of Section 15 of the Escrow Act have not been fully satisfied for that brand family and manufacturer.

(3) The Attorney General shall update the directory as necessary in order to correct mistakes and to add or remove a tobacco product manufacturer or brand families to keep the directory in conformity with the requirements of this Act.

(4) Every distributor shall provide and update as necessary an electronic mail address to the Attorney General for the purpose of receiving any notifications as may be required by this Act.

(c) It shall be unlawful for any person: (i) to affix a stamp to a package or other container of cigarettes of a tobacco product manufacturer or brand family not included in the directory or to sell, offer, or possess for sale in this State; or (ii) import for personal consumption in this State, cigarettes of a tobacco product manufacturer or brand family not included in the directory.

Section 20. Agent for service of process.

(a) Any non-resident or foreign non-participating manufacturer that has not registered to do business in this State as a foreign corporation or business entity shall, as a condition precedent to having its brand families listed or retained in the directory, appoint and continually engage without interruption the services of an agent in this State to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of this Act and the Escrow Act, may be served in any manner authorized by law. The service shall constitute legal and valid service of process on the non-participating manufacturer. The non-participating manufacturer shall provide the name, address, phone number, and proof of the appointment and availability of the agent to and to the satisfaction of the Director and Attorney General.

(b) The non-participating manufacturer shall provide notice to the Director and Attorney General 30 calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the Attorney General of the appointment of a new agent no less than 5 calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the non-participating manufacturer shall notify the Director and Attorney General of the termination within 5 calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

(c) Any non-participating manufacturer whose products are sold in this State, without appointing or designating an agent as herein required shall be deemed to have appointed the Secretary of State as the agent and may be proceeded against in courts of this State by service of process upon the Secretary of State; however, the appointment of the Secretary of State as an agent shall not satisfy the condition precedent to having its brand families listed or retained in the directory.

Section 25. Reporting of information; escrow installments.

(a) Not later than 20 days after the end of each calendar quarter, and more frequently if so directed by the Attorney General, each distributor shall submit the information as the Attorney General requires to facilitate compliance with this Section, including, but not limited to, a list by brand family of the total number of cigarettes or in the case of roll-your-own, the equivalent stick count for which the distributor affixed stamps during the previous calendar quarter or otherwise paid the tax due for these cigarettes.

The distributor shall maintain, and make available to the Attorney General, all invoices and documentation of sales of all non-participating manufacturer cigarettes and any other information relied upon in reporting to the Attorney General for a period of 5 years.

(b) The Director is authorized to disclose to the Attorney General any information received under this Act and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of this Act. The Director and Attorney General shall share with each other the information received under this Act, and may share the information with other federal, State, or local agencies only for purposes of enforcement of this Act, the Escrow Act, or corresponding laws of other states.

(c) The Attorney General may require at any time, from the non-participating manufacturer, proof from the financial institution in which the manufacturer has established a qualified escrow fund for the purpose of compliance with the Escrow Act of the amount of money in the fund being held on behalf of the State and the dates of deposits, and listing the amounts of all withdrawals from the fund and the dates thereof.

(d) In addition to the information required to be submitted pursuant to this Act, the Attorney General may require a distributor or tobacco product manufacturer to submit any additional information including, but not limited to, samples of the packaging or labeling of each brand family, as is necessary to enable the Attorney General to determine whether a tobacco product manufacturer is in compliance with this Act.

(e) To promote compliance with the provisions of this Act, the Attorney General may promulgate regulations requiring a tobacco product manufacturer subject to the requirements of subsection (a)(2) of Section 15 to make the escrow deposits required in quarterly installments during the year in which the sales covered by the deposits are made. The Attorney General may require production of information sufficient to enable the Attorney General to determine the adequacy of the amount of the installment deposit.

Section 30. Penalties and other remedies.

(a) In addition to or in lieu of any other civil or criminal remedy provided by law, upon a determination that a distributor has violated subsection (c) of Section 15 or any regulation adopted pursuant thereto, the Director may revoke or suspend the license of any stamping agent in the manner provided by Section 6 of the Cigarette Tax Act, Section 6 of the Cigarette Use Tax Act, or Section 10-25 of the Tobacco Products Tax Act of 1995, as appropriate. Each stamp affixed and each offer to sell cigarettes in violation of subsection (c) of Section 15 shall constitute a separate violation. For each violation, the Director may also impose a civil penalty in an amount not to exceed the greater of 500% of the retail value of the cigarettes sold or $5,000 upon a determination of violation of subsection (c) of Section 15 or any regulations adopted pursuant thereto.

(b) Any cigarettes that have been sold, offered for sale, or possessed for sale in this State, or imported for personal consumption in this State in violation of subsection (c) of Section 15 shall be subject to seizure and forfeiture as provided in Sections 18, 18a, and 20 of the Cigarette Tax Act and Sections 24, 25, 25a and 26 of the Cigarette Use Tax Act, and all cigarettes so seized and forfeited shall be destroyed and not resold.

(c) The Attorney General may seek an injunction to restrain a threatened or actual violation of subsection (c) of Section 15, subsection (a) of Section 25, or subsection (d) of Section 25 by a stamping agent and to compel the stamping agent to comply with such subsections. In any action brought pursuant to this Section, the State shall be entitled to recover the costs of investigation, costs of the action, and reasonable attorney fees.

(d) It shall be unlawful for a person to: (i) sell or distribute cigarettes; or (ii) acquire, hold, own, possess, transport, import, or cause to be imported cigarettes that the person knows or should know are intended for distribution or sale in the State in violation of subsection (c) of Section 15. A violation of this Section shall be a Class 2 felony.

(e) A person who violates subsection (c) of Section 15 engages in an unfair and deceptive trade practice in violation of the Uniform Deceptive Trade Practices Act.

Section 35. Miscellaneous provisions.

(a) A determination of the Attorney General to not list or to remove from the directory a brand family or tobacco product manufacturer shall be subject to review in the manner prescribed by rule.

(b) No person shall be issued a license or granted a renewal of a license to act as a distributor unless the person has certified in writing, under penalty of perjury, that the person will comply fully with this Section.

(c) The Attorney General may promulgate regulations necessary to effect the purposes of this Act.

(d) In any action brought by the State to enforce this Act, the State shall be entitled to recover the

costs of investigation, expert witness fees, costs of the action, and reasonable attorney fees.

(e) If a court determines that a person has violated this Act, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the General Revenue Fund.

(f) Unless otherwise expressly provided the remedies or penalties provided by this Act are cumulative to each other and to the remedies or penalties available under all other laws of this State.

Section 40. Severability.

(a) If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

(b) If a court of competent jurisdiction finds that the provisions of this Act and of the Escrow Act conflict and cannot be harmonized, then the provisions of the Escrow Act shall control.

(c) If any Section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Act (excluding the amendatory provisions of Section 300) causes the Escrow Act to no longer constitute a qualifying or model statute, as those terms are defined in the Master Settlement Agreement, then that portion of this Act shall not be valid.

(30 ILCS 169/Act rep.)

Section 200. The Tobacco Products Manufacturers' Escrow Enforcement Act is repealed.

Section 300. The Tobacco Product Manufacturers' Escrow Act is amended by changing Section 15 and by adding Section 20 as follows:

(30 ILCS 168/15)

Sec. 15. Requirements. (a) Any tobacco product manufacturer selling cigarettes to consumers within the State of Illinois (whether directly or through a distributor, retailer, or similar intermediary or intermediaries) after the effective date of this Act shall do one of the following:

(1) become a participating manufacturer (as that term is defined in Section II(jj) of the Master Settlement Agreement) and generally perform its financial obligations under the Master Settlement Agreement; or

(2) (A) place into a qualified escrow fund by April 15 of the year following the year in question the following amounts (as such amounts are adjusted for inflation):

(i) For 1999: $0.0094241 per unit sold after the effective date of this Act;

(ii) For 2000: $0.0104712 per unit sold;

(iii) For each of 2001 and 2002: $0.0136125 per unit sold;

(iv) For each of 2003 through 2006: $0.0167539 per unit sold;

(v) For each of 2007 and each year thereafter: $0.0188482 per unit sold.

(B) A tobacco product manufacturer that places funds into escrow pursuant to subdivision (a)(2)(A) shall receive the interest or other appreciation on the funds as earned. The funds themselves shall be released from escrow only under the following circumstances:

(i) to pay a judgment or settlement on any released claim brought against the tobacco product manufacturer by the State or any releasing party located or residing in the State. Funds shall be released from escrow under this subdivision (a)(2)(B)(i): (I) in the order in which they were placed into escrow; and (II) only to the extent and at the time necessary to make payments required under such judgment or settlement;

(ii) to the extent that a tobacco product manufacturer establishes that the amount it was required to place into escrow on account of units sold in the State in a particular year was greater than the Master Settlement Agreement payments, as determined pursuant to Section IX(i) of that Agreement, including after final determination of all adjustments, that such manufacturer would have been required to make on account of such units sold ~~the State's allocable share of the total payments that such manufacturer would have been required to make in that year under the Master Settlement Agreement (as determined pursuant to Section IX(i)(2) of the Master Settlement Agreement, and before any of the adjustments or offsets described in Section IX(i)(3) of that Agreement other than the Inflation Adjustment)~~ had it been a Participating Manufacturer, the excess shall be released from escrow and revert back to such tobacco product manufacturer; or

(iii) to the extent not released from escrow under subdivisions (a)(2)(B)(i) or (a)(2)(B)(ii), funds shall be released from escrow and revert back to such tobacco product manufacturer 25 years after the date on which they were placed into escrow.

(C) Each tobacco product manufacturer that elects to place funds into escrow pursuant to this subdivision (a)(2) shall annually certify to the Attorney General that it is in compliance with this subdivision (a)(2). The Attorney General may bring a civil action on behalf of the State of Illinois against any tobacco product manufacturer that fails to place into escrow the funds required under

this subdivision (a)(2). Any tobacco product manufacturer that fails in any year to place into escrow the funds required under this subdivision (a)(2) shall:

(i) be required within 15 days to place such funds into escrow as shall bring it into compliance with this Section. The court, upon a finding of a violation of this subdivision (a)(2), may impose a civil penalty to be paid into the General Revenue Fund in an amount not to exceed 5% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 100% of the original amount improperly withheld from escrow;

(ii) in the case of a knowing violation, be required within 15 days to place such funds into escrow as shall bring it into compliance with this Section. The court, upon a finding of a knowing violation of this subdivision (a)(2), may impose a civil penalty to be paid into the General Revenue Fund in an amount not to exceed 15% of the amount improperly withheld from escrow per day of the violation and in a total amount not to exceed 300% of the original amount improperly withheld from escrow; and

(iii) in the case of a second knowing violation, be prohibited from selling cigarettes to consumers within the State of Illinois (whether directly or through a distributor, retailer, or similar intermediary) for a period not to exceed 2 years.

(b) Each failure to make an annual deposit required under this Section shall constitute a separate violation. If a tobacco product manufacturer is successfully prosecuted by the Attorney General for a violation of subdivision (a)(2), the tobacco product manufacturer must pay, in addition to any fine imposed by a court, the State's costs and attorney's fees incurred in the prosecution. (Source: P.A. 91-41, eff. 6-30-99.)

(30 ILCS 168/20 new)

Sec. 20. If this amendatory Act of the 93rd General Assembly or any portion of the amendment to subdivision (2)(B)(ii) of subsection (a) of Section 15 made by this amendatory Act of the 93rd General Assembly is held by a court of competent jurisdiction to be unconstitutional, then such subdivision (2)(B)(ii) of subsection (a) of Section 15 shall be deemed to be repealed in its entirety. If subdivision (2)(B)(ii) of subsection (a) of Section 15 shall thereafter be held by a court of competent jurisdiction to be unconstitutional, then this amendatory Act of the 93rd General Assembly shall be deemed repealed and subdivision (2)(B)(ii) of subsection (a) of Section 15 shall be restored as if no such amendments had been made. Neither any holding of unconstitutionality nor the repeal of subdivision (2)(B)(ii) of subsection (a) of Section 15 shall affect, impair, or invalidate any other portion of Section 15 or the application of such Section to any other person or circumstance, and such remaining portions of Section 15 shall at all times continue in full force and effect.".

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 Trotter, **House Bill No. 294** having been printed, was taken up and read by title a second time.

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

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

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 294 on page 4, by replacing lines 11 through 14 with the following:

"children in care. Co-payments shall not be increased due solely to a change in the methodology for counting family income."; and

on page 5, after line 12, by inserting the following:

"Section 99. Effective date. This Act takes effect on September 1, 2003.".

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 Lightford, **House Bill No. 2329** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **House Bill No. 2332** 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 Welch, **House Bill No. 3053**, 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 None.

The following voted in the affirmative:

Althoff	Haine	Obama	Sullivan, D.
Bomke	Halvorson	Peterson	Sullivan, J.
Brady	Harmon	Petka	Trotter
Burzynski	Hendon	Radogno	Viverito
Clayborne	Hunter	Righter	Walsh
Collins	Jacobs	Risinger	Watson
Cronin	Jones, J.	Ronen	Welch
Crotty	Jones, W.	Roskam	Winkel
Cullerton	Lauzen	Rutherford	Wojcik
del Valle	Lightford	Sandoval	Woolard
DeLeo	Link	Schoenberg	Mr. President
Demuzio	Luechtefeld	Shadid	
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 Halvorson, **House Bill No. 3080**, 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	Halvorson	Peterson	Sullivan, D.
Bomke	Harmon	Petka	Sullivan, J.
Brady	Hendon	Radogno	Syverson
Burzynski	Hunter	Rauschenberger	Trotter
Clayborne	Jacobs	Righter	Viverito
Collins	Jones, J.	Risinger	Walsh
Cronin	Jones, W.	Ronen	Watson
Crotty	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	

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.

HOUSE BILL RECALLED

On motion of Senator Roskam, **House Bill No. 3091** was recalled from the order of third reading to the order of second reading.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3091, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by adding Section 20-1.3 as follows:

(720 ILCS 5/20-1.3 new)

Sec. 20-1.3. Place of worship arson.

(a) A person commits the offense of place of worship arson when, in the course of committing an arson, he or she knowingly damages, partially or totally, any place of worship.

(b) Sentence. Place of worship arson is a Class 1 felony.

Section 10. The Unified Code of Corrections is amended by changing Sections 5-5-3 and 5-8-1.1 and adding Section 5-9-1.12 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 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 or 20-1.3 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.

(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.)

(730 ILCS 5/5-8-1.1) (from Ch. 38, par. 1005-8-1.1)

Sec. 5-8-1.1. Impact incarceration. (a) The Department may establish and operate an impact incarceration program for eligible offenders. If the court finds under Section 5-4-1 that an offender sentenced to a term of imprisonment for a felony may meet the eligibility requirements of the Department, the court may in its sentencing order approve the offender for placement in the impact incarceration program conditioned upon his acceptance in the program by the Department. Notwithstanding the sentencing provisions of this Code, the sentencing order also shall provide that if the Department accepts the offender in the program and determines that the offender has successfully completed the impact incarceration program, the sentence shall be reduced to time considered served upon certification to the court by the Department that the offender has successfully completed the program. In the event the offender is not accepted for placement in the impact incarceration program or the offender does not successfully complete the program, his term of imprisonment shall be as set forth by the court in its sentencing order.

(b) In order to be eligible to participate in the impact incarceration program, the committed person shall meet all of the following requirements:

(1) The person must be not less than 17 years of age nor more than 35 years of age.

(2) The person has not previously participated in the impact incarceration program and has not previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

(3) The person has not been convicted of a Class X felony, first or second degree murder, armed violence, aggravated kidnapping, criminal sexual assault, aggravated criminal sexual abuse or a subsequent conviction for criminal sexual abuse, forcible detention, residential arson, place of worship arson, or arson and has not been convicted previously of any of those offenses.

(4) The person has been sentenced to a term of imprisonment of 8 years or less.

(5) The person must be physically able to participate in strenuous physical activities or labor.

(6) The person must not have any mental disorder or disability that would prevent participation in the impact incarceration program.

(7) The person has consented in writing to participation in the impact incarceration program and to the terms and conditions thereof.

(8) The person was recommended and approved for placement in the impact incarceration program in the court's sentencing order.

The Department may also consider, among other matters, whether the committed person has any outstanding detainers or warrants, whether the committed person has a history of escaping or absconding, whether participation in the impact incarceration program may pose a risk to the safety or security of any person and whether space is available.

(c) The impact incarceration program shall include, among other matters, mandatory physical training and labor, military formation and drills, regimented activities, uniformity of dress and appearance, education and counseling, including drug counseling where appropriate.

(d) Privileges including visitation, commissary, receipt and retention of property and publications and access to television, radio and a library may be suspended or restricted, notwithstanding provisions to the contrary in this Code.

(e) Committed persons participating in the impact incarceration program shall adhere to all Department rules and all requirements of the program. Committed persons shall be informed of rules of behavior and conduct. Disciplinary procedures required by this Code or by Department rule are not applicable except in those instances in which the Department seeks to revoke good time.

(f) Participation in the impact incarceration program shall be for a period of 120 to 180 days. The period of time a committed person shall serve in the impact incarceration program shall not be reduced by the accumulation of good time.

(g) The committed person shall serve a term of mandatory supervised release as set forth in subsection (d) of Section 5-8-1.

(h) A committed person may be removed from the program for a violation of the terms or conditions of the program or in the event he is for any reason unable to participate. The Department shall promulgate rules and regulations governing conduct which could result in removal from the program or in a determination that the committed person has not successfully completed the program. Committed persons shall have access to such rules, which shall provide that a committed person shall receive notice and have the opportunity to appear before and address one or more hearing officers. A committed person may be transferred to any of the Department's facilities prior to the hearing.

(i) The Department may terminate the impact incarceration program at any time.

(j) The Department shall report to the Governor and the General Assembly on or before September 30th of each year on the impact incarceration program, including the composition of the program by the offenders, by county of commitment, sentence, age, offense and race.

(k) The Department of Corrections shall consider the affirmative action plan approved by the Department of Human Rights in hiring staff at the impact incarceration facilities. The Department shall report to the Director of Human Rights on or before April 1 of the year on the sex, race and national origin of persons employed at each impact incarceration facility. (Source: P.A. 88-311; 88-674, eff. 12-14-94.)

(730 ILCS 5/5-9-1.12 new)

Sec. 5-9-1.12. Arson fines.

(a) In addition to any other penalty imposed, a fine of $500 shall be imposed upon a person convicted of the offense of arson, residential arson, or aggravated arson.

(b) The additional fine shall be assessed by the court imposing sentence and shall be collected by the Circuit Clerk in addition to the fine, if any, and costs in the case. Each such additional fine shall be remitted by the Circuit Clerk within one month after receipt to the State Treasurer for deposit into the Fire Prevention Fund. The Circuit Clerk shall retain 10% of such fine to cover the costs incurred in administering and enforcing this Section. The additional fine may not be considered a part of the fine for purposes of any reduction in the fine for time served either before or after sentencing.

(c) The moneys in the Fire Prevention Fund collected as additional fines under this Section shall be distributed by the Office of the State Fire Marshal to the fire department or fire protection district that

suppressed or investigated the fire that was set by the defendant and for which the defendant was convicted of arson, residential arson, or aggravated arson. If more than one fire department or fire protection district suppressed or investigated the fire, the additional fine shall be distributed equally among those departments or districts.

(d) The moneys distributed to the fire departments or fire protection districts under this Section may only be used to purchase fire suppression or fire investigation equipment.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Link, **House Bill No. 3101**, 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 None.

The following voted in the affirmative:

Althoff	Halvorson	Petka	Sullivan, J.
Bomke	Harmon	Radogno	Syverson
Brady	Hendon	Rauschenberger	Trotter
Burzynski	Hunter	Righter	Viverito
Clayborne	Jacobs	Risinger	Walsh
Collins	Jones, J.	Ronen	Watson
Cronin	Jones, W.	Roskam	Welch
Crotty	Lauzen	Rutherford	Winkel
del Valle	Lightford	Sandoval	Wojcik
DeLeo	Link	Schoenberg	Woolard
Demuzio	Maloney	Shadid	Mr. President
Dillard	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Geo-Karis	Obama	Soden	
Haine	Peterson	Sullivan, D.	

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.

HOUSE BILL RECALLED

On motion of Senator Harmon, **House Bill No. 3142** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3142 on page 1, by replacing lines 13 through 25 with the following:

"Section 10. Online information concerning investment of public funds. Each State agency shall make available on the Internet, and update at least monthly by the 15th of the month, sufficient information concerning the investment of any public funds held by that State agency to identify the following:

(1) the amount of funds held by that agency on the last day of the preceding month or the average daily balance for the preceding month;

(2) the total monthly investment income and yield for all funds invested by that agency;

(3) the asset allocation of the investments made by that agency; and

(4) a complete listing of all approved depository institutions, commercial paper issuers, and broker-dealers approved to do business with that agency.

Section 15. Information exempt from posting requirement. Nothing in this Act shall require a State agency to make information available on the Internet that is exempt from inspection and copying under the Freedom of Information Act.".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Welch, **House Bill No. 3298**, 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	Halvorson	Peterson	Sullivan, D.
Bomke	Harmon	Petka	Sullivan, J.
Brady	Hendon	Radogno	Syverson
Burzynski	Hunter	Rauschenberger	Trotter
Clayborne	Jacobs	Righter	Viverito
Collins	Jones, J.	Risinger	Walsh
Cronin	Jones, W.	Ronen	Watson
Crotty	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	
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 Welch, **House Bill No. 3321**, 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	Halvorson	Peterson	Sullivan, D.
Bomke	Harmon	Petka	Sullivan, J.
Brady	Hendon	Radogno	Syverson
Burzynski	Hunter	Rauschenberger	Trotter
Clayborne	Jacobs	Righter	Viverito

Collins	Jones, J.	Risinger	Walsh
Cronin	Jones, W.	Ronen	Watson
Crotty	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	
Haine	Obama	Soden	

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Haine, **House Bill No. 3411** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3411 by replacing lines 26 through 31 on page 1 and line 1 on page 2 with the following:

"(b) The Chairman of the County Board of St. Clair County shall appoint a commissioner for the term expiring in January, 2004 and in the following year the Chairman of the County Board of Madison County shall appoint a commissioner for the term expiring in January of that year. Successive appointments shall alternate between the Chairman of the St. Clair County Board and the Chairman of the Madison County Board, except as may be modified by the provisions of subsection (c).

(c) In the event that a tax has been imposed in Monroe County consistent with the provisions of Section 5.01 of the Local Mass Transit District Act, the Chairman of the Monroe County Board shall, upon the expiration of the term of a commissioner who is a resident of the County in which 3 of the then remaining commissioners reside, appoint a commissioner with the advice and consent of the Monroe County Board. The commissioner appointed by the Monroe County Board shall hold office for a term of 5 years and a successor shall be appointed by the chairman of the Monroe County Board, with the advice and consent of the Monroe County Board. The appointments of the 4 remaining commissioners shall then continue to alternate between St. Clair and Madison County so that each County shall continue to retain the appointments of 2 commissioners. To the extent that this subsection (c) conflicts with any other provision of this Section or Section 3, the provisions of this subsection (c) control.".

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. 3528** was recalled from the order of third reading to the order of second reading.

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

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 3528 on page 2, by replacing lines 27 and 28 with the following:

"Section 20. Applicability.

(a) A person may not bring an action under this Act against a licensee or employee of a"; and

by replacing all of page 3 with the following:

"all applicable provisions of the Liquor Control Act of 1934.

(b) This Act applies only to causes of action that accrue on or after October 1, 2004.".

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 Collins, **House Bill No. 3556** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 3556, AS AMENDED, 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;~~.~~

(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, Section 5-6-3 of the Unified Code of Corrections, and Section 3 of the Sex Offender Registration Act, 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.

(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:

(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 the first $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 $20 ~~$10~~ initial registration fee and a $10 ~~$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.".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cullerton, **House Bill No. 3582**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Obama, **House Bill No. 3608**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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.

HOUSE BILL RECALLED

On motion of Senator Jacobs, **House Bill No. 3661** was recalled from the order of third reading to the order of second reading.

The Committee on Insurance and Pensions offered the following amendment:

AMENDMENT NO. 3

AMENDMENT NO. __3__. Amend House Bill 3661, AS AMENDED, in the introductory clause of Section 5, by replacing "245.25" with "143.17a, 245.25"; and

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

"(215 ILCS 5/143.17a) (from Ch. 73, par. 755.17a)

Sec. 143.17a. Notice of intention not to renew.

a. No company shall fail to renew any policy of insurance, to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, unless it shall send by mail to the named insured at least 60 days advance notice of its intention not to renew. The company shall maintain proof of mailing of such notice on one of the following forms: a recognized U.S. Post Office form or a form acceptable to the U.S. Post Office or other commercial mail delivery service. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record and to the mortgagee or lien holder at the last mailing address known by the company. However, where cancellation is for nonpayment of premium, the notice of cancellation must be mailed at least 10 days before the effective date of the cancellation.

b. This Section does not apply if the company has manifested its willingness to renew directly to the named insured. Provided, however, that no company may increase the renewal premium on any policy of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, by 30% or more, nor impose changes in deductibles or coverage that materially alter the policy, unless the company shall have mailed or delivered to the named insured written notice of such increase or change in deductible or coverage at least 60 days prior to the renewal or anniversary date. The increase in premium shall be the renewal premium based on the known exposure as of the date of the quotation compared to the premium as of the last day of coverage for the current year's policy, annualized. The premium on the renewal policy may be subsequently amended to reflect any change in exposure or reinsurance costs not considered in the quotation. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record. If the company intends to increase the premium on a policy by 30% or more and the renewal date is less than 60 but more than 30 days away, then the company must extend the current policy under the same terms, conditions, and premium to allow 60 days notice of renewal and provide the actual renewal premium quotation and any change in coverage or deductible on the policy. Proof of mailing or proof of receipt may be proven by a sworn affidavit by the insurer as to the usual and customary business practices of mailing notice pursuant to this Section or may be proven consistent with Illinois Supreme Court Rule 236. ~~The company shall maintain proof of mailing or proof of receipt whichever is required.~~

c. Should a company fail to comply with the notice requirements of this Section, the policy shall terminate only as provided in this subsection. In the event of a nonrenewal, if a notice of nonrenewal is not provided at least ~~31 days, but less than~~ 60 days prior to expiration of the policy, the policy shall be extended for an additional year ~~a period of 60 days or until the effective date of any similar insurance procured by the insured, whichever is less,~~ on the same terms and conditions as the policy sought to be terminated. In the event notice is provided less than 31 days prior to the expiration of the policy, the policy shall be extended for a period of one year or until the effective date of any similar insurance procured by the insured, whichever is less, on the same terms and conditions as the policy sought to be terminated unless the insurer has manifested its willingness to renew at a premium which represents an increase not exceeding 30%. ~~The premium for coverage shall be prorated in accordance with the amount of the last year's premium, and the company shall be entitled to this premium for the extension of coverage and such extension may be contingent upon the payment of such premium.~~

d. Renewal of a policy does not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

e. In all notices of intention not to renew any policy of insurance, as defined in Section 143.11 the company shall provide a specific explanation of the reasons for nonrenewal.

(Source: P.A. 89-669, eff. 1-1-97.)"; and

at the end of the bill, by inserting the following:

"Section 99. Effective date. The changes made to Sec. 143.17a of the Illinois Insurance Code in Section 5 of this Act take effect upon becoming law.".

Senator Jacobs moved that the foregoing amendment be ordered to lie on the table.
The motion to table prevailed.

Committee Amendment No. 4 was tabled in the Committee on Insurance and Pensions.
Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 5

AMENDMENT NO. __5__. Amend House Bill 3661, AS AMENDED, in the introductory portion of Section 5, by replacing "Sections 245.25" with "Sections 143.17a, 245.25"; and

on page 2, after line 7, by inserting the following:

"(215 ILCS 5/143.17a) (from Ch. 73, par. 755.17a)

Sec. 143.17a. Notice of intention not to renew.

a. No company shall fail to renew any policy of insurance, to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, unless it shall send by mail to the named insured at least 60 days advance notice of its intention not to renew. The company shall maintain proof of mailing of such notice on one of the following forms: a recognized U.S. Post Office form or a form acceptable to the U.S. Post Office or other commercial mail delivery service. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record and to the mortgagee or lien holder at the last mailing address known by the company. However, where cancellation is for nonpayment of premium, the notice of cancellation must be mailed at least 10 days before the effective date of the cancellation.

b. This Section does not apply if the company has manifested its willingness to renew directly to the named insured. Provided, however, that no company may increase the renewal premium on any policy of insurance to which Section 143.11 applies, except for those defined in subsections (a), (b), (c), and (h) of Section 143.13, by 30% or more, nor impose changes in deductibles or coverage that materially alter the policy, unless the company shall have mailed or delivered to the named insured written notice of such increase or change in deductible or coverage at least 60 days prior to the renewal or anniversary date. The increase in premium shall be the renewal premium based on the known exposure as of the date of the quotation compared to the premium as of the last day of coverage for the current year's policy, annualized. The premium on the renewal policy may be subsequently amended to reflect any change in exposure or reinsurance costs not considered in the quotation. An exact and unaltered copy of such notice shall also be sent to the insured's broker, if known, or the agent of record. If an insurer fails to provide the notice required by this subsection, then the company must extend the current policy under the same terms, conditions, and premium to allow 60 days notice of renewal and provide the actual renewal premium quotation and any change in coverage or deductible on the policy. Proof of mailing or proof of receipt may be proven by a sworn affidavit by the insurer as to the usual and customary business practices of mailing notice pursuant to this Section or may be proven consistent with Illinois Supreme Court Rule 236. ~~The company shall maintain proof of mailing or proof of receipt whichever is required.~~

c. Should a company fail to comply with the non-renewal notice requirements of subsection a., ~~this Section,~~ the policy shall be extended for an additional year ~~the policy shall terminate only as provided in this subsection. In the event notice is provided at least 31 days, but less than 60 days prior to expiration of the policy, the policy shall be extended for a period of 60 days or until the effective date of any similar insurance procured by the insured, whichever is less, on the same terms and conditions as the policy sought to be terminated. In the event notice is provided less than 31 days prior to the expiration of the policy, the policy shall be extended for a period of one year~~ or until the effective date of any similar insurance procured by the insured, whichever is less, on the same terms and conditions as the policy sought to be terminated , unless the insurer has manifested its intention to renew at a different premium that represents an increase not exceeding 30% ~~unless the insurer has manifested its willingness to renew at a premium which represents an increase not exceeding 30%. The premium for coverage shall be prorated in accordance with the amount of the last year's premium, and the company shall be entitled to this premium for the extension of coverage and such extension may be contingent upon the payment of such premium~~.

d. Renewal of a policy does not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

e. In all notices of intention not to renew any policy of insurance, as defined in Section 143.11 the company shall provide a specific explanation of the reasons for nonrenewal.

(Source: P.A. 89-669, eff. 1-1-97.)"; and

after the end of Section 15, by inserting the following:

"Section 99. Effective date. This Section and the portion of Section 5 amending Section 143.17a of the Illinois Insurance Code take effect upon becoming law and the rest of this Act takes effect on the uniform effective date provided by law.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 6

AMENDMENT NO. 6. Amend House Bill 3661, AS AMENDED, by replacing all of Section 99 with the following:

"Section 95. If and only if House Bill 1640 of the 93rd General Assembly becomes law in the form it passed the House, the Use of Credit Information in Personal Insurance Act is amended by changing Section 20 as follows:

(093 HB 1640 eng, Sec. 20)

Sec. 20. Use of credit information. An insurer authorized to do business in this State that uses credit information to underwrite or rate risks shall not:

(1) Use an insurance score that is calculated using income, gender, address, ethnic group, religion, marital status, or nationality of the consumer as a factor.

(2) Deny, cancel, or nonrenew a policy of personal insurance solely on the basis of credit information, without consideration of any other applicable underwriting factor independent of credit information and not expressly prohibited by item (1). An insurer shall not be considered to have denied, cancelled, or nonrenewed a policy if coverage is available through an affiliate.

(3) Base an insured's renewal rates for personal insurance solely upon credit information, without consideration of any other applicable factor independent of credit information. An insurer shall not be considered to have based rates solely on credit information if coverage is available in a different tier of the same insurer.

(4) Take an adverse action against a consumer solely because he or she does not have a credit card account, without consideration of any other applicable factor independent of credit information.

(5) Consider an absence of credit information or an inability to calculate an insurance score in underwriting or rating personal insurance, unless the insurer does one of the following:

(A) Treats the consumer as otherwise filed with ~~approved by~~ the Department, if the insurer presents information that such an absence or inability relates to the risk for the insurer and submits a filing certification form signed by an officer for the insurer certifying that such treatment is actuarially justified.

(B) Treats the consumer as if the applicant or insured had neutral credit information, as defined by the insurer.

(C) Excludes the use of credit information as a factor and uses only other underwriting criteria.

(6) Take an adverse action against a consumer based on credit information, unless an insurer obtains and uses a credit report issued or an insurance score calculated within 90 days from the date the policy is first written or renewal is issued.

(7) Use credit information unless not later than every 36 months following the last time that the insurer obtained current credit information for the insured, the insurer recalculates the insurance score or obtains an updated credit report. Regardless of the other requirements of this Section:

(A) At annual renewal, upon the request of a consumer or the consumer's agent, the insurer shall re-underwrite and re-rate the policy based upon a current credit report or insurance score. An insurer need not recalculate the insurance score or obtain the updated credit report of a consumer more frequently than once in a 12-month period.

(B) The insurer shall have the discretion to obtain current credit information upon any renewal before the expiration of 36 months, if consistent with its underwriting guidelines.

(C) An insurer is not required to obtain current credit information for an insured, despite the requirements of subitem (A) of item (7) of this Section if one of the following applies:

(a) The insurer is treating the consumer as otherwise filed with ~~approved by~~ the Department.

(b) The insured is in the most favorably-priced tier of the insurer, within a group of affiliated insurers. However, the insurer shall have the discretion to order credit information, if

consistent with its underwriting guidelines.

(c) Credit was not used for underwriting or rating the insured when the policy was initially written. However, the insurer shall have the discretion to use credit for underwriting or rating the insured upon renewal, if consistent with its underwriting guidelines.

(d) The insurer re-evaluates the insured beginning no later than 36 months after inception and thereafter based upon other underwriting or rating factors, excluding credit information.

(8) Use the following as a negative factor in any insurance scoring methodology or in reviewing credit information for the purpose of underwriting or rating a policy of personal insurance:

(A) Credit inquiries not initiated by the consumer or inquiries requested by the consumer for his or her own credit information.

(B) Inquiries relating to insurance coverage, if so identified on a consumer's credit report.

(C) Collection accounts with a medical industry code, if so identified on the consumer's credit report.

(D) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the home mortgage industry and made within 30 days of one another, unless only one inquiry is considered.

(E) Multiple lender inquiries, if coded by the consumer reporting agency on the consumer's credit report as being from the automobile lending industry and made within 30 days of one another, unless only one inquiry is considered.

(Source: 093 HB 1640 eng, Sec. 20) Section 99. Effective date. This Section and the changes made to Sec. 143.17a of the Illinois Insurance Code in Section 5 of this Act take effect upon becoming law. Section 95 of this Act takes effect on October 1, 2003. The rest of this Act takes effect on the uniform effective date provided by law.".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cullerton, **House Bill No. 16**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Trotter, **House Bill No. 81**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Radogno, **House Bill No. 176**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Obama, **House Bill No. 199**, 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 37; Nays 14; Present 5.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Sullivan, J.
Collins	Harmon	Obama	Trotter
Crotty	Hendon	Risinger	Viverito
Cullerton	Hunter	Ronen	Walsh
del Valle	Jacobs	Sandoval	Welch
DeLeo	Lauzen	Schoenberg	Woolard
Demuzio	Lightford	Shadid	Mr. President
Dillard	Link	Sieben	
Garrett	Maloney	Silverstein	
Haine	Martinez	Soden	

The following voted in the negative:

Althoff	Jones, W.	Righter	Watson
Brady	Luechtefeld	Roskam	Winkel
Burzynski	Petka	Rutherford	
Jones, J.	Rauschenberger	Syverson	

The following voted present:

Bomke	Radogno	Wojcik
Peterson	Sullivan, D.	

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 Obama, **House Bill No. 200**, 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 35; Nays 14; Present 7.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Sullivan, D.
Collins	Halvorson	Martinez	Sullivan, J.
Crotty	Harmon	Meeks	Trotter
Cullerton	Hendon	Obama	Viverito
del Valle	Hunter	Ronen	Walsh
DeLeo	Jacobs	Sandoval	Welch

Demuzio	Lauzen	Schoenberg	Woolard
Dillard	Lightford	Shadid	Mr. President
Garrett	Link	Silverstein	

The following voted in the negative:

Brady	Luechtefeld	Roskam	Watson
Burzynski	Petka	Rutherford	Winkel
Jones, J.	Rauschenberger	Soden	
Jones, W.	Righter	Syverson	

The following voted present:

Althoff	Peterson	Risinger	Wojcik
Bomke	Radogno	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 Trotter, **House Bill No. 207**, 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	Peterson	Sullivan, D.
Bomke	Halvorson	Petka	Sullivan, J.
Brady	Harmon	Radogno	Syverson
Burzynski	Hendon	Rauschenberger	Trotter
Clayborne	Hunter	Righter	Viverito
Collins	Jacobs	Risinger	Walsh
Cronin	Jones, J.	Ronen	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	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 Halvorson, **House Bill No. 209**, 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; Present 1.

The following voted in the affirmative:

Althoff	Haine	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Woolard
Demuzio	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

The following voted present:

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.

HOUSE BILL RECALLED

On motion of Senator Martinez, **House Bill No. 211** was recalled from the order of third reading to the order of second reading.

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

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 211 on page 2, below line 10, by inserting the following:

"(c) Nothing in this Section shall be construed to require an insurance company to cover services related to an abortion as the term "abortion" is defined in the Illinois Abortion Law of 1975.

(d) Nothing in this Section shall be construed to require an insurance company to cover services related to permanent sterilization that requires a surgical procedure.".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cullerton, **House Bill No. 218**, 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 36; Nays 20; Present 1.

The following voted in the affirmative:

Althoff	Haine	Obama	Viverito
Brady	Halvorson	Peterson	Walsh
Clayborne	Harmon	Radogno	Welch
Collins	Hunter	Ronen	Winkel

Crotty	Jacobs	Sandoval	Woolard
Cullerton	Lightford	Schoenberg	Mr. President
del Valle	Link	Shadid	
DeLeo	Maloney	Silverstein	
Dillard	Martinez	Sullivan, D.	
Garrett	Meeks	Trotter	

The following voted in the negative:

Bomke	Lauzen	Roskam	Watson
Burzynski	Luechtefeld	Rutherford	Wojcik
Demuzio	Petka	Sieben	
Geo-Karis	Rauschenberger	Soden	
Jones, J.	Righter	Sullivan, J.	
Jones, W.	Risinger	Syverson	

The following voted present:

Hendon

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Obama, **House Bill No. 223**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Walsh, **House Bill No. 231**, 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 33; Nays 20; Present 2.

The following voted in the affirmative:

Clayborne	Halvorson	Meeks	Trotter
Collins	Harmon	Obama	Viverito
Crotty	Hendon	Radogno	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Schoenberg	Mr. President
Demuzio	Link	Shadid	
Garrett	Maloney	Silverstein	
Haine	Martinez	Sullivan, J.	

The following voted in the negative:

Bomke	Luechtefeld	Rutherford	Winkel
Brady	Petka	Sieben	Wojcik
Burzynski	Rauschenberger	Soden	
Jones, J.	Righter	Sullivan, D.	
Jones, W.	Risinger	Syverson	
Lauzen	Roskam	Watson	

The following voted present:

Dillard
Peterson

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.

HOUSE BILLS RECALLED

On motion of Senator Clayborne, **House Bill No. 235** was recalled from the order of third reading to the order of second reading.

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

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 235, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 6, line 8, by deleting "on-budget"; and
on page 6, line 17, by deleting "on-budget"; and
on page 7, line 25, by replacing "unemployment" with "employment"; and
on page 8, immediately below line 3, by inserting the following:

"(c) The Department shall have the discretion to modify any standardized application for State development assistance required under subsection (a) for any grants under the Industrial Training Program that are not given as an incentive to a recipient business organization."; and
on page 10, lines 1 and 12, by replacing "subsections (a) and", each time it appears, with "subsection"; and
on page 10, immediately below line 12, by inserting the following:

"(f) The Department shall have the discretion to modify the information required in the progress report required under subsection (b) consistent with the disclosure purpose of this Section for any grants under the Industrial Training Program that are not given as an incentive to a recipient business organization.".

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 Silverstein, **House Bill No. 259** was recalled from the order of third reading to the order of second reading.
Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 259 on page 1, line 9 by inserting "(a)" before "Definitions"; and
on page 1, line 10 by deleting "(a)"; and
on page 1, line 29 by changing "5" to "4"; and
on page 2, by inserting after line 8 the following:
"(e) A violation of this Section constitutes an unlawful practice within the meaning of this Act."; and
on page 2, line 9 by changing "(e)" to "(f)".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator del Valle, **House Bill No. 310**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 Haine, **House Bill No. 336**, 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 52; Nays 5.

The following voted in the affirmative:

Althoff	Halvorson	Peterson	Sullivan, J.
Bomke	Harmon	Petka	Trotter
Brady	Hendon	Righter	Viverito
Clayborne	Hunter	Risinger	Walsh
Collins	Jacobs	Ronen	Watson
Crotty	Jones, J.	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	
Haine	Obama	Sullivan, D.	

The following voted in the negative:

Burzynski	Jones, W.	Rauschenberger
Cronin	Radogno	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof.

On motion of Senator Obama, **House Bill No. 361**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Clayborne, **House Bill No. 362**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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. 405**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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.

HOUSE BILLS RECALLED

On motion of Senator Schoenberg, **House Bill No. 414** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 414 on page 1, line 5, by replacing "Section 3" with "Sections 3 and 13.50"; and
on page 2, by replacing lines 12 through 18 with the following:
"or self-help skills. The term means a delay of 30% or more below the mean in function in one or more of those areas."; and
on page 6, after line 2, by inserting the following:

"(325 ILCS 20/13.50)

Sec. 13.50. Early Intervention Legislative Advisory Committee. No later than 60 days after the effective date of this amendatory Act of 92nd General Assembly, there shall be convened the Early Intervention Legislative Advisory Committee. The majority and minority leaders of the General Assembly shall each appoint 2 members to the Committee. The Committee's term is for a period of 4 ~~2~~ years, and the Committee shall publicly convene no less than 4 times per year. The Committee's responsibilities shall include, but not be limited to, providing guidance to the lead agency regarding programmatic and fiscal management and accountability, provider development and accountability, contracting, and program outcome measures. During the life of the Committee, on a quarterly basis, or more often as the Committee may request, the lead agency shall provide to the Committee, and simultaneously to the public, through postings on the lead agency's early intervention website, quarterly reports containing monthly data and other early intervention program information that the Committee requests. The first data report must be supplied no later than September 21, 2001, and must include the previous 2 quarters of data. (Source: P.A. 92-307, eff. 8-9-01.)".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

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

On motion of Senator Welch, **House Bill No. 430** was recalled from the order of third reading to the order of second reading.

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

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 430, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 19, by replacing lines 30 through 34 with the following:

"For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year."; and
on page 20, by deleting lines 1 through 3.

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Walsh, **House Bill No. 496**, 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 30; Nays 25; Present 1.

The following voted in the affirmative:

Clayborne	Halvorson	Martinez	Trotter
Collins	Harmon	Meeks	Viverito
Crotty	Hendon	Obama	Walsh
Cullerton	Hunter	Ronen	Welch
del Valle	Jacobs	Sandoval	Woolard
DeLeo	Lightford	Shadid	Mr. President
Demuzio	Link	Silverstein	
Haine	Maloney	Sullivan, J.	

The following voted in the negative:

Althoff	Jones, W.	Righter	Sullivan, D.
Bomke	Lauzen	Risinger	Syverson
Brady	Luechtefeld	Roskam	Watson
Burzynski	Peterson	Rutherford	Winkel
Cronin	Petka	Schoenberg	
Dillard	Radogno	Sieben	
Jones, J.	Rauschenberger	Soden	

The following voted present:

Wojcik

This roll call verified.

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.

At the hour of 12:35 o'clock p.m., Senator Welch presiding.

On motion of Senator Trotter, **House Bill No. 497**, 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 53; Nays 4.

The following voted in the affirmative:

Althoff	Geo-Karis	Obama	Sullivan, J.
Bomke	Haine	Peterson	Syverson
Brady	Halvorson	Petka	Trotter
Burzynski	Harmon	Radogno	Viverito
Clayborne	Hendon	Risinger	Walsh
Collins	Hunter	Ronen	Watson
Cronin	Jacobs	Roskam	Welch

Crotty	Jones, J.	Sandoval	Winkel
Cullerton	Lightford	Schoenberg	Wojcik
del Valle	Link	Shadid	Woolard
DeLeo	Luechtefeld	Sieben	Mr. President
Demuzio	Maloney	Silverstein	
Dillard	Martinez	Soden	
Garrett	Meeks	Sullivan, D.	

The following voted in the negative:

Jones, W.	Rauschenberger
Lauzen	Rutherford

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 E. Jones, **House Bill No. 514**, 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, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	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 Petka, **House Bill No. 515**, 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 35; Nays 22.

The following voted in the affirmative:

Althoff	Haine	Radogno	Sullivan, J.
Bomke	Halvorson	Rauschenberger	Syverson

Brady	Jacobs	Righter	Walsh
Burzynski	Jones, J.	Risinger	Watson
Clayborne	Jones, W.	Roskam	Welch
Cronin	Lauzen	Rutherford	Winkel
Demuzio	Luechtefeld	Shadid	Wojcik
Dillard	Peterson	Sieben	Woolard
Geo-Karis	Petka	Soden	

The following voted in the negative:

Collins	Harmon	Martinez	Silverstein
Crotty	Hendon	Meeks	Trotter
Cullerton	Hunter	Obama	Viverito
del Valle	Lightford	Ronen	Mr. President
DeLeo	Link	Sandoval	
Garrett	Maloney	Schoenberg	

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. 531**, 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 45; Nays 9.

The following voted in the affirmative:

Brady	Harmon	Obama	Syverson
Clayborne	Hendon	Peterson	Trotter
Collins	Hunter	Petka	Viverito
Cronin	Jacobs	Righter	Walsh
Crotty	Jones, J.	Risinger	Watson
Cullerton	Jones, W.	Ronen	Welch
del Valle	Lightford	Roskam	Winkel
DeLeo	Link	Sandoval	Woolard
Demuzio	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Geo-Karis	Martinez	Sieben	
Haine	Meeks	Silverstein	

The following voted in the negative:

Althoff	Garrett	Rutherford
Bomke	Lauzen	Soden
Burzynski	Rauschenberger	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.

HOUSE BILLS RECALLED

On motion of Senator Dillard, **House Bill No. 558** was recalled from the order of third reading to the order of second reading.

Senator Dillard offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 558 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 3-7 as follows:

(720 ILCS 5/3-7) (from Ch. 38, par. 3-7)

Sec. 3-7. Periods excluded from limitation.

The period within which a prosecution must be commenced does not include any period in which:

(a) The defendant is not usually and publicly resident within this State; or

(b) The defendant is a public officer and the offense charged is theft of public funds while in public office; or

(c) A prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal; or

(d) A proceeding or an appeal from a proceeding relating to the quashing or enforcement of a Grand Jury subpoena issued in connection with an investigation of a violation of a criminal law of this State is pending. However, the period within which a prosecution must be commenced includes any period in which the State brings a proceeding or an appeal from a proceeding specified in this subsection (d); or-

(e) A material witness is placed on active military duty or leave. In this subsection (e), "material witness" includes, but is not limited to, the arresting officer, occurrence witness, or the alleged victim of the offense. (Source: P.A. 91-231, eff. 1-1-00.)

Section 10. The Code of Criminal Procedure of 1963 is amended by changing Section 110-6 as follows:

(725 ILCS 5/110-6) (from Ch. 38, par. 110-6)

Sec. 110-6. (a) Upon verified application by the State or the defendant or on its own motion the court before which the proceeding is pending may increase or reduce the amount of bail or may alter the conditions of the bail bond or grant bail where it has been previously revoked or denied. If bail has been previously revoked pursuant to subsection (f) of this Section or if bail has been denied to the defendant pursuant to subsection (e) of Section 110-6.1 or subsection (e) of Section 110-6.3, the defendant shall be required to present a verified application setting forth in detail any new facts not known or obtainable at the time of the previous revocation or denial of bail proceedings. If the court grants bail where it has been previously revoked or denied, the court shall state on the record of the proceedings the findings of facts and conclusion of law upon which such order is based.

(b) Violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court shall constitute grounds for the court to increase the amount of bail, or otherwise alter the conditions of bail, or, where the alleged offense committed on bail is a forcible felony in Illinois or a Class 2 or greater offense under the Controlled Substances Act or Cannabis Control Act, revoke bail pursuant to the appropriate provisions of subsection (e) of this section.

(c) Reasonable notice of such application by the defendant shall be given to the State.

(d) Reasonable notice of such application by the State shall be given to the defendant, except as provided in subsection (e).

(e) Upon verified application by the State stating facts or circumstances constituting a violation or a threatened violation of any of the conditions of the bail bond the court may issue a warrant commanding any peace officer to bring the defendant without unnecessary delay before the court for a hearing on the matters set forth in the application. If the actual court before which the proceeding is pending is absent or otherwise unavailable another court may issue a warrant pursuant to this Section. When the defendant is charged with a felony offense and while free on bail is charged with a subsequent felony offense and is the subject of a proceeding set forth in Section 109-1 or 109-3 of this Code, upon the filing of a verified petition by the State alleging a violation of Section 110-10 (a) (4) of this Code, the court shall without prior notice to the defendant, grant leave to file such application and shall order the transfer of the defendant and the application without unnecessary delay to the court before which the previous felony matter is pending for a hearing as provided in subsection (b) or this subsection of this Section. The defendant shall be held without bond pending transfer to and a hearing before such court. At the conclusion of the hearing based on a violation of the conditions of Section 110-10 of this Code or any special conditions of bail as ordered by the court the court may enter an order increasing the amount of bail or alter the conditions of bail as deemed appropriate.

(f) Where the alleged violation consists of the violation of one or more felony statutes of any jurisdiction which would be a forcible felony in Illinois or a Class 2 or greater offense under the Illinois

Controlled Substances Act or Cannabis Control Act and the defendant is on bail for the alleged commission of a felony, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic battery against the same victim the court shall, on the motion of the State or its own motion, revoke bail in accordance with the following provisions:

(1) The court shall hold the defendant without bail pending the hearing on the alleged breach; however, if the defendant is not admitted to bail the hearing shall be commenced within 10 days from the date the defendant is taken into custody or the defendant may not be held any longer without bail, unless delay is occasioned by the defendant. Where defendant occasions the delay, the running of the 10 day period is temporarily suspended and resumes at the termination of the period of delay. Where defendant occasions the delay with 5 or fewer days remaining in the 10 day period, the court may grant a period of up to 5 additional days to the State for good cause shown. The State, however, shall retain the right to proceed to hearing on the alleged violation at any time, upon reasonable notice to the defendant and the court.

(2) At a hearing on the alleged violation the State has the burden of going forward and proving the violation by clear and convincing evidence. The evidence shall be presented in open court with the opportunity to testify, to present witnesses in his behalf, and to cross-examine witnesses if any are called by the State, and representation by counsel and if the defendant is indigent to have counsel appointed for him. The rules of evidence applicable in criminal trials in this State shall not govern the admissibility of evidence at such hearing. Information used by the court in its findings or stated in or offered in connection with hearings for increase or revocation of bail may be by way of proffer based upon reliable information offered by the State or defendant. All evidence shall be admissible if it is relevant and reliable regardless of whether it would be admissible under the rules of evidence applicable at criminal trials. A motion by the defendant to suppress evidence or to suppress a confession shall not be entertained at such a hearing. Evidence that proof may have been obtained as a result of an unlawful search and seizure or through improper interrogation is not relevant to this hearing.

(3) Upon a finding by the court that the State has established by clear and convincing evidence that the defendant has committed a forcible felony or a Class 2 or greater offense under the Controlled Substances Act or Cannabis Control Act while admitted to bail, or where the defendant is on bail for a felony domestic battery (enhanced pursuant to subsection (b) of Section 12-3.2 of the Criminal Code of 1961), aggravated domestic battery, aggravated battery, unlawful restraint, aggravated unlawful restraint or domestic battery in violation of item (1) of subsection (a) of Section 12-3.2 of the Criminal Code of 1961 against a family or household member as defined in Section 112A-3 of this Code and the violation is an offense of domestic battery, against the same victim, the court shall revoke the bail of the defendant and hold the defendant for trial without bail. Neither the finding of the court nor any transcript or other record of the hearing shall be admissible in the State's case in chief, but shall be admissible for impeachment, or as provided in Section 115-10.1 of this Code or in a perjury proceeding.

(4) If the bail of any defendant is revoked pursuant to paragraph (f) (3) of this Section, the defendant may demand and shall be entitled to be brought to trial on the offense with respect to which he was formerly released on bail within 90 days after the date on which his bail was revoked. If the defendant is not brought to trial within the 90 day period required by the preceding sentence, he shall not be held longer without bail. In computing the 90 day period, the court shall omit any period of delay resulting from a continuance granted at the request of the defendant.

(5) If the defendant either is arrested on a warrant issued pursuant to this Code or is arrested for an unrelated offense and it is subsequently discovered that the defendant is a subject of another warrant or warrants issued pursuant to this Code, the defendant shall be transferred promptly to the court which issued such warrant. If, however, the defendant appears initially before a court other than the court which issued such warrant, the non-issuing court shall not alter the amount of bail heretofore set on such warrant unless the court sets forth on the record of proceedings the conclusions of law and facts which are the basis for such altering of another court's bond. The non-issuing court shall not alter another courts bail set on a warrant unless the interests of justice and public safety are served by such action.

(g) The State may appeal any order where the court has increased or reduced the amount of bail or altered the conditions of the bail bond or granted bail where it has previously been revoked. (Source:

P.A. 86-984; 87-870; 87-871.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Hunter, **House Bill No. 560** was recalled from the order of third reading to the order of second reading.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 560, AS AMENDED, with reference to the page and line numbers of Senate Amendment No. 1, as follows:

on page 4, lines 27 and 28, by replacing "sports official" with "participant, sports official,"; and

on page 4, lines 31 and 32, by replacing "sports official" with "participant, sports official,"; and

on page 4, line 34, by inserting after "(18)," the following:

""participant" means a member or employee of one of the teams in the athletic contest,"; and

on page 5, line 4, by replacing "that conducted" with "governing"; and

on page 6, lines 14, 17, 19, 20, and 27, by replacing "field" wherever it appears with "area"; and

on page 6, line 22, by replacing "has" with "shall be deemed to have"; and

on page 6, line 26, by replacing "entrance to the playing field." with the following:

"athletic facility or an oral warning has been broadcast over the public address system.

(c) For purposes of this Section, "playing area" means the playing field, court, ice, or other playing surface used by a professional sports team and the surrounding area."; and

on page 6, line 27, by replacing "(c)" with "(d)"; and

on page 14, line 28, by replacing "field" with "area"; and

on page 14, lines 29 and 33, by replacing "sports official" wherever it appears with "participant, sports official,"; and

on page 15, line 1, by inserting after "facility" the following:

"and the person committing the battery is not a participant, coach, or sports official"; and

on page 15, line 4, by inserting after "(11)," the following:

""participant" means a member or employee of one of the teams in the athletic contest,"; and

on page 15, line 8, by replacing "that conducted" with "governing".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

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

On motion of Senator Cullerton, **House Bill No. 564** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 564 by replacing the title with the following:

"AN ACT in relation to criminal history records."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Secretary of State Merit Employment Code is amended by changing Section 10b.1 as follows:

(15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

Sec. 10b.1. (a) Competitive examinations. For open competitive examinations to test the relative fitness of applicants for the respective positions. Tests shall be designed to eliminate those who are not qualified for entrance into the Office of the Secretary of State and to discover the relative fitness of those who are qualified. The Director may use any one of or any combination of the following examination methods which in his judgment best serves this end: investigation of education and experience; test of cultural knowledge; test of capacity; test of knowledge; test of manual skill; test of linguistic ability; test of character; test of physical skill; test of psychological fitness. No person with a record of misdemeanor convictions except those under Sections 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6,

12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of 1961, or arrested for any cause but not convicted thereon shall be disqualified from taking such examinations or subsequent appointment unless the person is attempting to qualify for a position which would give him the powers of a peace officer, in which case the person's conviction or arrest record may be considered as a factor in determining the person's fitness for the position. All examinations shall be announced publicly at least 2 weeks in advance of the date of examinations and may be advertised through the press, radio or other media.

The Director may, at his discretion, accept the results of competitive examinations conducted by any merit system established by Federal law or by the law of any State, and may compile eligible lists therefrom or may add the names of successful candidates in examinations conducted by those merit systems to existing eligible lists in accordance with their respective ratings. No person who is a non-resident of the State of Illinois may be appointed from those eligible lists, however, unless the requirement that applicants be residents of the State of Illinois is waived by the Director of Personnel and unless there are less than 3 Illinois residents available for appointment from the appropriate eligible list. The results of the examinations conducted by other merit systems may not be used unless they are comparable in difficulty and comprehensiveness to examinations conducted by the Department of Personnel for similar positions. Special linguistic options may also be established where deemed appropriate.

(b) The Director of Personnel may require that each person seeking employment with the Secretary of State, as part of the application process, authorize an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director of Personnel may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. The investigation shall be undertaken after the fingerprinting of an applicant in the form and manner prescribed by the Department of State Police. The investigation shall consist of a criminal history records check performed by the Department of State Police and the Federal Bureau of Investigation, or some other entity that has the ability to check the applicant's fingerprints against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. If the Department of State Police and the Federal Bureau of Investigation conduct an investigation directly for the Secretary of State's Office, then the Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant or prospective employee of the Secretary of State upon request of the Department of Personnel when the request is made in the form and manner required by the Department of State Police. The information derived from this investigation, including the source of this information, and any conclusions or recommendations derived from this information by the Director of Personnel shall be provided to the applicant or prospective employee, or his designee, upon request to the Director of Personnel prior to any final action by the Director of Personnel on the application. No information obtained from such investigation may be placed in any automated information system. Any criminal convictions and their disposition information obtained by the Director of Personnel shall be confidential and may not be transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the application. The only physical identity materials which the applicant or prospective employee can be required to provide the Director of Personnel are photographs or fingerprints; these shall be returned to the applicant or prospective employee upon request to the Director of Personnel, after the investigation has been completed and no copy of these materials may be kept by the Director of Personnel or any agency to which such identity materials were transmitted. Only information and standards which bear a reasonable and rational relation to the performance of an employee shall be used by the Director of Personnel. The Secretary of State shall adopt rules and regulations for the administration of this Section. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal convictions and their disposition of an applicant or prospective employee shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section. (Source: P.A. 84-25.)

Section 6. The Park District Code is amended by changing Section 8-23 as follows:

(70 ILCS 1205/8-23)

Sec. 8-23. Criminal background investigations. (a) An applicant for employment with a park district is required as a condition of employment to authorize an investigation to determine if the

applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the park district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the park district. Upon receipt of this authorization, the park district shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history records database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, ~~of~~ any other felony under the laws of this State ~~or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State~~. The Department of State Police shall charge the park district a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the park district for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the park district, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check ~~positive identification~~, records of convictions, until expunged, to the president of the park district. Any information concerning the record of convictions obtained by the president shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No park district shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no park district shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. No park district shall knowingly employ a person for whom a criminal background investigation has not been initiated. (Source: P.A. 91-885, eff. 7-6-00.)

Section 7. The Chicago Park District Act is amended by changing Section 16a-5 as follows:

(70 ILCS 1505/16a-5)

Sec. 16a-5. Criminal background investigations. (a) An applicant for employment with the Chicago Park District is required as a condition of employment to authorize an investigation to determine if the applicant has been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, within 7 years of the application for employment with the Chicago Park District, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the Chicago Park District. Upon receipt of this authorization, the Chicago Park District shall submit the applicant's name, sex, race, date of birth, and social security number to the Department of State Police on forms prescribed by the Department of State Police. The Department of State Police shall conduct a search of the Illinois criminal history record information database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the

enumerated criminal or drug offenses in subsection (c) of this Section or has been convicted, of committing or attempting to commit within 7 years of the application for employment with the Chicago Park District, ~~of~~ any other felony under the laws of this State ~~or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State.~~ The Department of State Police shall charge the Chicago Park District a fee for conducting the investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. The applicant shall not be charged a fee by the Chicago Park District for the investigation.

(b) If the search of the Illinois criminal history record database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the Chicago Park District, any other felony under the laws of this State, the Department of State Police and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check, ~~positive identification~~, records of convictions, until expunged, to the General Superintendent and Chief Executive Officer of the Chicago Park District. Any information concerning the record of convictions obtained by the General Superintendent and Chief Executive Officer shall be confidential and may only be transmitted to those persons who are necessary to the decision on whether to hire the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The Chicago Park District may not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder, a Class X felony, or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which, if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the Chicago Park District may not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987. The Chicago Park District may not knowingly employ a person for whom a criminal background investigation has not been initiated. (Source: P.A. 91-885, eff. 7-6-00.)

Section 10. The School Code is amended by changing Sections 10-21.9 and 34-18.5 as follows:

(105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

Sec. 10-21.9. Criminal background investigations. (a) After August 1, 1985, certified and noncertified applicants for employment with a school district, except school bus driver applicants, are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct a search

of the Illinois criminal history records database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, ~~of~~ any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) If the search of the Illinois criminal history records database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years before the application for employment with the school district, any other felony under the laws of this State, the Department and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based background check ~~positive identification~~, records of convictions, until expunged, to the president of the school board for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the school board or the regional superintendent shall be confidential and may only be transmitted to the superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the school district, the presidents of the appropriate school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute teacher in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) No school board shall knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the "Criminal Code of 1961"; (ii) those defined in the "Cannabis Control Act" except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the "Illinois Controlled Substances Act"; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, no school board shall knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age

pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) No school board shall knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the appropriate regional superintendent of schools or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After January 1, 1990 the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards. (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

(105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

Sec. 34-18.5. Criminal background investigations. (a) After August 1, 1985, certified and noncertified applicants for employment with the school district are required as a condition of employment to authorize an investigation to determine if such applicants have been convicted of any of the enumerated criminal or drug offenses in subsection (c) of this Section or have been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. Authorization for the investigation shall be furnished by the applicant to the school district, except that if the applicant is a substitute teacher seeking employment in more than one school district, or a teacher seeking concurrent part-time employment positions with more than one school district (as a reading specialist, special education teacher or otherwise), or an educational support personnel employee seeking employment positions with more than one district, any such district may require the applicant to furnish authorization for the investigation to the regional superintendent of the educational service region in which are located the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee. Upon receipt of this authorization, the school district or the appropriate regional superintendent, as the case may be, shall submit the applicant's name, sex, race, date of birth and social security number to the Department of State Police on forms prescribed by the Department. The regional superintendent submitting the requisite information to the Department of State Police shall promptly notify the school districts in which the applicant is seeking employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee that the investigation of the applicant has been requested. The Department of State Police shall conduct a search of the Illinois Criminal history record information database ~~an investigation~~ to ascertain if the applicant being considered for employment has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, ~~of~~ any other felony under the laws of this State ~~or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State~~. The Department shall charge the school district or the appropriate regional superintendent a fee for conducting such investigation, which fee shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry; and the applicant shall not be charged a fee for such investigation by the school district or by the regional superintendent. The regional superintendent may seek reimbursement from the State Board of Education or the appropriate school district or districts for fees paid by the regional superintendent to the Department for the criminal background investigations required by this Section.

(b) If the search of the Illinois criminal history records database indicates that the applicant has been convicted of committing or attempting to commit any of the enumerated criminal or drug offenses in subsection (c) or has been convicted of committing or attempting to commit, within 7 years of the application for employment with the school district, any other felony under the laws of this State, the Department and the Federal Bureau of Investigation shall furnish, pursuant to a fingerprint based

background check ~~positive identification~~, records of convictions, until expunged, to the president of the board of education for the school district which requested the investigation, or to the regional superintendent who requested the investigation. Any information concerning the record of convictions obtained by the president of the board of education or the regional superintendent shall be confidential and may only be transmitted to the general superintendent of the school district or his designee, the appropriate regional superintendent if the investigation was requested by the board of education for the school district, the presidents of the appropriate board of education or school boards if the investigation was requested from the Department of State Police by the regional superintendent, the State Superintendent of Education, the State Teacher Certification Board or any other person necessary to the decision of hiring the applicant for employment. A copy of the record of convictions obtained from the Department of State Police shall be provided to the applicant for employment. If an investigation of an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one school district was requested by the regional superintendent, and the Department of State Police upon investigation ascertains that the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State and so notifies the regional superintendent, then the regional superintendent shall issue to the applicant a certificate evidencing that as of the date specified by the Department of State Police the applicant has not been convicted of any of the enumerated criminal or drug offenses in subsection (c) or has not been convicted, within 7 years of the application for employment with the school district, of any other felony under the laws of this State or of any offense committed or attempted in any other state or against the laws of the United States that, if committed or attempted in this State, would have been punishable as a felony under the laws of this State. The school board of any school district located in the educational service region served by the regional superintendent who issues such a certificate to an applicant for employment as a substitute or concurrent part-time teacher or concurrent educational support personnel employee in more than one such district may rely on the certificate issued by the regional superintendent to that applicant, or may initiate its own investigation of the applicant through the Department of State Police as provided in subsection (a). Any person who releases any confidential information concerning any criminal convictions of an applicant for employment shall be guilty of a Class A misdemeanor, unless the release of such information is authorized by this Section.

(c) The board of education shall not knowingly employ a person who has been convicted for committing attempted first degree murder or for committing or attempting to commit first degree murder or a Class X felony or any one or more of the following offenses: (i) those defined in Sections 11-6, 11-9, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961; (ii) those defined in the Cannabis Control Act, except those defined in Sections 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the Illinois Controlled Substances Act; and (iv) any offense committed or attempted in any other state or against the laws of the United States, which if committed or attempted in this State, would have been punishable as one or more of the foregoing offenses. Further, the board of education shall not knowingly employ a person who has been found to be the perpetrator of sexual or physical abuse of any minor under 18 years of age pursuant to proceedings under Article II of the Juvenile Court Act of 1987.

(d) The board of education shall not knowingly employ a person for whom a criminal background investigation has not been initiated.

(e) Upon receipt of the record of a conviction of or a finding of child abuse by a holder of any certificate issued pursuant to Article 21 or Section 34-8.1 or 34-83 of the School Code, the board of education or the State Superintendent of Education shall initiate the certificate suspension and revocation proceedings authorized by law.

(f) After March 19, 1990, the provisions of this Section shall apply to all employees of persons or firms holding contracts with any school district including, but not limited to, food service workers, school bus drivers and other transportation employees, who have direct, daily contact with the pupils of any school in such district. For purposes of criminal background investigations on employees of persons or firms holding contracts with more than one school district and assigned to more than one school district, the regional superintendent of the educational service region in which the contracting school districts are located may, at the request of any such school district, be responsible for receiving the authorization for investigation prepared by each such employee and submitting the same to the Department of State Police. Any information concerning the record of conviction of any such employee

obtained by the regional superintendent shall be promptly reported to the president of the appropriate school board or school boards. (Source: P.A. 90-566, eff. 1-2-98; 91-885, eff. 7-6-00.)

Section 15. The Child Care Act of 1969 is amended by changing Section 4.1 as follows:

(225 ILCS 10/4.1) (from Ch. 23, par. 2214.1)

Sec. 4.1. Criminal Background Investigations. The Department shall require that each child care facility license applicant as part of the application process, and each employee of a child care facility as a condition of employment, authorize an investigation to determine if such applicant or employee has ever been charged with a crime and if so, the disposition of those charges; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization, the Director shall request and receive information and assistance from any federal, State or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal charges, and their disposition, now or hereafter filed, against an applicant or child care facility employee upon request of the Department of Children and Family Services when the request is made in the form and manner required by the Department of State Police.

Information concerning convictions of a license applicant investigated under this Section, including the source of the information and any conclusions or recommendations derived from the information, shall be provided, upon request, to such applicant prior to final action by the Department on the application. State conviction information provided by the Department of State Police regarding ~~Such information on convictions of~~ employees or prospective employees of child care facilities licensed under this Act shall be provided to the operator of such facility, and, upon request, to the employee or prospective employee. Any information concerning criminal charges and the disposition of such charges obtained by the Department shall be confidential and may not be transmitted outside the Department, except as required herein, and may not be transmitted to anyone within the Department except as needed for the purpose of evaluating an application or a child care facility employee. Only information and standards which bear a reasonable and rational relation to the performance of a child care facility shall be used by the Department or any licensee. Any employee of the Department of Children and Family Services, Department of State Police, or a child care facility receiving confidential information under this Section who gives or causes to be given any confidential information concerning any criminal convictions of a child care facility applicant, or child care facility employee, shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section.

A child care facility may hire, on a probationary basis, any employee authorizing a criminal background investigation under this Section, pending the result of such investigation. Employees shall be notified prior to hiring that such employment may be terminated on the basis of criminal background information obtained by the facility. (Source: P.A. 84-158.)

Section 20. The Nursing and Advanced Practice Nursing Act is amended by changing Section 5-23 as follows:

(225 ILCS 65/5-23) (Section scheduled to be repealed on January 1, 2008)

Sec. 5-23. Criminal background check. After the effective date of this amendatory Act of the 91st General Assembly, the Department shall require an applicant for initial licensure under this Act to submit to a criminal background check by the Illinois State Police and the Federal Bureau of Investigation as part of the qualification for licensure. If an applicant's criminal background check indicates criminal conviction, the applicant must further submit to a fingerprint-based criminal background check. The applicant's name, sex, race, date of birth, and social security number shall be forwarded to the Illinois State Police to be searched against the Illinois criminal history records database in the form and manner prescribed by the Illinois State Police. The Illinois State Police shall charge a fee for conducting the search, which shall be deposited in the State Police Services Fund and shall not exceed the cost of the inquiry. If a search of the Illinois criminal history records database indicates that the applicant has a conviction record, a fingerprint based criminal history records check shall be required. Each applicant requiring a fingerprint based search shall submit his or her fingerprints to the Illinois State Police in the form and manner prescribed by the Illinois State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Illinois State Police and Federal Bureau of Investigation criminal history records databases. The Illinois State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police

Services Fund and shall not exceed the actual cost of the records check. The Illinois State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department. The Department shall adopt rules to implement this Section. (Source: P.A. 91-369, eff. 1-1-00; 92-744, eff. 7-25-02.)

Section 25. The Illinois Horse Racing Act of 1975 is amended by changing Section 15 as follows:

(230 ILCS 5/15) (from Ch. 8, par. 37-15)

Sec. 15. (a) The Board shall, in its discretion, issue occupation licenses to horse owners, trainers, harness drivers, jockeys, agents, apprentices, grooms, stable foremen, exercise persons, veterinarians, valets, blacksmiths, concessionaires and others designated by the Board whose work, in whole or in part, is conducted upon facilities within the State. Such occupation licenses will be obtained prior to the persons engaging in their vocation upon such facilities. The Board shall not license pari-mutuel clerks, parking attendants, security guards and employees of concessionaires. No occupation license shall be required of any person who works at facilities within this State as a pari-mutuel clerk, parking attendant, security guard or as an employee of a concessionaire. Concessionaires of the Illinois State Fair and DuQuoin State Fair and employees of the Illinois Department of Agriculture shall not be required to obtain an occupation license by the Board.

(b) Each application for an occupation license shall be on forms prescribed by the Board. Such license, when issued, shall be for the period ending December 31 of each year, except that the Board in its discretion may grant 3-year licenses. The application shall be accompanied by a fee of not more than $25 per year or, in the case of 3-year occupation license applications, a fee of not more than $60. Each applicant shall set forth in the application his full name and address, and if he had been issued prior occupation licenses or has been licensed in any other state under any other name, such name, his age, whether or not a permit or license issued to him in any other state has been suspended or revoked and if so whether such suspension or revocation is in effect at the time of the application, and such other information as the Board may require. Fees for registration of stable names shall not exceed $50.00.

(c) The Board may in its discretion refuse an occupation license to any person:

(1) who has been convicted of a crime;

(2) who is unqualified to perform the duties required of such applicant;

(3) who fails to disclose or states falsely any information called for in the application;

(4) who has been found guilty of a violation of this Act or of the rules and regulations of the Board; or

(5) whose license or permit has been suspended, revoked or denied for just cause in any other state.

(d) The Board may suspend or revoke any occupation license:

(1) for violation of any of the provisions of this Act; or

(2) for violation of any of the rules or regulations of the Board; or

(3) for any cause which, if known to the Board, would have justified the Board in refusing to issue such occupation license; or

(4) for any other just cause.

(e) Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish, pursuant to positive identification, records of conviction to the Board. Each applicant for licensure shall submit with his occupation license application, on forms provided by the Board, 2 sets of his fingerprints. All such applicants shall appear in person at the location designated by the Board for the purpose of submitting such sets of fingerprints; however, with the prior approval of a State steward, an applicant may have such sets of fingerprints taken by an official law enforcement agency and submitted to the Board.

~~The Board shall cause one set of such fingerprints to be compared with fingerprints of criminals now or hereafter filed in the records of the Illinois Department of State Police. The Board shall also cause such fingerprints to be compared with fingerprints of criminals now or hereafter filed in the records of other official fingerprint files within or without this State.~~

~~The Board may, in its discretion, require the applicant to pay a fee for the purpose of having his fingerprints processed. The fingerprint processing fee shall be set annually by the Director of State Police, based upon actual costs.~~

(f) The Board may, in its discretion, issue an occupation license without submission of fingerprints if

an applicant has been duly licensed in another recognized racing jurisdiction after submitting fingerprints that were subjected to a Federal Bureau of Investigation criminal history background check in that jurisdiction. (Source: P.A. 91-40, eff. 6-25-99.)

Section 30. The Riverboat Gambling Act is amended by changing Section 22 as follows:

(230 ILCS 10/22) (from Ch. 120, par. 2422)

Sec. 22. Criminal history record information. Whenever the Board is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, the Board shall, in the form and manner required by the Department of State Police and the Federal Bureau of Investigation, cause to be conducted a criminal history record investigation to obtain any information currently or thereafter contained in the files of the Department of State Police or the Federal Bureau of Investigation. Each applicant for occupational licensing under Section 9 or key person as defined by the Board in administrative rules shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide, on the Board's request, information concerning any criminal charges, and their disposition, currently or thereafter filed against an applicant for or holder of an occupational license. Information obtained as a result of an investigation under this Section shall be used in determining eligibility for an occupational license under Section 9. Upon request and payment of fees in conformance with the requirements of Section 2605-400 of the Department of State Police Law (20 ILCS 2605/2605-400), the Department of State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request. (Source: P.A. 91-239, eff. 1-1-00.)

Section 35. The Liquor Control Act of 1934 is amended by changing Section 4-7 as follows:

(235 ILCS 5/4-7) (from Ch. 43, par. 114a)

Sec. 4-7. The local liquor control commissioner shall have the right to require fingerprints of any applicant for a local license or for a renewal thereof other than an applicant who is an air carrier operating under a certificate or a foreign air permit issued pursuant to the Federal Aviation Act of 1958. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the local liquor control commissioner. For purposes of obtaining fingerprints under this Section, the local liquor commissioner shall collect a fee and forward the fee to the appropriate policing body who shall submit the fingerprints and the fee to the Illinois Department of State Police. (Source: P.A. 84-1081.)

Section 40. The Housing Authorities Act is amended by changing Section 25 as follows:

(310 ILCS 10/25) (from Ch. 67 1/2, par. 25)

Sec. 25. Rentals and tenant selection. In the operation or management of housing projects an Authority shall at all times observe the following duties with respect to rentals and tenant selection:

(a) It shall not accept any person as a tenant in any dwelling in a housing project if the persons who would occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority determines (which determination shall be conclusive) to be necessary in order to enable such persons to secure safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living for themselves.

(b) It may rent or lease the dwelling accommodations therein only at rentals within the financial reach of persons who lack the amount of income which it determines (pursuant to (a) of this Section) to be necessary in order to obtain safe, sanitary and uncongested dwelling accommodations within the area of operation of the Authority and to provide an adequate standard of living.

(c) It may rent or lease to a tenant a dwelling consisting of the number of rooms (but no greater number) which it deems necessary to provide safe and sanitary accommodations to the proposed occupants thereof, without overcrowding.

(d) It shall not change the residency preference of any prospective tenant once the application has been accepted by the authority.

(e) It may refuse to renew the tenancy of any person if, after due notice and an impartial hearing, that

person or any of the proposed occupants of the dwelling has, during a term of tenancy or occupancy in any housing project operated by an Authority, been convicted of a criminal offense relating to the sale or distribution of controlled substances under the laws of this State, the United States or any other state. Confirmation of conviction data shall be determined by a fingerprint based criminal history records check. In such cases, the tenant or proposed occupant to whom the disqualifying conviction record belongs shall have his or her fingerprints submitted to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Authority.

(f) It may, if a tenant has created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or Authority employees, after 3 days' written notice of termination and without a hearing, file suit against any such tenant for recovery of possession of the premises. The tenant shall be given the opportunity to contest the termination in the court proceedings. A serious and clear danger to the health or safety of other tenants or Authority employees shall include, but not be limited to, any of the following activities of the tenant or of any other person on the premises with the consent of the tenant:

(1) Physical assault or the threat of physical assault.

(2) Illegal use of a firearm or other weapon or the threat to use in an illegal manner a firearm or other weapon.

(3) Possession of a controlled substance by the tenant or any other person on the premises with the consent of the tenant if the tenant knew or should have known of the possession by the other person of a controlled substance, unless the controlled substance was obtained directly from or pursuant to a valid prescription.

(4) Streetgang membership as defined in the Illinois Streetgang Terrorism Omnibus Prevention Act.

The management of low-rent public housing projects financed and developed under the U.S. Housing Act of 1937 shall be in accordance with that Act.

Nothing contained in this Section or any other Section of this Act shall be construed as limiting the power of an Authority to vest in a bondholder or trustee the right, in the event of a default by the Authority, to take possession and operate a housing project or cause the appointment of a receiver thereof, free from all restrictions imposed by this Section or any other Section of this Act. (Source: P.A. 89-351, eff. 1-1-96.)

Section 45. The Illinois Vehicle Code is amended by changing Sections 6-411 and 18a-200 as follows:

(625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

Sec. 6-411. Qualifications of Driver Training Instructors. In order to qualify for a license as an instructor for a driving school, an applicant must:

(a) Be of good moral character;

(b) Authorize an investigation to determine if the applicant has ever been convicted of a crime and if so, the disposition of those convictions; this authorization shall indicate the scope of the inquiry and the agencies which may be contacted. Upon this authorization the Secretary of State may request and receive information and assistance from any federal, state or local governmental agency as part of the authorized investigation. Each applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall provide information concerning any criminal convictions, and their disposition, brought against the applicant upon request of the Secretary of State when the request is made in the form and manner required by the Department of State Police. The information derived from this investigation including the source of this information, and any conclusions or recommendations derived from this information by the Secretary of State shall be provided to the applicant, or his designee, upon request to the Secretary of State, prior to any final action by the Secretary of State on the application. No information obtained from such investigation may be placed in any automated information system. Any criminal convictions and their disposition information obtained by the Secretary of State shall be confidential and may not be

transmitted outside the Office of the Secretary of State, except as required herein, and may not be transmitted to anyone within the Office of the Secretary of State except as needed for the purpose of evaluating the applicant. The only physical identity materials which the applicant can be required to provide the Secretary of State are photographs or fingerprints; these shall be returned to the applicant upon request to the Secretary of State, after the investigation has been completed and no copy of these materials may be kept by the Secretary of State or any agency to which such identity materials were transmitted. Only information and standards which bear a reasonable and rational relation to the performance of a driver training instructor shall be used by the Secretary of State. Any employee of the Secretary of State who gives or causes to be given away any confidential information concerning any criminal charges and their disposition of an applicant shall be guilty of a Class A misdemeanor unless release of such information is authorized by this Section;

(c) Pass such examination as the Secretary of State shall require on (1) traffic laws, (2) safe driving practices, (3) operation of motor vehicles, and (4) qualifications of teacher;

(d) Be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles. An instructors license application must be accompanied by a medical examination report completed by a competent physician licensed to practice in the State of Illinois;

(e) Hold a valid Illinois drivers license;

(f) Have graduated from an accredited high school after at least 4 years of high school education or the equivalent; and

(g) Pay to the Secretary of State an application and license fee of $35.

If a driver training school class room instructor teaches an approved driver education course, as defined in Section 1-103 of this Code, to students under 18 years of age, he or she shall furnish to the Secretary of State a certificate issued by the State Board of Education that the said instructor is qualified and meets the minimum educational standards for teaching driver education courses in the local public or parochial school systems, except that no State Board of Education certification shall be required of any instructor who teaches exclusively in a commercial driving school. On and after July 1, 1986, the existing rules and regulations of the State Board of Education concerning commercial driving schools shall continue to remain in effect but shall be administered by the Secretary of State until such time as the Secretary of State shall amend or repeal the rules in accordance with The Illinois Administrative Procedure Act. Upon request, the Secretary of State shall issue a certificate of completion to a student under 18 years of age who has completed an approved driver education course at a commercial driving school. (Source: P.A. 87-829; 87-832.)

(625 ILCS 5/18a-200) (from Ch. 95 1/2, par. 18a-200)

Sec. 18a-200. General powers and duties of Commission. The Commission shall:

(1) Regulate commercial vehicle relocators and their employees or agents in accordance with this Chapter and to that end may establish reasonable requirements with respect to proper service and practices relating thereto;

(2) Require the maintenance of uniform systems of accounts, records and the preservation thereof;

(3) Require that all drivers and other personnel used in relocation be employees of a licensed relocator;

(4) Regulate equipment leasing to and by relocators;

(5) Adopt reasonable and proper rules covering the exercise of powers conferred upon it by this Chapter, and reasonable rules governing investigations, hearings and proceedings under this Chapter;

(6) Set reasonable rates for the commercial towing or removal of trespassing vehicles from private property. The rates shall not exceed the mean average of the 5 highest rates for police tows within the territory to which this Chapter applies that are performed under Sections 4-201 and 4-214 of this Code and that are of record at hearing; provided that the Commission shall not re-calculate the maximum specified herein if the order containing the previous calculation was entered within one calendar year of the date on which the new order is entered. Set reasonable rates for the storage, for periods in excess of 24 hours, of the vehicles in connection with the towing or removal; however, no relocator shall impose charges for storage for the first 24 hours after towing or removal. Set reasonable rates for other services provided by relocators, provided that the rates shall not be charged to the owner or operator of a relocated vehicle. Any fee charged by a relocator for the use of a credit card that is used to pay for any service rendered by the relocator shall be included in the total amount that shall not exceed the maximum reasonable rate established by the Commission. The Commission shall require a relocator to refund any amount charged in excess of the reasonable rate established by the Commission, including any fee for the use of a credit card;

(7) Investigate and maintain current files of the criminal records, if any, of all relocators and their employees and of all applicants for relocator's license, operator's licenses and dispatcher's licenses. If the

Commission determines that an applicant for a license issued under this Chapter will be subjected to a criminal history records check, the applicant shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These Fingerprints shall be checked against the Department of State Police and Federal Bureau of Investigation criminal history record information databases now and hereafter filed. The Department of State Police shall charge the applicant a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The Department of State Police shall furnish pursuant to positive identification, records of conviction to the Commission;

(8) Issue relocator's licenses, dispatcher's employment permits, and operator's employment permits in accordance with Article IV of this Chapter;

(9) Establish fitness standards for applicants seeking relocator licensees and holders of relocator licenses;

(10) Upon verified complaint in writing by any person, organization or body politic, or upon its own initiative may, investigate whether any commercial vehicle relocator, operator, dispatcher, or person otherwise required to comply with any provision of this Chapter or any rule promulgated hereunder, has failed to comply with any provision or rule;

(11) Whenever the Commission receives notice from the Secretary of State that any domestic or foreign corporation regulated under this Chapter has not paid a franchise tax, license fee or penalty required under the Business Corporation Act of 1983, institute proceedings for the revocation of the license or right to engage in any business required under this Chapter or the suspension thereof until such time as the delinquent franchise tax, license fee or penalty is paid. (Source: P.A. 88-448.)

Section 50. The Adoption Act is amended by changing Section 6 as follows:

(750 ILCS 50/6) (from Ch. 40, par. 1508)

Sec. 6. A. Investigation; all cases. Within 10 days after the filing of a petition for the adoption or standby adoption of a child other than a related child, the court shall appoint a child welfare agency approved by the Department of Children and Family Services, or a person deemed competent by the court, or in Cook County the Court Services Division of the Cook County Department of Public Aid, or the Department of Children and Family Services if the court determines that no child welfare agency is available or that the petitioner is financially unable to pay for the investigation, to investigate accurately, fully and promptly, the allegations contained in the petition; the character, reputation, health and general standing in the community of the petitioners; the religious faith of the petitioners and, if ascertainable, of the child sought to be adopted; and whether the petitioners are proper persons to adopt the child and whether the child is a proper subject of adoption. The investigation required under this Section shall include a fingerprint based criminal background check with a review of fingerprints by the Illinois State Police and Federal Bureau of Investigation ~~authorities~~. Each petitioner subject to this investigation, shall submit his or her fingerprints to the Department of State Police in the form and manner prescribed by the Department of State Police. These fingerprints shall be checked against the fingerprint records now and hereafter filed in the Department of State Police and Federal Bureau of Investigation criminal history records databases. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall be deposited in the State Police Services Fund and shall not exceed the actual cost of the records check. The criminal background check required by this Section shall include a listing of when, where and by whom the criminal background check was prepared. The criminal background check required by this Section shall not be more than two years old.

Neither a clerk of the circuit court nor a judge may require that a criminal background check or fingerprint review be filed with, or at the same time as, an initial petition for adoption.

B. Investigation; foreign-born child. In the case of a child born outside the United States or a territory thereof, in addition to the investigation required under subsection (A) of this Section, a post-placement investigation shall be conducted in accordance with the requirements of the Child Care Act of 1969, the Interstate Compact on the Placement of Children, and regulations of the foreign placing agency and the supervising agency.

The requirements of a post-placement investigation shall be deemed to have been satisfied if a valid final order or judgment of adoption has been entered by a court of competent jurisdiction in a country other than the United States or a territory thereof with respect to such child and the petitioners.

C. Report of investigation. The court shall determine whether the costs of the investigation shall be charged to the petitioners. The information obtained as a result of such investigation shall be presented to the court in a written report. The results of the criminal background check required under subsection (A) shall be provided to the court for its review. The court may, in its discretion, weigh the significance of the results of the criminal background check against the entirety of the background of the petitioners. The Court, in its discretion, may accept the report of the investigation previously made by a licensed

child welfare agency, if made within one year prior to the entry of the judgment. Such report shall be treated as confidential and withheld from inspection unless findings adverse to the petitioners or to the child sought to be adopted are contained therein, and in that event the court shall inform the petitioners of the relevant portions pertaining to the adverse findings. In no event shall any facts set forth in the report be considered at the hearing of the proceeding, unless established by competent evidence. The report shall be filed with the record of the proceeding. If the file relating to the proceeding is not impounded, the report shall be impounded by the clerk of the court and shall be made available for inspection only upon order of the court.

D. Related adoption. Such investigation shall not be made when the petition seeks to adopt a related child or an adult unless the court, in its discretion, shall so order. In such an event the court may appoint a person deemed competent by the court. (Source: P.A. 91-429, eff. 1-1-00; 91-572, eff. 1-1-00; 91-740, eff. 6-2-00.)".

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Haine, **House Bill No. 567**, 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	Peterson	Sullivan, D.
Bomke	Halvorson	Petka	Sullivan, J.
Brady	Harmon	Radogno	Syverson
Burzynski	Hendon	Rauschenberger	Trotter
Clayborne	Hunter	Righter	Viverito
Collins	Jacobs	Risinger	Walsh
Cronin	Jones, J.	Ronen	Watson
Crotty	Jones, W.	Roskam	Welch
Cullerton	Lauzen	Rutherford	Winkel
del Valle	Lightford	Sandoval	Wojcik
DeLeo	Link	Schoenberg	Woolard
Demuzio	Maloney	Shadid	Mr. President
Dillard	Martinez	Sieben	
Garrett	Meeks	Silverstein	
Geo-Karis	Obama	Soden	

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Shadid, **House Bill No. 572** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 572 by replacing everything after the enacting clause with the following:

"Section 5. 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 $1,000 ~~$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.

(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 July 1, 2003.".

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Viverito, **House Bill No. 579**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Demuzio, **House Bill No. 715** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 715 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5-595 as follows:

(30 ILCS 105/5.595)

Sec. 5.595. The Secretary of State Police DUI Fund. Section 10. 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.

(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.

(k) The Secretary of State Police DUI Fund is created as a special fund in the State treasury. All moneys received by the Secretary of State Police under subsection (j) of this Section shall be deposited into the Secretary of State Police DUI Fund and, subject to appropriation, shall be used to purchase law enforcement equipment to assist in the prevention of alcohol related criminal violence throughout the State. (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99; 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff. 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Obama, **House Bill No. 690** was recalled from the order of third reading to the order of second reading.

Senator Obama offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 690 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by adding Section 2310-700 as follows:

(20 ILCS 2310/2310-700 new)

Sec. 2310-700. Minority Health and Medical Careers Program.

(a) The purpose of this Section is to establish a program in the Illinois Department of Public Health to study and develop a statewide network of innovative programs conducted in conjunction with professional schools that attempt to increase the number of qualified minority applicants to and graduates of medical and other professional schools.

(b) The Department of Public Health, in consultation with the Board of Higher Education, shall undertake a study to identify the existing programs in the State to increase the number of qualified minority health care professionals, any geographic areas not served by these programs, the effectiveness of existing programs, and recommendations for improving the effectiveness of existing programs. The Department of Public Health shall deliver this study to the General Assembly and the Governor on or before December 31, 2003. Based upon this study, the Department shall establish a statewide network of existing programs and encourage the development of these programs for both urban and rural areas of the State not served.

(c) The Department may provide grants, subject to appropriations, to those programs conducted by professional schools that have at least 500 participants from elementary school to graduate school.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Harmon, **House Bill No. 696** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 696 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Guaranteed Job Opportunity Act is amended by changing Sections 10, 15, 25, 30, 35, 40, 45, 50, 55, and 65 as follows:

(20 ILCS 1510/10)

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

"Department" means the Department of Commerce and Community Affairs.

"Eligible area" means a county, township, municipality, or ward or precinct of a municipality .

~~(a)~~ "Participant" means an individual who is determined to be eligible under Section 25.

~~(b)~~ "Project" means the definable task or group of tasks which:

(1) will be carried out by a public agency, a private nonprofit organization, a private contractor, or a cooperative,

(2) (blank), ~~will meet the requirements of subsection (f) of Section 35,~~

(3) will result in a specific product or accomplishment, and

(4) would not otherwise be conducted with existing funds.

~~(c)~~ "Director" means the Director of Commerce and Community Affairs ~~Director of Labor~~. (Source: P.A. 88-114.)

(20 ILCS 1510/15)

Sec. 15. Establishment of program. The Department may issue grants for the operation of projects under this Act. The issuance of the grants is subject to the availability of State or federal funds and at the discretion of the Director. ~~Grants shall be made and projects shall be assisted under this Act only to the extent that funding from federal sources is available for those purposes. From the sums appropriated by the General Assembly for any fiscal year, the Director shall make grants to Executive Councils established in accordance with Section 20 for the purpose of assisting local job projects which meet the requirements of this Act.~~ The General Assembly may appropriate funds for the purposes of this Section from any appropriate State source or from any appropriate federal source, regardless of which State agency is the initial recipient of the federal funds. (Source: P.A. 88-114.)

(20 ILCS 1510/25)

Sec. 25. Program eligibility. (a) General Rule. An individual is eligible to participate in the job projects assisted under this Act if the individual:

(1) is at least 16 years of age;

(2) has resided in the eligible area for at least 30 days;

(3) has been unemployed for 35 days prior to the determination of employment for job projects assisted under this Act; ~~and~~

(4) is a citizen of the United States, is a national of the United States, is a lawfully admitted permanent resident alien, is a lawfully admitted refugee or parolee, or is otherwise authorized by the United States Attorney General to work in the United States; and

(5) is a recipient of assistance under Article IV of the Illinois Public Aid Code.

(b) Limitations.

(1) (Blank). ~~Not more than 2 individuals who reside in any household may be eligible for a job assisted under this Act.~~

(2) (Blank). ~~No individual whose earned income for the year preceding the year in which the determination of employment under this Act is made is equal to or more than $17,000, or who has a combined family income in the year in which the determination of employment under this Act is made which is equal to or more than $17,000 a year, may be eligible for a job assisted under this Act.~~

(3) No individual participating in the job opportunity project assisted under this Act may work in any compensated job other than the job assisted under this Act for more than 20 ~~16~~ hours per week.

(4) Individuals ~~Each individual~~ participating ~~in the job project assisted under this Act shall demonstrate, to the project manager of the job project assisted~~ under this Act shall~~, that the individual sought employment in the private sector during the 35 days prior to making application for employment under this Act and will continue to~~ seek employment during the period of employment assisted under this Act.

(5) Any individual eligible for retirement benefits under the Social Security Act, under any retirement system for Federal Government employees, under the railroad retirement system, under the military retirement system, under a State or local government pension plan or retirement system, or any private pension program is not eligible to receive a job under a job project assisted under this Act.

(Source: P.A. 88-114.)

(20 ILCS 1510/30)

Sec. 30. ~~Testing and~~ Education requirements. Any individual who has not completed high school and who participates in a job project under this Act may enroll, if appropriate, in and maintain satisfactory progress in a secondary school or an adult basic education or GED program. Any individual with limited English speaking ability may participate, if appropriate, in an English as a Second Language program.

~~(a) Testing. Each participant shall be tested for basic reading and writing competence by the District Executive Council prior to employment by a job project assisted under this Act.~~

~~(b) Education Requirement.~~

~~(1) Each participant who fails to complete satisfactorily the basic competency test required by subsection (a) of this Section shall be furnished counseling and instruction.~~

~~(2) Each participant in a job project assisted under this Act shall, in order to continue employment, maintain satisfactory progress toward and receive a secondary school diploma or its equivalent.~~

~~(3) Each participant with limited English speaking ability may be furnished instruction as the District Executive Council deems appropriate.~~

(Source: P.A. 88-114.)

(20 ILCS 1510/35)

Sec. 35. Local Job Projects. (a) General authority. The Department may accept applications and issue grants for operation of projects under this Act. ~~Each District Executive Council shall select job projects to be assisted under this Act. Each job project selected for assistance shall provide employment to eligible participants.~~

(b) Project ~~Objection~~. Subject to appropriation, no more than 3 small projects may be selected to pilot a subsidized employment to Temporary Assistance for Needy Families (TANF) program for participants for a period of not more than 6 months. The selected projects shall demonstrate their ability to move clients from participation in the project to unsubsidized employment. The Department may refer TANF participants to other subsidized employment programs available through the Workforce Investment Act (WIA) One Stops or through other community-based programs. ~~No project may be selected under this Section if an objection to the project is filed by 2 representatives appointed under subparagraph (A) of paragraph (3) of subsection (a) of Section 20 or by 2 representatives appointed under subparagraph (B) of paragraph (3) of subsection (a) of Section 20.~~

(c) Political affiliation prohibited. No manager or other officer or employee of ~~a District Executive Council or of~~ the job project assisted under this Act may apply a political affiliation test in selecting eligible participation for employment in the project.

(d) Limitations.

(1) Not more than 10% of the total expenses in any fiscal year of the job project may be used for transportation and equipment.

(2) (Blank). ~~Not more than 10% of the individuals employed in any job project assisted under this Act may be employed to supervise a project. Individuals selected as supervisors may be selected without regard to the provisions of Section 25 and may receive wages in excess of the rate determined under Section 40. The limitation on the ratio of supervisors to employees shall not apply where more~~

~~supervision of eligible participants will contribute to carrying out the objectives of this Act.~~

(e) Minimum ~~Maximum~~ hours per week employed. No eligible participant employed in a job project assisted under this Act may be employed on the project for less ~~more~~ than 30 ~~32~~ hours per week.

(f) (Blank). ~~Project Progress Reports. Each project manager shall prepare and submit to the District Executive Council monthly progress reports on the job project assisted under this Act.~~ (Source: P.A. 88-114.)

(20 ILCS 1510/40)

Sec. 40. Benefits; supportive services; job clubs. (a) Wages. Each eligible participant who is employed in job projects assisted under this Act shall receive wages equal to the higher of (1) the minimum wage under Section 6(a)(1) of the Fair Labor Standards Act of 1938 or, ~~(2) the minimum wage under the applicable minimum wage law, or (3) the amount which the eligible participant received in welfare benefits pursuant to the State plan approved under Part A of Title IV of the Social Security Act or in the form of unemployment compensation, if applicable, plus 10% of the amount, whichever is higher~~.

(b) ~~Benefits. Each eligible participant who is employed in projects assisted under this Act shall be furnished benefits and employment conditions comparable to the benefits and conditions provided to other employees employed in similar occupations by a comparable employer, but~~ No participant shall be eligible for unemployment compensation during or on the basis of employment in a project.

(c) Supportive services. Each eligible participant who is employed in projects assisted under this Act shall be eligible for supportive services as provided under rules developed by the Department~~, which may include transportation, health care, special services and materials for the handicapped, child care and other services which are necessary to enable the individual to participate~~.

(d) Job clubs. All participants shall participate in a job club. The project shall operate or otherwise make arrangements for each participant to participate in a job club. ~~Each District Executive Council shall establish for the eligible area job clubs to assist eligible participants with the preparation of resumes, the development of interviewing techniques, evaluation of individual job search activities, and economic education classes.~~ (Source: P.A. 88-114.)

(20 ILCS 1510/45)

Sec. 45. Labor standards applicable to job projects. (a) Conditions of employment.

(1) Conditions of employment and training shall be appropriate and reasonable in light of factors such as the type of work, geographical region, and proficiency of the participant.

(2) Health and safety standards established under State and Federal law, otherwise applicable to working conditions of employees, shall be equally applicable to working conditions of participants. ~~With respect to any participant in a job project conducted under this Act who is engaged in activities which are not covered by health and safety standards under the Occupational Safety and Health Act of 1970, the Director shall prescribe, by regulation, standards as may be necessary to protect the health and safety of a participant.~~

(3) No funds available under this Act may be used for contributions on behalf of any participant to retirement systems or plans.

(b) Displacement rules.

(1) No currently employed worker shall be displaced by any participant, including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits.

(2) No job project shall impair existing contracts for services or collective bargaining agreements, except that no job project under this Act which would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and employer concerned.

(3) No participant shall be employed or job opening filled when any other individual is on layoff from the same or any substantially equivalent job, or when the employer has terminated the employment of any regular employee or otherwise reduced its workforce with the intention of filling the vacancy so created by hiring a participant whose wages are subsidized under this Act.

(4) No jobs shall be created in a promotional line that will infringe in any way upon the promotional opportunities of currently employed individuals.

(Source: P.A. 88-114.)

(20 ILCS 1510/50)

Sec. 50. Nondiscrimination. (a) General rule.

(1) Discrimination on the basis of age, on the basis of handicap, on the basis of sex, or on the basis of race, color, or national origin is prohibited.

(2) No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any

project because of race, color, religion, sex, national origin, age, handicap, or political affiliation or belief.

(3) (Blank). ~~No participant shall be employed on the construction, operation, or maintenance of any facility used or to be used for sectarian instruction or as a place for religious worship.~~

(4) With respect to terms and conditions affecting, or rights provided to, individuals who are participants in activities supported by funds provided under this Act, the individuals shall not be discriminated against solely because of their status as the participants.

(b) (Blank). ~~Failure To Comply With Rules. Whenever the Director finds that a recipient has failed to comply with subsection (a) of this Section, or with an applicable regulation prescribed to carry out this Section, the Director shall notify the recipient and shall request compliance. If within a reasonable period of time, not to exceed 60 days, the recipient fails or refuses to comply, the Director may (1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted, or (2) take other action as may be provided by law.~~

(c) (Blank). ~~Referral to Attorney General. When a matter is referred to the Attorney General pursuant to paragraph (1) of subsection (b), or whenever the Attorney General has reason to believe that a recipient is engaged in a pattern or practice in violation of subsection (a), the Attorney General may bring a civil action in any appropriate court of the State of Illinois for relief as may be appropriate, including injunctive relief.~~ (Source: P.A. 88-114.)

(20 ILCS 1510/55)

Sec. 55. Evaluation. Each project ~~District Executive Council~~ shall ~~establish and~~ maintain a ~~an evaluation~~ file for each individual employed ~~in a project assisted under this Act~~. These files shall be available to the Department upon request. ~~The evaluation file shall be made available to the participant monthly and shall not be available to any other person without the consent of the employee. In carrying out the provisions of this Section, each Council shall assure that the participant will be afforded the opportunity to discuss any matter contained in, or omitted from, the file.~~ (Source: P.A. 88-114.)

(20 ILCS 1510/65)

Sec. 65. Evaluation. The Department shall conduct an evaluation of the success of the projects funded under this Act. Each project shall cooperate with the Department in the collection of any data needed for the evaluation. ~~Administration.~~

~~(a) Accepting Property For Use Under This Act. The Director is authorized, in carrying out this Act, to accept, purchase, or lease in the name of the Department, and employ or dispose of in furtherance of the purpose of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise, and to accept voluntary and uncompensated services.~~

~~(b) General Administrative Authority. The Director may make grants, contracts, or agreements, establish procedures and make payments, in installments, in advance or by way of reimbursement, or otherwise allocate or expend funds under this Act as necessary to carry out this Act, including expenditures for construction, repairs, and capital improvements, and including necessary adjustments in payments on account of overpayments or underpayments.~~

~~(c) Waiver Authority. The Director may waive:~~

~~(1) the testing requirement for individuals with handicaps;~~

~~(2) the education requirement in paragraph (2) of subsection (b) of Section 30; and~~

~~(3) subject to a 2/3 vote of each District Executive Council, the requirement relating to a 32 hour work week under subsection (e) of Section 35 for unusual circumstances.~~

~~(d) Report. The Director shall prepare and submit to the General Assembly an annual report on the administration of this Act. The Director shall include the following in the report:~~

~~(1) a summary of the achievements, failures, and problems of the programs authorized in this Act in meeting the objective of this Act; and~~

~~(2) recommendations, including recommendations for legislative or administrative action, as the Director deems appropriate.~~

~~(e) Audit. The Auditor General of the State of Illinois and any authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records, of any recipient under this Act that are pertinent to the amounts received and disbursed under this Act.~~

~~(f) Adoption of rules. The Director may adopt appropriate rules to carry out this Act.~~ (Source: P.A. 88-114.)

(20 ILCS 1510/20 rep.)

(20 ILCS 1510/60 rep.)

Section 10. The Illinois Guaranteed Job Opportunity Act is amended by repealing Sections 20 and 60.

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

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 Hunter, **House Bill No. 702** was recalled from the order of third reading to the order of second reading.

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

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 702 by replacing the title with the following:

"AN ACT in relation to public aid."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Section 5-5.12 as follows:

(305 ILCS 5/5-5.12) (from Ch. 23, par. 5-5.12)

Sec. 5-5.12. Pharmacy payments. (a) Every request submitted by a pharmacy for reimbursement under this Article for prescription drugs provided to a recipient of aid under this Article shall include the name of the prescriber or an acceptable identification number as established by the Department.

(b) Pharmacies providing prescription drugs under this Article shall be reimbursed at a rate which shall include a professional dispensing fee as determined by the Illinois Department, plus the current acquisition cost of the prescription drug dispensed. The Illinois Department shall update its information on the acquisition costs of all prescription drugs no less frequently than every 30 days. However, the Illinois Department may set the rate of reimbursement for the acquisition cost, by rule, at a percentage of the current average wholesale acquisition cost.

(c) Reimbursement under this Article for prescription drugs shall be limited to reimbursement for 4 brand-name prescription drugs per patient per month. This subsection applies only if (i) the brand-name drug was not prescribed for an acute or urgent condition, (ii) the brand-name drug was not prescribed for Alzheimer's disease, arthritis, diabetes, HIV/AIDS, a mental health condition, or respiratory disease, and (iii) a therapeutically equivalent generic medication has been approved by the federal Food and Drug Administration.

(d) The Department shall not impose requirements for prior approval based on a preferred drug list for anti-retroviral or any atypical antipsychotics, conventional antipsychotics, ~~or~~ anticonvulsants, or antidepressants used for the treatment of serious mental illnesses ~~until 30 days after it has conducted a study of the impact of such requirements on patient care and submitted a report to the Speaker of the House of Representatives and the President of the Senate~~. The Department shall adopt policies and implement procedures that ensure continuous access to medications 24 hours per day, 7 days per week. In an emergency situation, when prior approval or an edit override is not available, a pharmacy may dispense, and the Department shall pay for, up to a 72-hour supply of a drug prescribed to an eligible recipient for a mental illness. Nothing in this Section shall be construed as preventing the Department from implementing other restrictions as necessary to ensure the appropriate use of medications described in this subsection, by persons with a serious mental illness, as supported by evidence-based medicine. This subsection is inoperative after June 30, 2005. (Source: P.A. 92-597, eff. 6-28-02; 92-825, eff. 8-21-02; revised 9-19-02.)".

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 Crotty, **House Bill No. 764** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 764 by replacing everything after the enacting clause with the following:

"(105 ILCS 5/7-2c rep.)

Section 5. The School Code is amended by repealing Section 7-2c. Section 99. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Walsh, **House Bill No. 816** was recalled from the order of third reading to the order of second reading.

Senator Walsh offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 816 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Employment Security Law of the Civil Administrative Code of Illinois is amended by adding Section 1005-155 as follows:

(20 ILCS 1005/1005-155 new)

Sec. 1005-155. Illinois Employment and Training Centers report. The Department of Employment Security, or the State agency responsible for the oversight of the federal Workforce Investment Act of 1998 if that agency is not the Department of Employment Security, shall prepare a report for the Governor and the General Assembly regarding the progress of the Illinois Employment and Training Centers in serving individuals with disabilities. The report must include, but is not limited to, the following: (i) the number of individuals referred to the Illinois Employment and Training Centers by the Department of Human Services Office of Rehabilitation Services; (ii) the total number of disabled individuals served by the Illinois Employment and Training Centers; (iii) the number of disabled individuals served in federal Workforce Investment Act of 1988 employment and training programs; (iv) the number of individuals with disabilities annually placed in jobs by the Illinois Employment and Training Centers; and (v) the number of individuals with disabilities referred by the Illinois Employment and Training Centers to the Department of Human Services Office of Rehabilitation Services. The report is due by March 1, 2004 and is due annually thereafter.".

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 Clayborne, **House Bill No. 860** was recalled from the order of third reading to the order of second reading.

Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 860 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Sections 10-235, 10-245, and 10-250 as follows:

(35 ILCS 200/10-235)

Sec. 10-235. ~~Section 515~~ Low-income housing project valuation policy; intent. It is the policy of this State that low-income housing projects receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code ~~under Section 515 of the federal Housing Act~~ shall be valued at 33 and one-third percent of the fair market value of their economic productivity to the owners of the projects to help insure that their valuation for property taxation does not result in taxes so high that rent levels must be raised to cover this project expense, which can cause excess vacancies, project loan defaults, and eventual loss of rental housing facilities for those most in need of them, low-income families and the elderly. It is the intent of this State that the valuation required by this Division is the closest representation of cash value required by law and is the method established as proper and fair. (Source: P.A. 91-651, eff. 1-1-00; 92-16, eff. 6-28-01.)

(35 ILCS 200/10-245)

Sec. 10-245. Method of valuation of ~~Section 515~~ low-income housing projects. Notwithstanding Section 1-55 and except in counties with a population of more than 200,000 that classify property for the purposes of taxation, to determine 33 and one-third percent of the fair cash value of any ~~Section 515~~ low-income housing project receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code, in assessing the project, local assessment officers must consider the actual or probable

net operating income attributable to the project, using a vacancy rate of not more than 5%, capitalized at normal market rates. The interest rate to be used in developing the normal market value capitalization rate shall be one that reflects the prevailing cost of cash for other types of commercial real estate in the geographic market in which the low-income housing ~~Section 515~~ project is located. (Source: P.A. 91-651, eff. 1-1-00; 91-884, eff. 6-30-00.)

(35 ILCS 200/10-250)

Sec. 10-250. Certification procedure and effective date of implementation.

(a) After (i) an application for a Section 515 low-income housing project certificate is filed with the State Director of the United States Department of Agriculture Rural Development Office in a manner and form prescribed in regulations issued by the office and (ii) the certificate is issued certifying that the housing is a Section 515 low-income housing project as defined in Section 2 of this Act, the certificate must be presented to the appropriate local assessment officer to receive the property assessment valuation under this Division. The local assessment officer must assess the property according to this Act. Beginning on January 1, 2000 and through taxable year 2003, all certified Section 515 low-income housing projects shall be assessed in accordance with Section 10-245.

(b) Beginning with taxable year 2004, all low-income housing projects receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code shall be assessed in accordance with Section 10-245 if the owner or owners of the low-income housing project certify to the appropriate local assessment officer that the owner or owner is receiving a low-income housing tax credit under Section 42 of the Internal Revenue Code for the property. (Source: P.A. 91-651, eff. 1-1-00; 91-884, eff. 6-30-00.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Demuzio, **House Bill No. 865**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILL RECALLED

On motion of Senator Haine, **House Bill No. 910** was recalled from the order of third reading to the order of second reading.

Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 910 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 22.3a as follows:

(415 ILCS 5/22.3a new)

Sec. 22.3a. Expedited review of hazardous waste corrective action.

(a) It is the intent of this Section to promote an expedited RCRA hazardous waste corrective action review process.

(b) The owner or operator of a hazardous waste facility performing corrective action pursuant to the federal Resource Conservation and Recovery Act of 1976 or regulations issued thereunder, or analogous State law or regulations, may request from the Agency an expedited review of that corrective action. Within a reasonable time, the Agency shall respond in writing, indicating whether the Agency will perform expedited review.

(c) An owner or operator approved by the Agency for an expedited review under this Section shall pay to the Agency all reasonable costs the Agency incurs in its review of the owner's or operator's corrective action activities (including but not limited to investigations, monitoring, and cleanup of releases of hazardous waste or hazardous constituents). Prior to any Agency review, the owner or operator shall make an advance partial payment to the Agency for anticipated review costs in an amount acceptable to the Agency, but not to exceed $5,000 or one-half of the total anticipated costs of the Agency, whichever is less. All amounts paid to the Agency pursuant to this Section shall be deposited into the Environmental Protection Permit and Inspection Fund.

(d) The Agency's expedited review under this Section shall include, but need not be limited to: review of the owner's or operator's corrective action plans, reports, documents, and associated field activities; issuance of corrective action decision documents; and issuance of letters certifying the completion of corrective action activities or discrete portions thereof.

(e) The Agency may cease its expedited review under this Section if an owner or operator fails to pay the Agency's review costs when due.

(f) An owner or operator approved by the Agency for an expedited review under this Section may withdraw its request for an expedited review at any time by providing the Agency with written notification of its withdrawal; but the owner or operator shall be responsible to pay all expedited review costs incurred by the Agency through the date of withdrawal.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Trotter, **House Bill No. 954**, 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	Peterson	Sullivan, D.

Bomke	Halvorson	Petka	Sullivan, J.
Brady	Harmon	Radogno	Syverson
Burzynski	Hendon	Rauschenberger	Trotter
Clayborne	Hunter	Righter	Viverito
Collins	Jacobs	Risinger	Walsh
Cronin	Jones, J.	Ronen	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	Meeks	Silverstein	
Geo-Karis	Obama	Soden	

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Lightford, **House Bill No. 986** was recalled from the order of third reading to the order of second reading.

Senator Lightford offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 986 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Africa-America Peace Brigade Act.

Section 5. Legislative declaration.

(a) The General Assembly declares that it is the policy of this State to promote peace and friendship with African nations through the Illinois Africa-America Peace Brigade. The Peace Brigade shall make available to interested African nations men and women of this State qualified for service abroad and willing to serve under conditions of hardship if necessary. A purpose of the Peace Brigade is to help the peoples of African nations in meeting their needs for trained manpower, particularly in meeting the basic needs of those living in the poorest areas of those countries, and to help promote a better understanding of the citizens of this State on the part of the peoples served and a better understanding of other peoples on the part of the citizens of this State.

(b) The General Assembly declares that it is the policy of this State to promote the success of the descendants of persons from Africa who reside in this State. In order to meet this goal, the General Assembly finds that it is necessary to provide emergency resources, especially human resources, to the failing schools in the urban inner-city areas of this State. A purpose of the Peace Brigade is to provide those failing schools with their need for trained manpower in meeting the basic and remedial educational needs of African-American students.

Section 10. Definitions.

"Agency of the United States government" means any department, board, wholly or partially owned corporation, or other instrumentality, commission, or establishment of the United States.

"Council" means the Illinois Africa-America Peace Brigade Advisory Council created by this Act.

"Director" means the Director of the Illinois Africa-America Peace Brigade.

"Peace Brigade" means the Illinois Africa-America Peace Brigade created by this Act.

"Secretary of State" means the Secretary of State of the United States.

"Volunteer", unless the context otherwise requires, includes volunteer leaders and applicants for enrollment as volunteers.

Section 15. Illinois Africa-America Peace Brigade; director and deputy director; rules.

(a) There is created the Illinois Africa-America Peace Brigade. The Peace Brigade shall be under the direction of a Director and a Deputy Director appointed by the Governor with the advice and consent of the Senate.

(b) The Director may adopt any rules necessary to carry out the purposes of this Act and to perform

any of the duties of the Peace Brigade.

Section 20. Powers and duties.

(a) The Peace Brigade may enter into, perform, and modify contracts and agreements with and may otherwise cooperate with any agency of the United States government, any state, any State agency, or any educational institutions, voluntary agencies, farm organizations, labor unions, or other organizations, persons, or firms.

(b) The Director may, with the approval of the Secretary of State, assign volunteers to temporary duty with international organizations and agencies.

(c) The Director may assign volunteers to duty or make them available to any entity referred to in subsection (a) of this Section in order to assist those entities in providing development or other assistance to African nations.

(d) In recognition of the fact that women in developing countries play a significant role in economic production, family support, and the overall development process, the Peace Brigade shall, whenever possible, give particular attention to programs and activities that integrate women into the economies of African nations.

(e) In recognition of the fact that 95% of the disabled people in the world are among the poorest of the poor, the Peace Brigade shall, whenever possible, give particular attention to programs and activities that integrate disabled people into the economies of African nations.

(f) The Director may, in cooperation with the State Board of Education and the State Superintendent of Education, assign volunteers to duty in urban inner-city schools in this State.

Section 25. Approval by the Secretary of State.

(a) Nothing in this Act shall be construed to infringe upon the powers or functions of the Secretary of State. In carrying out the purposes of this Act, the Director must seek the approval of the Secretary of State for any programs or activities of the Peace Brigade in foreign nations.

(b) Except with the approval of the Secretary of State, the Peace Brigade may not be assigned to perform services in foreign nations that could more usefully be performed by an agency of the United States government.

Section 30. Employees, experts, and consultants. The Peace Brigade may employ any personnel, in accordance with the Personnel Code, that may be necessary to carry out the purposes of this Act. The Peace Brigade may enter into contracts with any experts and consultants that it deems necessary to carry out the purposes of this Act.

Section 35. Volunteers.

(a) The Director may enroll in the Peace Brigade for service in African nations and in urban inner-city schools in this State qualified citizens of this State without regard to race, gender, creed, or color. No political test or qualification may be used in selecting any person for enrollment as a volunteer. No person may be assigned to duty as a volunteer in any foreign country unless at the time of the assignment he or she possess a reasonable proficiency in speaking the language of the country to which he or she will be assigned. The Director may, by rule, prescribe any other qualifications for volunteers.

(b) The terms and conditions of service of volunteers are those set forth in this Act and as the Director prescribes. The service of any volunteer may be terminated at the pleasure of the Director. Upon enrollment, every volunteer shall take an oath of office.

(c) Subject to appropriations, volunteers may be provided with any living, travel, and leave allowances and any housing, transportation, supplies, equipment, subsistence, and clothing that the Director determines is necessary for their maintenance and to insure their health and their capacity to serve effectively. Transportation and travel allowances may also be provided, as the Director determines, for applicants for enrollment as volunteers to or from places of training and places of enrollment and for former volunteers from places of service to their homes.

(d) Subject to appropriations, volunteers who serve in a foreign country may receive a readjustment allowance, in an amount determined by the Director, for each month of satisfactory service. The readjustment allowance of each volunteer is payable on his or her return to the United States. Under circumstances that the Director determines, however, the readjustment allowance, or any part thereof, may be paid to the volunteer or members of his or her family during the period of his or her service or before his or her return to the United States. In the event of a volunteer's death during the period of service, the readjustment allowance shall be paid to his or her family.

(e) Subject to appropriation, volunteers, applicants for enrollment as volunteers, and former volunteers may receive any health examinations, immunizations, or health and dental care that the Director deems necessary or appropriate.

(f) In order to assure that the skills and experience of former volunteers are fully used, the Director may, in cooperation with agencies of the United States government, State agencies, private employers,

educational institutions, and other entities, counsel volunteers with respect to opportunities for further education and employment.

(g) Notwithstanding any other provision of law, attorneys may be employed and attorneys' fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in foreign judicial or administrative proceedings to which volunteers have been made parties.

(h) Subject to appropriation, the minor children of a volunteer that are living with the volunteer may receive:

(1) any living, travel, education, and leave allowances and any housing, transportation, subsistence, and clothing that the Director determines;

(2) any health care, including health care following the volunteer's service for an illness or injury incurred during the period of service, that the Director determines;

(3) any orientation, language, and other training that the Director determines; and

(4) the benefits of subsection (g) of this Section on the same basis of volunteers.

(i) Subject to appropriations, the cost of packing and unpacking, transporting to and from a place of storage, and storing the furniture and household and personal effects of a volunteer who has one or more minor children at the time of his or her entering pre-enrollment training may be paid from the date of his or her departure from his or her place of residence to enter training until no later than 3 months after his or her service is terminated.

Section 40. Volunteer leaders. The Director may enroll as volunteer leaders in the Peace Brigade qualified citizens of this State whose services are required for supervisory or other special duties or responsibilities in connection with programs or activities under this Act. The ratio of the total number of volunteer leaders in service at any one time may not exceed one to 25. Volunteer leaders are entitled to the same benefits as volunteers.

Section 45. Training programs. The Director shall make provision for any training that he or she deems appropriate for each applicant for enrollment as a volunteer and each enrolled volunteer. All of the provisions of this Act that apply to volunteers apply to applicants for enrollment during any period of training occurring before enrollment.

Section 50. Applications; background check; enrollment.

(a) Applicants for enrollment as volunteers must submit any information, including fingerprints taken by a law enforcement officer, that the Director requires on a form furnished by the Director. The Director shall provide any information necessary for a background check to the Department of State Police. The Director may request that the Secretary of State conduct a security investigation of an applicant for enrollment for service in a foreign nation.

(b) If the Director is satisfied that an applicant meets the qualifications for a volunteer and after the applicant completes any pre-enrollment training that the Director requires, the applicant may be enrolled as a volunteer.

Section 55. Illinois Africa-America Peace Brigade Advisory Council.

(a) The Illinois Africa-America Peace Brigade Advisory Council is created. The Council consists of 15 members appointed by the Governor, with the advice and consent of the Senate. Members of the Council shall be broadly representative of the general public, including educational institutions; private volunteer agencies; private industry; farm organizations; labor unions; different regions of the State; different educational, economic, racial, and national backgrounds; different age groupings; and both genders. No member of the Council may be a State employee.

(b) The first appointments of members of the Council shall be made not more than 60 days after the effective date of this Act. Of the members initially appointed under this Section, 8 shall be appointed to one-year terms and 7 shall be appointed to 2-year terms. Thereafter, all members shall serve 2-year terms. No member may serve for more than 2 consecutive 2-year terms.

Members of the Council serve at the pleasure of the Governor. A member of the Council may be removed by a vote of 9 members for malfeasance in office, for persistent neglect of or inability to discharge duties, or for offenses involving moral turpitude.

Within 30 days after any vacancy occurs in the office of a member of the Council, the Governor shall nominate an individual to fill the vacancy. A member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term.

(c) Subject to appropriation, members of the Council may be compensated for each day (including travel time) during which the member is engaged in the actual performance of his or her duties as a Council member. Members may not receive compensation for more than 20 days in any calendar year.

(d) A member of the Council must disclose to the Council the existence of any direct or indirect financial interest in any particular matter before the Council and may not vote or otherwise participate as

a Council member with respect to that matter.

(e) At its first meeting and at its first regular meeting in each calendar year thereafter, the Council must elect a chair and a vice-chair from its members. The chair and vice-chair may not be members of the same political party.

(f) The Council must hold a regular meeting during each calendar year and shall meet at the call of the Governor, the Director, the chair, or 1/4 of its members. The Council shall adopt any by-laws and rules that it considers necessary to carry out its functions. The by-laws and rules must include procedures for fixing the time and place of meetings, giving or waiving notice of meetings, and keeping minutes of meetings. A majority of the members of the Council constitute a quorum for the purposes of transacting any business.

(g) The Council shall evaluate the accomplishments of the Peace Brigade, assess the potential capabilities and the future role of the Peace Brigade, and make recommendations to the Governor, the Director, and, as the Council considers appropriate, the General Assembly for the purpose of guiding the future direction of the Peace Brigade and of helping to ensure that the purposes and programs of the Peace Brigade are carried out in ways that are economical, efficient, responsive to changing needs, and in accordance with the law. The Council may also make any other evaluations, assessments, and recommendations it considers appropriate.

Subject to appropriation, the Council may conduct on-site inspections and make examinations of the activities of the Peace Brigade in other countries.

(h) Not later than January 1 of each year, the Council must submit to the Governor and the Director a report on its views on the programs and activities of the Peace Brigade. Each report must contain a summary of the advice and recommendations of the Council. Within 90 days after receiving the report, the Governor must submit the report to the General Assembly, together with any comments concerning the report that the Governor or the Director considers appropriate.

(i) The Director shall make available to the Council any personnel, administrative support services, and technical assistance necessary to carry out its functions effectively.

Section 60. Report. At least once during each fiscal year, the Governor must report on the programs and activities of the Peace Brigade under this Act to the General Assembly. The report must include:

(1) a description of the purpose and scope of any project that the Peace Brigade undertook during the preceding fiscal year; and

(2) recommendations for improving coordination of projects between the Peace Brigade, the United States, and other State agencies.

Section 800. The Departments of State Government Law of the Civil Administrative Code of Illinois is amended by changing Sections 5-15 and 5-20 and by adding Section 5-425 as follows:

(20 ILCS 5/5-15) (was 20 ILCS 5/3)

Sec. 5-15. Departments of State government. The Departments of State government are created as follows:

The Department on Aging.
The Department of Agriculture.
The Department of Central Management Services.
The Department of Children and Family Services.
The Department of Commerce and Community Affairs.
The Department of Corrections.
The Department of Employment Security.
The Department of Financial Institutions.
The Department of Human Rights.
The Department of Human Services.
The Department of Insurance.
The Department of Labor.
The Department of the Lottery.
The Department of Natural Resources.
The Department of Nuclear Safety.
The Department of Professional Regulation.
The Department of Public Aid.
The Department of Public Health.
The Department of Revenue.
The Department of State Police.
The Department of Transportation.
The Department of Veterans' Affairs.

The Illinois Africa-America Peace Brigade. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 5/5-20) (was 20 ILCS 5/4)

Sec. 5-20. Heads of departments. Each department shall have an officer as its head who shall be known as director or secretary and who shall, subject to the provisions of the Civil Administrative Code of Illinois, execute the powers and discharge the duties vested by law in his or her respective department.

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

Director of Central Management Services, for the Department of Central Management Services.

Director of Children and Family Services, for the Department of Children and Family Services.

Director of Commerce and Community Affairs, for the Department of Commerce and Community Affairs.

Director of Corrections, for the Department of Corrections.

Director of Employment Security, for the Department of Employment Security.

Director of Financial Institutions, for the Department of Financial Institutions.

Director of Human Rights, for the Department of Human Rights.

Secretary of Human Services, for the Department of Human Services.

Director of Insurance, for the Department of Insurance.

Director of Labor, for the Department of Labor.

Director of the Lottery, for the Department of the Lottery.

Director of Natural Resources, for the Department of Natural Resources.

Director of Nuclear Safety, for the Department of Nuclear Safety.

Director of Professional Regulation, for the Department of Professional Regulation.

Director of Public Aid, for the Department of Public Aid.

Director of Public Health, for the Department of Public Health.

Director of Revenue, for the Department of Revenue.

Director of State Police, for the Department of State Police.

Secretary of Transportation, for the Department of Transportation.

Director of Veterans' Affairs, for the Department of Veterans' Affairs.

Director of the Illinois Africa-America Peace Brigade, for the Illinois Africa-America Peace Brigade. (Source: P.A. 91-239, eff. 1-1-00.)

(20 ILCS 5/5-425 new)

Sec. 5-425. In the Illinois Africa-America Peace Brigade. The Director and the Assistant Director of the Illinois Africa-America Peace Brigade shall receive annual salaries that are the same as the salaries of the Director and Assistant Director of Agriculture, respectively, until such time as their salaries are set by the Compensation Review Board, and thereafter shall receive salaries as set by the Compensation Review Board.

Section 805. The Department of State Police Law of the Civil Administrative Code of Illinois is amended by adding Section 2605-345 as follows:

(20 ILCS 2605/2605-345 new)

Sec. 2605-345. Criminal background investigations for the Illinois Africa-America Peace Brigade. Upon the request of the Director of the Illinois Africa-America Peace Brigade, to conduct criminal background investigations of applicants for enrollment as volunteers in the Illinois Africa-America Peace Brigade and to report any criminal history information to the Director of the Illinois Africa-America Peace Brigade. The request shall be in the form and manner specified by the Department.".

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 Link, **House Bill No. 988** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 988 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. 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, 2002; (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 excepted 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 municipality prior to January 1, 2002, 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.

"Rank" means any position within the chain of command of a fire department to which employees are regularly assigned to perform duties related to providing fire suppression, fire prevention, or emergency services.

"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.

(2) The negotiation by an employer and an exclusive bargaining representative of clauses within a collective bargaining agreement relating to conditions, criteria, or procedures for the promotion of employees who are members of bargaining units.

(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.

(e) Local authorities and exclusive bargaining agents affected by this Act may agree to waive one or more of its provisions and bargain on the contents of those provisions, provided that any such waivers shall be considered permissive subjects of bargaining.

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.

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 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, unless used for points in the promotion process.

(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.".

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 Demuzio, **House Bill No. 992** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 992 by replacing everything after the enacting clause with the following:

"Section 1. This Act may be cited as the State Facility Modification Review Act.

Section 5. The Department of Human Services, the Department of Corrections, or the Department of Veterans' Affairs, within any 12-month period, shall not close any facility or modify the use of any facility operated by such Department which would reduce the functional bed capacity or occupancy level of such facility by 10% or 25 persons, whichever is less, or which would reduce the number of employees at such facility by 10% of the total employees at such facility or 25 employees, whichever is less, unless the General Assembly has approved such change in compliance with the procedures set forth in Section 10 of this Act.

Section 10. The Secretary or Director of the Department proposing a change under Section 5 must submit a closure or modification plan in writing with supporting documents as described in Section 15 to the General Assembly by delivering a copy thereof to the Secretary of the Senate and to the Clerk of the House of Representatives. The Secretary of the Senate and Clerk of the House shall receive and note on the proposed change and supporting documents the date and time of delivery. Delivery may take place

during such period on a date or at an hour when the Senate and House are not in session as long as the offices of the Secretary and Clerk are open to receive the proposed change and supporting documents.

For a proposed change to become effective, the General Assembly must approve the proposed change by joint resolution, no sooner than 30 session days after receipt of the proposed change and supporting documents. In determining the 30 session-day period within which the General Assembly may not act, the day on which delivery is made to the Senate and House shall not be counted. If delivery of the proposed change and supporting documents to the 2 houses occurs on different days, the 30 session-day period shall begin on the day following the later delivery. For the purposes of this Section, the term "session day" means any day during which either the Senate or the House of Representatives is in session and includes days when either the Senate or House of Representatives is in special session.

Section 15. Any proposed change submitted to the General Assembly shall include, at a minimum, the following supporting documents:

(1) the rationale for the proposed change;

(2) the number and service needs of the individuals whose service delivery will be affected by the proposed change;

(3) the number, functions, and duties of the State employees to be laid-off;

(4) specifically how, by means of either State government employees or contracted providers, the service needs of the affected individuals will be met and the impact that will have on the type and availability of services for such individuals and other service recipients;

(5) a cost-benefit analysis of the closing or modification, including:

(i) specific first-year cost savings itemized by budget line including personal services, retirement, social security, contractual services, travel, commodities, printing, equipment, telecommunications, operation of automotive equipment, and any other applicable items;

(ii) specific first-year costs and up-front expenses associated with replacing the services currently rendered at the facility that will be closed or modified, including the cost of contracting out the service and monitoring such contracts and additional costs at other State facilities.

(6) an independent economic impact study of the community where the facility proposed for closure or modification is located;

(7) a legal opinion that ensures that the proposed change does not violate State or federal laws.

The Department proposing the change shall provide any clarification or additional information that the General Assembly may request.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Martinez, **House Bill No. 1032** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1032 by replacing everything after the enacting clause with the following:

"Section 3. The Secretary of State Act is amended by adding Section 20 as follows:

(15 ILCS 305/20 new)

Sec. 20. Security guard shields. The Secretary may issue shields or other distinctive identification to his or her security guards, wherever located in the State, if the Secretary determines that a shield or distinctive identification is needed by the security guard to carry out his or her responsibilities.

Section 5. The Department of Agriculture Law of the Civil Administrative Code of Illinois is amended by changing Section 205-435 as follows:

(20 ILCS 205/205-435)

Sec. 205-435. Badges. The Director must authorize to each Inspector of the Department and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Director from issuing shields or other distinctive identification to employees performing security or regulatory duties who are not peace officers if the Director determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A.

91-883, eff. 1-1-01.)

Section 10. The Department of Natural Resources Act is amended by changing Section 1-30 as follows:

(20 ILCS 801/1-30)

Sec. 1-30. Badges. The Director must authorize to each Conservation Police Officer and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Director from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Director determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01.)

Section 15. The Department of Human Services Act is amended by changing Section 1-30 as follows:

(20 ILCS 1305/1-30)

Sec. 1-30. Badges. The Secretary must authorize to each employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Secretary from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Secretary determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01.)

Section 20. The Peace Officer Fire Investigation Act is amended by changing Section 1 as follows:

(20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)

Sec. 1. Peace Officer Status. (a) Any person who is a sworn member of any organized and paid fire department of a political subdivision of this State and is authorized to investigate fires or explosions for such political subdivision, or who is employed by the Office of the State Fire Marshal to determine the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes, may be classified as a peace officer by the political subdivision or agency employing such person. A person so classified shall possess the same powers of arrest, search and seizure and the securing and service of warrants as sheriffs of counties, and police officers within the jurisdiction of their political subdivision. While in the actual investigation and matters incident thereto, such person may carry weapons as may be necessary, but only if that person has satisfactorily completed (1) a training program offered or approved by the Illinois Law Enforcement Training Standards Board which substantially conforms to standards promulgated pursuant to the Illinois Police Training Act and "An Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; or in the case of employees of the Office of the State Fire Marshal, a training course approved by the Department of State Police which also substantially conforms to standards promulgated pursuant to "An Act in relation to firearms training for peace officers", approved August 29, 1975, as amended; and (2) a course in fire and arson investigation approved by the Office of the State Fire Marshal pursuant to the Illinois Fire Protection Training Act. Such training need not include exposure to vehicle and traffic law, traffic control and accident investigation, or first aid, but shall include training in the law relating to the rights of persons suspected of involvement in criminal activities.

Any person granted the powers enumerated in this Section may exercise such powers only during the actual investigation of the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes.

(b) The State Fire Marshal must authorize to each employee of the Office of the State Fire Marshal who is exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Office of the State Fire Marshal and (ii) contains a unique identifying number. No other badge shall be authorized by the Office of the State Fire Marshal, except that a badge, different from the badge issued to peace officers, may be authorized by the Office of the State Fire Marshal for the use of fire prevention inspectors employed by that Office. Nothing in this subsection prohibits the State Fire Marshal from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the State Fire Marshal determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01; 92-339, eff. 8-10-01.)

Section 25. The University of Illinois Act is amended by changing Section 7 as follows:

(110 ILCS 305/7) (from Ch. 144, par. 28)

Sec. 7. Powers of trustees. (a) The trustees shall have power to provide for the requisite buildings, apparatus, and conveniences; to fix the rates for tuition; to appoint such professors and

instructors, and to establish and provide for the management of such model farms, model art, and other departments and professorships, as may be required to teach, in the most thorough manner, such branches of learning as are related to agriculture and the mechanic arts, and military tactics, without excluding other scientific and classical studies. The trustees shall, upon the written request of an employee withhold from the compensation of that employee any dues, payments or contributions payable by such employee to any labor organization as defined in the Illinois Educational Labor Relations Act. Under such arrangement, an amount shall be withheld from each regular payroll period which is equal to the pro rata share of the annual dues plus any payments or contributions, and the trustees shall transmit such withholdings to the specified labor organization within 10 working days from the time of the withholding. They may accept the endowments and voluntary professorships or departments in the University, from any person or persons or corporations who may offer the same, and, at any regular meeting of the board, may prescribe rules and regulations in relation to such endowments and declare on what general principles they may be admitted: Provided, that such special voluntary endowments or professorships shall not be incompatible with the true design and scope of the act of congress, or of this Act: Provided, that no student shall at any time be allowed to remain in or about the University in idleness, or without full mental or industrial occupation: And provided further, that the trustees, in the exercise of any of the powers conferred by this Act, shall not create any liability or indebtedness in excess of the funds in the hands of the treasurer of the University at the time of creating such liability or indebtedness, and which may be specially and properly applied to the payment of the same. Any lease to the trustees of lands, buildings or facilities which will support scientific research and development in such areas as high technology, super computing, microelectronics, biotechnology, robotics, physics and engineering shall be for a term not to exceed 18 years, and may grant to the trustees the option to purchase the lands, buildings or facilities. The lease shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent payable under the terms of the lease.

Leases for the purposes described herein exceeding 5 years shall have the approval of the Illinois Board of Higher Education.

The Board of Trustees may, directly or in cooperation with other institutions of higher education, acquire by purchase or lease or otherwise, and construct, enlarge, improve, equip, complete, operate, control and manage medical research and high technology parks, together with the necessary lands, buildings, facilities, equipment and personal property therefor, to encourage and facilitate (a) the location and development of business and industry in the State of Illinois, and (b) the increased application and development of technology and (c) the improvement and development of the State's economy. The Board of Trustees may lease to nonprofit corporations all or any part of the land, buildings, facilities, equipment or other property included in a medical research and high technology park upon such terms and conditions as the University of Illinois may deem advisable and enter into any contract or agreement with such nonprofit corporations as may be necessary or suitable for the construction, financing, operation and maintenance and management of any such park; and may lease to any person, firm, partnership or corporation, either public or private, any part or all of the land, building, facilities, equipment or other property of such park for such purposes and upon such rentals, terms and conditions as the University may deem advisable; and may finance all or part of the cost of any such park, including the purchase, lease, construction, reconstruction, improvement, remodeling, addition to, and extension and maintenance of all or part of such high technology park, and all equipment and furnishings, by legislative appropriations, government grants, contracts, private gifts, loans, receipts from the operation of such high technology park, rentals and similar receipts; and may make its other facilities and services available to tenants or other occupants of any such park at rates which are reasonable and appropriate.

The Trustees shall have power (a) to purchase real property and easements, and (b) to acquire real property and easements in the manner provided by law for the exercise of the right of eminent domain, and in the event negotiations for the acquisition of real property or easements for making any improvement which the Trustees are authorized to make shall have proven unsuccessful and the Trustees shall have by resolution adopted a schedule or plan of operation for the execution of the project and therein made a finding that it is necessary to take such property or easements immediately or at some specified later date in order to comply with the schedule, the Trustees may acquire such property or easements in the same manner provided in Sections 7-103 through 7-112 of the Code of Civil Procedure.

The Board of Trustees also shall have power to agree with the State's Attorney of the county in which any properties of the Board are located to pay for services rendered by the various taxing districts for the years 1944 through 1949 and to pay annually for services rendered thereafter by such district such sums as may be determined by the Board upon properties used solely for income producing purposes, title to

which is held by said Board of Trustees, upon properties leased to members of the staff of the University of Illinois, title to which is held in trust for said Board of Trustees and upon properties leased to for-profit entities the title to which properties is held by the Board of Trustees. A certified copy of any such agreement made with the State's Attorney shall be filed with the County Clerk and such sums shall be distributed to the respective taxing districts by the County Collector in such proportions that each taxing district will receive therefrom such proportion as the tax rate of such taxing district bears to the total tax rate that would be levied against such properties if they were not exempt from taxation under the Property Tax Code.

The Board of Trustees of the University of Illinois, subject to the applicable civil service law, may appoint persons to be members of the University of Illinois Police Department. Members of the Police Department shall be peace officers and as such have all powers possessed by policemen in cities, and sheriffs, including the power to make arrests on view or warrants of violations of state statutes and city or county ordinances, except that they may exercise such powers only in counties wherein the University and any of its branches or properties are located when such is required for the protection of university properties and interests, and its students and personnel, and otherwise, within such counties, when requested by appropriate state or local law enforcement officials; provided, however, that such officer shall have no power to serve and execute civil processes.

The Board of Trustees must authorize to each member of the University of Illinois Police Department and to any other employee of the University of Illinois exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the University of Illinois and (ii) contains a unique identifying number. No other badge shall be authorized by the University of Illinois. Nothing in this paragraph prohibits the Board of Trustees from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Board of Trustees determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities.

The Board of Trustees may own, operate, or govern, by or through the College of Medicine at Peoria, a managed care community network established under subsection (b) of Section 5-11 of the Illinois Public Aid Code.

The powers of the trustees as herein designated are subject to the provisions of "An Act creating a Board of Higher Education, defining its powers and duties, making an appropriation therefor, and repealing an Act herein named", approved August 22, 1961, as amended.

The Board of Trustees shall have the authority to adopt all administrative rules which may be necessary for the effective administration, enforcement and regulation of all matters for which the Board has jurisdiction or responsibility.

(b) To assist in the provision of buildings and facilities beneficial to, useful for, or supportive of University purposes, the Board of Trustees of the University of Illinois may exercise the following powers with regard to the area located on or adjacent to the University of Illinois at Chicago campus and bounded as follows: on the West by Morgan Street; on the North by Roosevelt Road; on the East by Union Street; and on the South by 16th Street, in the City of Chicago:

(1) Acquire any interests in land, buildings, or facilities by purchase, including installments payable over a period allowed by law, by lease over a term of such duration as the Board of Trustees shall determine, or by exercise of the power of eminent domain;

(2) Sub-lease or contract to purchase through installments all or any portion of buildings or facilities for such duration and on such terms as the Board of Trustees shall determine, including a term that exceeds 5 years, provided that each such lease or purchase contract shall be and shall recite that it is subject to termination and cancellation in any year for which the General Assembly fails to make an appropriation to pay the rent or purchase installments payable under the terms of such lease or purchase contract; and

(3) Sell property without compliance with the State Property Control Act and retain proceeds in the University Treasury in a special, separate development fund account which the Auditor General shall examine to assure compliance with this Act.

Any buildings or facilities to be developed on the land shall be buildings or facilities that, in the determination of the Board of Trustees, in whole or in part: (i) are for use by the University; or (ii) otherwise advance the interests of the University, including, by way of example, residential facilities for University staff and students and commercial facilities which provide services needed by the University community. Revenues from the development fund account may be withdrawn by the University for the purpose of demolition and the processes associated with demolition; routine land and property acquisition; extension of utilities; streetscape work; landscape work; surface and structure parking; sidewalks, recreational paths, and street construction; and lease and lease purchase arrangements and the

professional services associated with the planning and development of the area. Moneys from the development fund account used for any other purpose must be deposited into and appropriated from the General Revenue Fund. Buildings or facilities leased to an entity or person other than the University shall not be subject to any limitations applicable to a State supported college or university under any law. All development on the land and all use of any buildings or facilities shall be subject to the control and approval of the Board of Trustees. (Source: P.A. 91-883, eff. 1-1-01; 92-370, eff. 8-15-01.)

Section 30. The Illinois Vehicle Code is amended by changing Section 13-107 as follows:

(625 ILCS 5/13-107) (from Ch. 95 1/2, par. 13-107)

Sec. 13-107. Investigation of complaints against official testing stations. The Department shall, upon its own motion, or upon charges made in writing verified under oath, investigate complaints that an official testing station is willfully falsifying records or tests, either for the purpose of selling parts or services not actually required, or for the purpose of issuing a certificate of safety for a vehicle designed to carry 15 or fewer passengers operated by a contract carrier transporting employees in the course of their employment on a highway of this State, second division vehicle, or medical transport vehicle that is not in safe mechanical condition as determined by the standards of this Chapter in violation of the provisions of this Chapter or of the rules and regulations issued by the Department.

The Secretary of Transportation, for the purpose of more effectively carrying out the provisions of Chapter 13, may appoint such a number of inspectors as he may deem necessary. Such inspectors shall inspect and investigate applicants for official testing station permits and investigate and report violations. With respect to enforcement of the provisions of this Chapter 13, such inspectors shall have and may exercise throughout the State all the powers of police officers.

The Secretary must authorize to each inspector and to any other employee of the Department exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Department and (ii) contains a unique identifying number. No other badge shall be authorized by the Department. Nothing in this Section prohibits the Secretary from issuing shields or other distinctive identification to employees not exercising the powers of a peace officer if the Secretary determines that a shield or distinctive identification is needed by the employee to carry out his or her responsibilities. (Source: P.A. 91-883, eff. 1-1-01; 92-108, eff. 1-1-02.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Jacobs, **House Bill No. 1074** was recalled from the order of third reading to the order of second reading.

Senator Jacobs offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1074 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Insurance Code is amended by changing Section 370k and adding Sections 368b, 368c, 368d, and 368e as follows:

(215 ILCS 5/368b new)

Sec. 368b. Contracting procedures.

(a) A health care professional or health care provider offered a contract by an insurer, health maintenance organization, independent practice association, or physician hospital organization for signature after the effective date of this amendatory Act of the 93rd General Assembly shall be provided with a proposed health care professional or health care provider services contract including, if any, exhibits and attachments that the contract indicates are to be attached. Within 35 days after a written request, the health care professional or health care provider offered a contract shall be given the opportunity to review and obtain a copy of the following: a specialty-specific fee schedule sample based on a minimum of the 50 highest volume fee schedule codes with the rates applicable to the health care professional or health care provider to whom the contract is offered, the network provider administration manual, and a summary capitation schedule, if payment is made on a capitation basis. If 50 codes do not exist for a particular specialty, the health care professional or health care provider offered a contract shall be given the opportunity to review or obtain a copy of a fee schedule sample with the codes applicable to that particular specialty. This information may be provided electronically. An insurer, health maintenance organization, independent practice association, or physician hospital organization

may substitute the fee schedule sample with a document providing reference to the information needed to calculate the fee schedule that is available to the public at no charge and the percentage or conversion factor at which the insurer, health maintenance organization, preferred provider organization, independent practice association, or physician hospital organization sets its rates.

(b) The fee schedule, the capitation schedule, and the network provider administration manual constitute confidential, proprietary, and trade secret information and are subject to the provisions of the Illinois Trade Secrets Act. The health care professional or health care provider receiving such protected information may disclose the information on a need to know basis and only to individuals and entities that provide services directly related to the health care professional's or health care provider's decision to enter into the contract or keep the contract in force. Any person or entity receiving or reviewing such protected information pursuant to this Section shall not disclose the information to any other person, organization, or entity, unless the disclosure is requested pursuant to a valid court order or required by a state or federal government agency. Individuals or entities receiving such information from a health care professional or health care provider as delineated in this subsection are subject to the provisions of the Illinois Trade Secrets Act.

(c) The health care professional or health care provider shall be allowed at least 30 days to review the health care professional or health care provider services contract, including exhibits and attachments, if any, before signing. The 30-day review period begins upon receipt of the health care professional or health care provider services contract, unless the information available upon request in subsection (a) is not included. If information is not included in the professional services contract and is requested pursuant to subsection (a), the 30-day review period begins on the date of receipt of the information. Nothing in this subsection shall prohibit a health care professional or health care provider from signing a contract prior to the expiration of the 30-day review period.

(d) The insurer, health maintenance organization, independent practice association, or physician hospital organization shall provide all contracted health care professionals or health care providers with any changes to the fee schedule provided under subsection (a) not later than 35 days after the effective date of the changes, unless such changes are specified in the contract and the health care professional or health care provider is able to calculate the changed rates based on information in the contract and information available to the public at no charge. For the purposes of this subsection, "changes" means an increase or decrease in the fee schedule referred to in subsection (a). This information may be made available by mail, e-mail, newsletter, website listing, or other reasonable method. Upon request, a health care professional or health care provider may request an updated copy of the fee schedule referred to in subsection (a) every calendar quarter.

(e) Upon termination of a contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization and at the request of the patient, a health care professional or health care provider shall transfer copies of the patient's medical records. Any other provision of law notwithstanding, the costs for copying and transferring copies of medical records shall be assigned per the arrangements agreed upon, if any, in the health care professional or health care provider services contract.

(215 ILCS 5/368c new)

Sec. 368c. Remittance advice and procedures.

(a) A remittance advice shall be furnished to a health care professional or health care provider that identifies the disposition of each claim. The remittance advice shall identify the services billed; the patient responsibility, if any; the actual payment, if any, for the services billed; and the reason for any reduction to the amount for which the claim was submitted. For any reductions to the amount for which the claim was submitted, the remittance shall identify any withholds and the reason for any denial or reduction.

A remittance advice for capitation or prospective payment arrangements shall be furnished to a health care professional or health care provider pursuant to a contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization in accordance with the terms of the contract.

(b) Health care professionals and health care providers may not provide a statement that requires payment from the patient or group contract holder, or collect and have any recourse against an insured patient or group contract holder for services provided pursuant to a contract in which an insurer, health maintenance organization, independent practice association, or physician hospital organization has contractually agreed with a health care professional or health care provider that the health care professional or health care provider does not have such a right or rights, except as otherwise provided by law. Health care professionals and health care providers shall be allowed to collect payment for applicable co-payments, co-insurance, and deductibles and payment for non-covered services directly

from patients, except as otherwise provided by law. When health care services are provided by a non-participating health care professional or health care provider, an insurer, health maintenance organization, independent practice association, or physician hospital organization may pay for covered services either to a patient directly or to the non-participating health care professional or health care provider.

(c) When a person presents a benefits information card, a health care professional or health care provider shall make a good faith effort to inform the person if the health care professional or health care provider has a participation contract with the insurer, health maintenance organization, or other entity identified on the card.

(215 ILCS 5/368d new)

Sec. 368d. Recoupments.

(a) A health care professional or health care provider shall be provided a remittance advice, which must include an explanation of a recoupment or offset taken by an insurer, health maintenance organization, independent practice association, or physician hospital organization, if any. The recoupment explanation shall, at a minimum, include the name of the patient; the date of service; the service code or if no service code is available a service description; the recoupment amount; and the reason for the recoupment or offset. In addition, an insurer, health maintenance organization, independent practice association, or physician hospital organization shall provide with the remittance advice a telephone number or mailing address to initiate an appeal of the recoupment or offset.

(b) It is not a recoupment when a health care professional or health care provider is paid an amount prospectively or concurrently under a contract with an insurer, health maintenance organization, independent practice association, or physician hospital organization that requires a retrospective reconciliation based upon specific conditions outlined in the contract.

(215 ILCS 5/368e new)

Sec. 368e. Administration and enforcement.

(a) Other than the duties specifically created in Sections 368b, 368c, and 368d, nothing in those Sections is intended to preclude, prevent, or require the adoption, modification, or termination of any utilization management, quality management, or claims processing methodologies or other provisions of a contract applicable to services provided under a contract between an insurer, health maintenance organization, independent practice association, or physician hospital organization and a health care professional or health care provider.

(b) Nothing in Sections 368b, 368c, and 368d precludes, prevents, or requires the adoption, modification, or termination of any health plan term, benefit, coverage or eligibility provision, or payment methodology.

(c) The provisions of Sections 368b, 368c, and 368d are deemed incorporated into health care professional and health care provider service contracts entered into on or before the effective date of this amendatory Act of the 93rd General Assembly and do not require an insurer, health maintenance organization, independent practice association, or physician hospital organization to renew or renegotiate the contracts with a health care professional or health care provider.

(d) The Department shall enforce the provisions of this Section and Sections 368b, 368c, and 368d pursuant to the enforcement powers granted to it by law.

(e) The Department is hereby granted specific authority to issue a cease and desist order against, fine, or otherwise penalize independent practice associations and physician-hospital organizations for violations.

(f) The Department shall adopt reasonable rules to enforce compliance with this Section and Sections 368b, 368c, and 368d.

(215 ILCS 5/370k) (from Ch. 73, par. 982k)

Sec. 370k. Registration. (a) All administrators of a preferred provider program subject to this Article shall register with the Department of Insurance, which shall by rule establish criteria for such registration including minimum solvency requirements and an annual registration fee for each administrator.

(b) The Department of Insurance shall compile and maintain a listing updated at least annually of administrators and insurers offering agreements authorized under this Article.

(c) Preferred provider administrators are subject to the provisions of Sections 368b, 368c, 368d, and 368e of this Code. (Source: P.A. 84-618.)

Section 10. The Health Maintenance Organization Act is amended by changing Section 5-3 as follows:

(215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

Sec. 5-3. Insurance Code provisions. (a) Health Maintenance Organizations shall be subject to

the provisions of Sections 133, 134, 137, 140, 141.1, 141.2, 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5, 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x, 356y, 356z.2, 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A, 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII, XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois Insurance Code.

(b) For purposes of the Illinois Insurance Code, except for Sections 444 and 444.1 and Articles XIII and XIII 1/2, Health Maintenance Organizations in the following categories are deemed to be "domestic companies":

(1) a corporation authorized under the Dental Service Plan Act or the Voluntary Health Services Plans Act;

(2) a corporation organized under the laws of this State; or

(3) a corporation organized under the laws of another state, 30% or more of the enrollees of which are residents of this State, except a corporation subject to substantially the same requirements in its state of organization as is a "domestic company" under Article VIII 1/2 of the Illinois Insurance Code.

(c) In considering the merger, consolidation, or other acquisition of control of a Health Maintenance Organization pursuant to Article VIII 1/2 of the Illinois Insurance Code,

(1) the Director shall give primary consideration to the continuation of benefits to enrollees and the financial conditions of the acquired Health Maintenance Organization after the merger, consolidation, or other acquisition of control takes effect;

(2)(i) the criteria specified in subsection (1)(b) of Section 131.8 of the Illinois Insurance Code shall not apply and (ii) the Director, in making his determination with respect to the merger, consolidation, or other acquisition of control, need not take into account the effect on competition of the merger, consolidation, or other acquisition of control;

(3) the Director shall have the power to require the following information:

(A) certification by an independent actuary of the adequacy of the reserves of the Health Maintenance Organization sought to be acquired;

(B) pro forma financial statements reflecting the combined balance sheets of the acquiring company and the Health Maintenance Organization sought to be acquired as of the end of the preceding year and as of a date 90 days prior to the acquisition, as well as pro forma financial statements reflecting projected combined operation for a period of 2 years;

(C) a pro forma business plan detailing an acquiring party's plans with respect to the operation of the Health Maintenance Organization sought to be acquired for a period of not less than 3 years; and

(D) such other information as the Director shall require.

(d) The provisions of Article VIII 1/2 of the Illinois Insurance Code and this Section 5-3 shall apply to the sale by any health maintenance organization of greater than 10% of its enrollee population (including without limitation the health maintenance organization's right, title, and interest in and to its health care certificates).

(e) In considering any management contract or service agreement subject to Section 141.1 of the Illinois Insurance Code, the Director (i) shall, in addition to the criteria specified in Section 141.2 of the Illinois Insurance Code, take into account the effect of the management contract or service agreement on the continuation of benefits to enrollees and the financial condition of the health maintenance organization to be managed or serviced, and (ii) need not take into account the effect of the management contract or service agreement on competition.

(f) Except for small employer groups as defined in the Small Employer Rating, Renewability and Portability Health Insurance Act and except for medicare supplement policies as defined in Section 363 of the Illinois Insurance Code, a Health Maintenance Organization may by contract agree with a group or other enrollment unit to effect refunds or charge additional premiums under the following terms and conditions:

(i) the amount of, and other terms and conditions with respect to, the refund or additional premium are set forth in the group or enrollment unit contract agreed in advance of the period for which a refund is to be paid or additional premium is to be charged (which period shall not be less than one year); and

(ii) the amount of the refund or additional premium shall not exceed 20% of the Health Maintenance Organization's profitable or unprofitable experience with respect to the group or other enrollment unit for the period (and, for purposes of a refund or additional premium, the profitable or unprofitable experience shall be calculated taking into account a pro rata share of the Health Maintenance Organization's administrative and marketing expenses, but shall not include any refund

to be made or additional premium to be paid pursuant to this subsection (f)). The Health Maintenance Organization and the group or enrollment unit may agree that the profitable or unprofitable experience may be calculated taking into account the refund period and the immediately preceding 2 plan years.

The Health Maintenance Organization shall include a statement in the evidence of coverage issued to each enrollee describing the possibility of a refund or additional premium, and upon request of any group or enrollment unit, provide to the group or enrollment unit a description of the method used to calculate (1) the Health Maintenance Organization's profitable experience with respect to the group or enrollment unit and the resulting refund to the group or enrollment unit or (2) the Health Maintenance Organization's unprofitable experience with respect to the group or enrollment unit and the resulting additional premium to be paid by the group or enrollment unit.

In no event shall the Illinois Health Maintenance Organization Guaranty Association be liable to pay any contractual obligation of an insolvent organization to pay any refund authorized under this Section. (Source: P.A. 91-357, eff. 7-29-99; 91-406, eff. 1-1-00; 91-549, eff. 8-14-99; 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-764, eff. 1-1-03.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

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

On motion of Senator Brady, **House Bill No. 1161** was recalled from the order of third reading to the order of second reading.

Senators Cullerton - Brady offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1161, on page 7, after line 13, by inserting the following:

"Any person or entity who willfully fails to comply with any requirement imposed under this subsection O with respect to any consumer is liable in Illinois state courts to that consumer to the same extent as provided for in Section 616 of the federal Fair Credit Reporting Act (15 U.S.C. 1681n).

The Attorney General, the State's Attorney of any county, or a consumer may bring an action in a circuit court to enjoin a violation of this Act. In addition to any injunction, the Attorney General or any State's Attorney of any county, in the name of the people of the State of Illinois, may seek to recover damages pursuant to this subsection O.

Any person who knowingly and willfully obtains information on a consumer from a consumer reporting agency under false pretenses is guilty of a Class 4 felony.

If the completeness or accuracy of any item of information in a consumer's file at a consumer reporting agency obtained under this subsection O is disputed, then the dispute resolution must be handled according to Section 611 of the federal Fair Credit Reporting Act (15 U.S.C. 1681l).".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Trotter, **House Bill No. 1165**, 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 51; Nays 5.

The following voted in the affirmative:

Althoff	Geo-Karis	Martinez	Soden
Bomke	Haine	Meeks	Sullivan, D.

Brady	Halvorson	Obama	Sullivan, J.
Clayborne	Harmon	Peterson	Trotter
Collins	Hendon	Petka	Viverito
Cronin	Hunter	Radogno	Walsh
Crotty	Jacobs	Ronen	Watson
Cullerton	Jones, J.	Roskam	Welch
del Valle	Jones, W.	Rutherford	Winkel
DeLeo	Lauzen	Schoenberg	Wojcik
Demuzio	Lightford	Shadid	Woolard
Dillard	Link	Sieben	Mr. President
Garrett	Maloney	Silverstein	

The following voted in the negative:

Burzynski	Rauschenberger	Risinger
Luechtefeld	Righter	

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. 1180**, 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 54; Nays None.

The following voted in the affirmative:

Althoff	Geo-Karis	Obama	Sullivan, D.
Bomke	Haine	Peterson	Sullivan, J.
Brady	Halvorson	Petka	Syverson
Burzynski	Harmon	Radogno	Trotter
Clayborne	Hendon	Rauschenberger	Viverito
Collins	Hunter	Righter	Walsh
Cronin	Jacobs	Ronen	Watson
Crotty	Jones, J.	Roskam	Welch
Cullerton	Jones, W.	Rutherford	Winkel
del Valle	Lauzen	Sandoval	Wojcik
DeLeo	Link	Schoenberg	Woolard
Demuzio	Luechtefeld	Shadid	Mr. President
Dillard	Maloney	Sieben	
Garrett	Martinez	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 Trotter, **House Bill No. 1353**, 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	Righter	Viverito
Collins	Jacobs	Risinger	Walsh
Cronin	Jones, J.	Ronen	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 Collins, **House Bill No. 1387**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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.

HOUSE BILLS RECALLED

On motion of Senator Shadid, **House Bill No. 1475** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1475 by replacing everything after the enacting clause

with the following:

"Section 1. Short title. This Act may be cited as the Heart of Illinois Regional Port District Act.

Section 5. Definitions. In this Act:

"Airport" means any locality, either land or water, that is used or designed for the landing and taking off of aircraft or for the location of runways, landing fields, airdromes, hangars, buildings, structures, airport roadways, and other facilities.

"Board" means Heart of Illinois Regional Port District Board.

"District" means the Heart of Illinois Regional Port District created by this Act.

"Governmental agency" means the United States, the State of Illinois, any local governmental body, and any agency or instrumentality, corporate or otherwise, thereof.

"Governor" means the Governor of the State of Illinois.

"Intermodal" means a type of international freight system that permits transshipping among sea, highway, rail, and air modes of transportation through use of ANSI/International Organization for Standardization containers, line haul assets, and handling equipment.

"Navigable waters" mean any public waters that are or can be made usable for water commerce.

"Person" means any individual, firm, partnership, trust, corporation, both domestic and foreign, company, association, or joint stock association and includes any trustee, receiver, assignee, or personal representative thereof.

"Port facilities" mean all public and other buildings, structures, works, improvements, and equipment, except terminal facilities as defined in this Section, that are upon, in, over, under, adjacent, or near to navigable waters, harbors, slips, and basins and that are necessary or useful for or incident to the furtherance of water and land commerce and the operation of small boats and pleasure craft. "Port facilities" includes the widening and deepening of basins, slips, harbors, and navigable waters. "Port facilities" also mean all lands, buildings, structures, improvements, equipment, and appliances located on district property that are used for industrial, manufacturing, commercial, or recreational purposes.

"Terminal" means a public place, station, depot, or area for receiving and delivering articles, commodities, baggage, mail, freight, or express matter and for any combination of those purposes in connection with the transportation and movement by water and land of persons and property.

"Terminal facilities" mean all lands, buildings, structures, improvements, equipment, and appliances useful in the operation of public warehouse, storage, and transportation facilities for water and land commerce and for handling, docking, storing, and servicing small boats and pleasure craft.

Section 10. Heart of Illinois Regional Port District created. There is created a political subdivision, body politic, and municipal corporation by the name of the Heart of Illinois Regional Port District embracing all the area within the corporate limits of Peoria, Fulton, Tazewell, Woodford, Marshall, and Putnam Counties and embracing the corporate limits of Mason County except for Havana Township. Territory may be annexed to the district in the manner provided in this Act. The district may sue and be sued in its corporate name but execution shall not in any case issue against any property of the district. It may adopt a common seal and change the same at its pleasure.

Section 15. Property of district; exemption. All property of every kind belonging to the Heart of Illinois Regional Port District shall be exempt from taxation, provided that a tax may be levied upon a lessee of the district by reason of the value of a leasehold estate separate and apart from the fee or upon any improvements that are constructed and owned by others than the district.

All property of the Heart of Illinois Regional Port District shall be construed as constituting public grounds owned by a municipal corporation and used exclusively for public purposes within the tax exemption provisions of Sections 15-10, 15-15, 15- 20, 15-30, 15-75, 15-140, 15-155, and 15-160 of the Property Tax Code.

Section 20. Duties. The port district shall have all of the following duties:

(a) To study the existing harbor plans within the area of the district and to recommend to the appropriate governmental agency, including the General Assembly of Illinois, any changes and modifications that may from time to time be required by continuing development and to meet changing business and commercial needs.

(b) To make an investigation of conditions within the area of the district and to prepare and adopt a comprehensive plan for the development of port facilities and intermodal facilities for the district. In preparing and recommending changes and modifications in existing harbor plans or a comprehensive plan for the development of port facilities and intermodal facilities, the district may, if it deems desirable, set aside and allocate an area or areas within the lands held by it to be used and operated by the district or leased to private parties for industrial, manufacturing, commercial, recreational, or harbor purposes, where the area or areas are not, in the opinion of the district, required for its primary purposes in the development of intermodal, harbor, and port facilities for the use of public water and land

transportation, or will not be immediately needed for those purposes, and where the use and operation or leasing will in the opinion of the district aid and promote the development of intermodal, terminal, and port facilities.

(c) To study and make recommendations to the proper authority for the improvement of terminal, lighterage, wharfage, warehousing, transfer, and other facilities necessary for the promotion of commerce and the interchange of traffic within, to, and from the district.

(d) To study, prepare, and recommend by specific proposals to the General Assembly changes in the jurisdiction of the district.

(e) To petition any federal, State, municipal, or local authority, administrative, judicial, and legislative, having jurisdiction in the district for the adoption and execution of any physical improvement, change in method, system of handling freight, warehousing, docking, lightering, and transfer of freight that, in the opinion of the district, may be designed to improve or better the handling of commerce in and through the district or improve terminal or transportation facilities within the district.

(f) To foster, stimulate, and promote the shipment of cargoes and commerce through ports, whether originating within or without the State of Illinois.

(g) To acquire, construct, own, lease, and develop terminals, wharf facilities, piers, docks, warehouses, bulk terminals, grain elevators, tug boats, and other harbor crafts, and any other port facility or port-related facility or service that it finds necessary and convenient.

(h) To perform any other act or function that may tend to or be useful toward development and improvement of harbors, sea ports, and port-related facilities and services and to increase foreign and domestic commerce through the harbors and ports within the port district.

(i) To study and make recommendations for river resources management and environmental education within the district, including but not limited to, wetlands banks, mitigation areas, water retention and sedimentation areas, fish hatcheries, or wildlife sanctuaries, natural habitat, and native plant research.

Section 25. Changes in harbor plans. Any changes and modifications in harbor plans within the area of the port district from time to time recommended by the district or any comprehensive plan for the development of the port facilities adopted by the district, under the authority granted by this Act, shall be submitted to the Department of Natural Resources for approval and approval by the Department shall be conclusive evidence, for all purposes, that these changes and modifications conform to the provisions of this Act.

Section 30. Rights and powers. The port district shall have the following rights and powers:

(a) To issue permits for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges, or other structures of any kind over, under, in, or within 40 feet of any navigable waters within the district; for the deposit of rock, earth, sand, or other material; or for any matter of any kind or description in those waters;

(b) To prevent or remove obstructions, including the removal of wrecks;

(c) To locate and establish dock lines and shore or harbor lines;

(d) To acquire, own, construct, sell, lease, operate, and maintain port and harbor, water, and land terminal facilities and, subject to the provisions of Section 35, to operate or contract for the operation of those facilities, and to fix and collect just, reasonable, and non-discriminatory charges, rentals, or fees for the use of those facilities. The charges, rentals, or fees so collected shall be made available to defray the reasonable expenses of the district and to pay the principal of and interest on any revenue bonds issued by the district;

(e) To enter into any agreement or contract with any airport for the use of airport facilities to the extent necessary to carry out any of the purposes of the district;

(f) To the extent authorized by the Intergovernmental Cooperation Act, to enter into any agreements with any other public agency of this State, including other port districts;

(g) To the extent authorized by any interstate compact, to enter into agreements with any other state or unit of local government of any other state; and

(h) To enter into contracts dealing in any manner with the objects and purposes of this Act.

Section 35. Contracts for the operation of warehouses and storage facilities. Any public warehouse or other public storage facility owned or otherwise controlled by the district shall be operated by persons under contracts with the district. Any contract shall reserve reasonable rentals or other charges payable to the district sufficient to pay the cost of maintaining, repairing, regulating, and operating the facilities and to pay the principal of and interest on any revenue bonds issued by the district and may contain any other conditions that may be mutually agreed upon. However, upon the breach of a contract or if no contract is in existence as to any facility, the district shall temporarily operate the facility until a contract

for its operation can be negotiated.

Section 40. Procedure for leases or contracts for operation of warehouses and storage facilities. All leases or other contracts for operation of any public warehouse or public grain elevator to which this Section is applicable owned or otherwise controlled by the district shall be governed by the following procedures. Notice shall be given by the district that bids will be received for the operation of the public warehouse or public grain elevator. This notice shall state the time within which and the place where bids may be submitted, the time and place of opening of bids, and shall be published not more than 30 days nor less than 15 days in advance of the first day for the submission of bids in any one or more newspapers designated by the district that have a general circulation within the district. The notice shall specify sufficient data of the proposed operation to enable bidders to understand the scope of the operation; provided, however, that contracts that by their nature are not adapted to award by competitive bidding, such as contracts for the services of individuals possessing a high degree of personal skill, contracts for the purchase or binding of magazines, books, periodicals, pamphlets, reports, and similar articles, and contracts for utility services such as water, light, heat, telephone, or telegraph, shall not be subject to the competitive bidding requirements of this Section, but may not be awarded without the affirmative vote of 3/5ths of the Board.

The Board may, by ordinance, promulgate reasonable regulations prescribing the qualifications of the bidders as to experience, adequacy of equipment, ability to complete performance within the time set, and other factors in addition to financial responsibility, and may, by ordinance, provide for suitable performance guaranties to qualify a bid. Copies of all regulations shall be made available to all bidders.

The district may determine in advance the minimum rental that should be produced by the public warehouse or public grain elevator offered and, if no qualified bid will produce the minimum rental, all bids may be rejected and the district shall then readvertise for bids. If after the readvertisement no responsible and satisfactory bid within the terms of the advertisement is received, the district may then negotiate a lease for not less than the amount of minimum rental so determined. If, after negotiating for a lease as provided in this Section, it is found necessary to revise the minimum rental to be produced by the facilities offered for lease, then the district shall again readvertise for bids, as provided in this Section, before negotiating a lease.

If the district shall temporarily operate any public warehouse or public grain elevator as provided in Section 35, the temporary operation shall not continue for more than one year without advertising for bids for the operation of the facility as provided in this Section.

Section 45. Obligations for expenses not to be incurred until appropriations made. Unless and until the revenues from operations conducted by the district are adequate to meet all expenditures or unless and until otherwise determined by an act of the General Assembly, the district shall not incur any obligations for salaries, office, or administrative expenses before the making of appropriations to meet those expenses.

Section 50. Acquisition of property.

(a) The district shall have power to acquire and accept by purchase, lease, gift, grant, or otherwise any and all real property, whether a fee simple absolute or a lesser estate, and personal property either within or without its corporate limits or any right that may be useful for its purposes and to provide for the development of adequate channels, ports, harbors, terminals, port facilities, intermodal facilities, and terminal facilities adequate to serve the needs of commerce within the district. The district shall have the right to grant easements and permits for the use of any real property, rights of way, or privileges that, in the opinion of the Board, will not interfere with the use of the district's property by the district for its primary purposes and the easements and permits may contain any conditions and retain any interest therein that may be deemed for the best interest of the district by the Board.

(b) Any property or facility shall be leased or operated, if at all, only by 2 or more unrelated contracting parties in parcels that are as nearly equal in all respects as practicable unless the Board determines that it is in the best interest of the district to lease the property or facility to a single contracting party.

The district, subject to the public bid requirements prescribed in Section 40 with respect to public warehouses or public grain elevators, may lease to others for any period of time not to exceed 99 years upon any terms that the Board may determine any of its real property, rights of way, or privileges, any interest therein, or any part thereof for industrial, manufacturing, commercial, recreational, or harbor purposes, that is in the opinion of the Board no longer required for its primary purposes in the development of port, intermodal, and harbor facilities or that may not be immediately needed for those purposes. Where the leases will in the opinion of the Board aid and promote those purposes, and in conjunction with those leases, the district may grant rights of way and privileges across the property of the district, which rights of way and privileges may be assignable and irrevocable during the term of any

lease and may include the right to enter upon the property of the district to do any things that may be necessary for the enjoyment of the leases, rights of way, and privileges and the leases may contain any conditions and retain any interest that may be deemed for the best interest of the district by the Board.

With respect to any and all leases, easements, rights of way, privileges, and permits made or granted by the Board, the Board may agree upon and collect the rentals, charges, and fees that may be deemed for the best interest of the district by the Board. The rentals, charges, and fees shall be used to defray the reasonable expenses of the district and to pay the principal of and interest on any revenue bonds issued by the district.

(c) The district may dedicate to the public for highway purposes any of its real property and those dedications may be subject to any conditions and the retention of any interest that may be deemed for the best interest of the district by the Board.

(d) The district may sell, convey, or operate any of its buildings, structures, or other improvements located upon district property that may be deemed in the best interest of the district by the Board.

Section 55. Grants, loans, and appropriations. The district has power to apply for and accept grants, loans, or appropriations from the federal government or any agency or instrumentality thereof or the State of Illinois or any agency or instrumentality thereof to be used for any of the purposes of the district and to enter into any agreement with the federal government, the State of Illinois, or any agency or instrumentality thereof in relation to the grants, loans, or appropriations.

Section 60. Foreign trade zones and sub-zones. The district has power to apply to the proper authorities of the United States of America under the appropriate law for the right to establish, operate, maintain, and lease foreign trade zones and sub-zones within the jurisdiction of the United States Customs Service and to establish, operate, maintain, and lease the foreign trade zones and sub-zones.

Section 65. Insurance contracts. The district has power to procure and enter into contracts for any type of insurance and indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employers' liability, against any act of any member, officer, or employee of the Board or of the district in the performance of the duties of his or her office or employment or any other insurable risk.

Section 70. Borrowing money; revenue bonds.

(a) The district has the continuing power to borrow money for the purpose of acquiring, constructing, reconstructing, extending, operating, or improving terminals, terminal facilities, intermodal facilities, and port facilities; for acquiring any property and equipment useful for the construction, reconstruction, extension, improvement, or operation of its terminals, terminal facilities, intermodal facilities, and port facilities; and for acquiring necessary cash working funds. For the purpose of evidencing the obligation of the district to repay any money borrowed, the district may, by ordinances adopted by the Board from time to time, issue and dispose of its interest bearing revenue bonds, notes, or certificates and may also from time to time issue and dispose of its interest bearing revenue bonds, notes, or certificates to refund any bonds, notes, or certificates at maturity or by redemption provisions or at any time before maturity with the consent of the holders thereof.

(b) All bonds, notes, and certificates shall be payable solely from the revenues or income to be derived from the terminals, terminal facilities, intermodal facilities, and port facilities or any part thereof; may bear any date or dates; may mature at any time or times not exceeding 40 years from their respective dates; may bear interest at any rate or rates payable semiannually; may be in any form; may carry any registration privileges; may be executed in any manner; may be payable at any place or places; may be made subject to redemption in any manner and upon any terms, with or without premium that is stated on the face thereof; may be authenticated in any manner; and may contain any terms and covenants as may be provided in the ordinance. The holder or holders of any bonds, notes, certificates, or interest coupons appertaining to the bonds, notes, and certificates issued by the district may bring civil actions to compel the performance and observance by the district or any of its officers, agents, or employees of any contract or covenant made by the district with the holders of those bonds, notes, certificates, or interest coupons and to compel the district and any of its officers, agents, or employees to perform any duties required to be performed for the benefit of the holders of any bonds, notes, certificates, or interest coupons by the provision in the ordinance authorizing their issuance, and to enjoin the district and any of its officers, agents, or employees from taking any action in conflict with any such contract or covenant, including the establishment of charges, fees, and rates for the use of facilities as provided in this Act. Notwithstanding the form and tenor of any bonds, notes, or certificates and in the absence of any express recital on the face thereof that it is nonnegotiable, all bonds, notes, and certificates shall be negotiable instruments. Pending the preparation and execution of any bonds, notes, or certificates, temporary bonds, notes, or certificates may be issued with or without interest coupons as may be provided by ordinance.

(c) The bonds, notes, or certificates shall be sold by the corporate authorities of the district in any manner that the corporate authorities shall determine, except that if issued to bear interest at the minimum rate permitted by Bond Authorization Act, the bonds shall be sold for not less than par and accrued interest and except that the selling price of bonds bearing interest at a rate less than the maximum rate permitted in that Act shall be such that the interest cost to the district of the money received from the bond sale shall not exceed such maximum rate annually computed to absolute maturity of said bonds or certificates according to standard tables of bond values.

(d) From and after the issue of any bonds, notes, or certificates as provided in this Section, it shall be the duty of the corporate authorities of the district to fix and establish rates, charges, and fees for the use of facilities acquired, constructed, reconstructed, extended, or improved with the proceeds derived from the sale of the bonds, notes, or certificates sufficient at all times with other revenues of the district, if any, to pay (i) the cost of maintaining, repairing, regulating, and operating the facilities and (ii) the bonds, notes, or certificates and interest thereon as they shall become due, all sinking fund requirements, and all other requirements provided by the ordinance authorizing the issuance of the bonds, notes, or certificates or as provided by any trust agreement executed to secure payment thereof. To secure the payment of any or all of bonds, notes, or certificates and for the purpose of setting forth the covenants and undertaking of the district in connection with the issuance of those bonds, notes, or certificates and the issuance of any additional bonds, notes, or certificates payable from revenue income to be derived from the terminals, terminal facilities, intermodal facilities, and port facilities the district may execute and deliver a trust agreement or agreements. A lien upon any physical property of the district may be created by the trust agreement. A remedy for any breach or default of the terms of any trust agreement by the district may be by mandamus proceedings in the circuit court to compel performance and compliance with the agreement, but the trust agreement may prescribe by whom or on whose behalf the action may be instituted.

Section 75. Bonds not obligations of the State or district. Under no circumstances shall any bonds, notes, or certificates issued by the district or any other obligation of the district be or become an indebtedness or obligation of the State of Illinois or of any other political subdivision of or municipality within the State, nor shall any bond, note, certificate, or obligation be or become an indebtedness of the district within the purview of any constitutional limitation or provision. It shall be plainly stated on the face of each bond, note, and certificate that it does not constitute an indebtedness or obligation but is payable solely from the revenues or income of the district.

Section 80. Revenue bonds as legal investments. The State and all counties, cities, villages, incorporated towns and other municipal corporations, political subdivisions, public bodies, and public officers of any thereof; all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, guardians, trustees, and their fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds, notes, or certificates issued under this Act. It is the purpose of this Section to authorize the investment in bonds, notes, or certificates of all sinking, insurance, retirement, compensation, pension, and trust funds, whether owned or controlled by private or public persons or officers; provided, however, that nothing contained in this Section may be construed as relieving any person from any duty of exercising reasonable care in selecting securities for purchase or investment.

Section 90. Permits. It shall be unlawful to make any fill or deposit of rock, earth, sand, or other material, or any refuse matter of any kind or description, or build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, bridge, or other structure over, under, in, or within 40 feet of any navigable waters within the district without first submitting the plans, profiles, and specifications for it, and any other data and information that may be required, to the district and receiving a permit. Any person, corporation, company, city or municipality, or other agency that does any of the things prohibited in this Section without securing a permit is guilty of a Class A misdemeanor. Any structure, fill, or deposit erected or made in any of the public bodies of water within the district in violation of the provisions of this Section is declared to be a purpresture and may be abated as such at the expense of the person, corporation, company, city, municipality, or other agency responsible for it. If in the discretion of the district it is decided that the structure, fill, or deposit may remain, the district may fix any rule, regulation, requirement, restrictions, or rentals or require and compel any changes, modifications, and repairs that shall be necessary to protect the interest of the district.

Section 100. Heart of Illinois Regional Port District Board; compensation. The governing and administrative body of the district shall be a board consisting of 9 members, to be known as the Heart of Illinois Regional Port District Board. Members of the Board shall be residents of a county whose

territory, in whole or in part, is embraced by the district and persons of recognized business ability. The members of the Board shall not receive compensation for their services. Each member shall be reimbursed for actual expenses incurred in the performance of his or her duties. Any person who is appointed to the office of secretary or treasurer of the Board may receive compensation for services as an officer, as determined by the Board. No member of the Board or employee of the district shall have any private financial interest, profit, or benefit in any contract, work, or business of the district or in the sale or lease of any property to or from the district.

Section 105. Board; appointments; terms of office; certification and oath. The Governor, by and with the advice and consent of the Senate, shall appoint 2 members of the Board. Of the 2 members appointed by the Governor, at least one must be a member of a labor organization, as defined in Section 3 of the Workplace Literacy Act. If the Senate is in recess when the appointment is made, the Governor shall make a temporary appointment until the next meeting of the Senate. The county board chairmen of Tazewell, Woodford, Peoria, Marshall, Mason, Putnam, and Fulton Counties shall each appoint one member of the Board with the advice and consent of their respective county boards. Of the members initially appointed, the 2 appointed by the Governor shall be appointed for initial terms expiring June 1, 2009, and the 7 appointed by their county board chairmen shall be appointed for initial terms expiring June 1, 2010. All vacancies shall be filled in a like manner and with like regard to the place of residence of the appointee. After the expiration of initial terms, a successor shall hold office for the term of 6 years beginning the first day of June of the year in which the term of office commences. The Governor and the respective county board chairmen shall certify their appointments to the Secretary of State. Within 30 days after certification of appointment, and before entering upon the duties of his office, each member of the Board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of State.

Section 110. Resignation and removal of Board members; vacancies. Members of the Board shall hold office until their respective successors have been appointed and qualified. Any member may resign from his or her office, to take effect when his or her successor has been appointed and has qualified. The Governor and the county boards may remove any member of the Board appointed by them in case of incompetency, neglect of duty, or malfeasance in office. They shall give the member a copy of the charges against him or her and an opportunity to be publicly heard in person or by counsel in his or her own defense upon not less than 10 days' notice. In case of failure to qualify within the time required, of abandonment of office, or of death, conviction of a crime, or removal from office, the office shall become vacant. Each vacancy shall be filled for the unexpired term by appointment in like manner, and with like regard as to the place of residence of the appointee, as in case of expiration of the term of a member of the Board.

Section 115. Organization of the Board. As soon as possible after the appointment of the initial members, the Board shall organize for the transaction of business, select a chairperson and a temporary secretary from its own number, and adopt by-laws and regulations to govern its proceedings. The initial chairperson and successors shall be elected by the Board from time to time for the term of his or her office as a member of the Board or for the term of 3 years, whichever is shorter.

Section 120. Meetings; ordinances and resolutions; public records. Regular meetings of the Board shall be held at least once in each calendar month, the time and place of the meeting to be fixed by the Board. Five members of the Board shall constitute a quorum for the transaction of business. All action of the Board shall be by ordinance or resolution and the affirmative vote of at least 5 members shall be necessary for the adoption of any ordinance or resolution. All ordinances and resolutions before taking effect shall be approved by the chairperson of the Board. If the chairperson shall approve the ordinance or resolution, he or she shall sign it. Those ordinances or resolutions the chairperson shall not approve the chairperson shall return to the Board with his or her objections in writing at the next regular meeting of the Board occurring after the passage of the ordinances or resolutions. If the chairperson shall fail to return any ordinance or resolution with his or her objections by the time required in this Section, he or she shall be deemed to have approved it and it shall take effect accordingly. Upon the return of any ordinance or resolution by the chairperson with his or her objections, the vote by which the ordinance or resolution was passed shall be reconsidered by the Board. If upon reconsideration the ordinance or resolution is passed by the affirmative vote of at least 6 members, it shall go into effect notwithstanding the veto of the chairperson. All ordinances, resolutions, all proceedings of the district, and all documents and records in its possession shall be public records, and open to public inspection, except any documents and records that shall be kept or prepared by the Board for use in negotiations, actions, or proceedings to which the district is a party.

Section 125. Secretary and treasurer; oath and bond. The Board shall appoint a secretary and a treasurer who need not be members of the Board to hold office during the pleasure of the Board. The

Board shall fix their duties and compensation. Before entering upon the duties of their respective offices, they shall take and subscribe the constitutional oath of office and the treasurer shall execute a bond with corporate sureties to be approved by the Board. The bond shall be payable to the district in whatever penal sum may be directed by the Board conditioned upon the faithful performance of the duties to the office and the payment of all money received by him or her according to law and the orders of the Board. The Board may, at any time, require a new bond from the treasurer in any penal sum that may be determined by the Board. The obligation of the sureties shall not extend to any loss sustained by the insolvency, failure, or closing of any savings and loan association or national or State bank wherein the treasurer has deposited funds if the bank or savings and loan association has been approved by the Board as a depositary for those funds. The oaths of office and the treasurer's bond shall be filed in the principal office of the district.

Section 130. Deposits; checks or drafts.

(a) All funds deposited by the treasurer in any bank or savings and loan association shall be placed in the name of the district and shall be withdrawn or paid out only by check or draft upon the bank or savings and loan association, signed by the treasurer and countersigned by the chairperson of the Board. The Board may designate any of its members or any officer or employee of the district to affix the signature of the chairperson and another to affix the signature of the treasurer to any check or draft for payment of salaries or wages and for payment of any other obligation of not more than $10,000.

No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

(b) In case any officer whose signature appears upon any check or draft issued under this Act ceases to hold his or her office before the delivery of the check or draft to the payee, his or her signature nevertheless shall be valid and sufficient for all purposes with the same effect as if he or she had remained in office until delivery of the check or draft.

Section 135. Prompt payment. Purchases made under this Act shall be made in compliance with the Local Government Prompt Payment Act.

Section 140. Executive director, officers, and employees. The Board may appoint an executive director, who shall be a person of recognized ability and business experience, to hold office during the pleasure of the Board. The executive director shall have management of the properties, business, and the employees of the district subject to the general control of the Board; shall direct the enforcement of all ordinances, resolutions, rules, and regulations of the Board; and shall perform any other duties that may be prescribed from time to time by the Board. The Board may appoint a general attorney and a chief engineer and shall provide for the appointment of any other officers, attorneys, engineers, consultants, agents, and employees that may be necessary. The Board shall define their duties and require bonds of those that it may designate.

The executive director, general attorney, chief engineer, and all other officers provided for under this Section shall be exempt from taking and subscribing any oath of office and shall not be members of the Board. The compensation of the executive director, general attorney, chief engineer, and all other officers, attorneys, consultants, agents, and employees shall be fixed by the Board, subject to the provisions of Section 125 of this Act.

Section 145. Fines and penalties. The Board shall have power to pass all ordinances and to make all rules and regulations proper or necessary to carry into effect the powers granted to the district, with any fines or penalties that may be deemed proper. All fines and penalties shall be imposed by ordinances that shall be published in a newspaper of general circulation published in the area embraced by the district. No ordinance shall take effect until 10 days after its publication.

Section 150. Report and financial statement. As soon after the end of each fiscal year as may be expedient, the Board shall prepare and print a complete and detailed report and financial statement of its operations and of its assets and liabilities. A reasonably sufficient number of copies of the report shall be printed for distribution to persons interested, upon request, and a copy of the report shall be filed with the Governor and the county clerk of each county that is within the area of the district. A copy of the report shall be addressed to and mailed to the mayor and city council or president and board of trustees of each municipality within the area of the district.

Section 155. Investigations by the Board. The Board may investigate conditions in which it has an interest within the area of the district; the enforcement of its ordinances, rules, and regulations; and the action, conduct, and efficiency of all officers, agents, and employees of the district. In the conduct of investigations the Board may hold public hearings on its own motion and shall do so on complaint of any municipality within the district. Each member of the Board shall have power to administer oaths and the secretary, by order of the Board, shall issue subpoenas to secure the attendance and testimony of witnesses and the production of books and papers relevant to investigations and to any hearing before the

Board or any member of the Board.

Any circuit court of this State, upon application of the Board or any member of the Board, may in its discretion compel the attendance of witnesses, the production of books and papers, and giving of testimony before the Board, before any member of the Board, or before any officers' committee appointed by the Board by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before the court.

Section 160. Annexation. Territory that is contiguous to the district and that is not included within any other port district may be annexed to and become a part of the district in the manner provided in Section 165 or 170, whichever is applicable.

Section 165. Petition for annexation. At least 5% of the legal voters resident within the limits of the proposed addition to the district shall petition the circuit court for a county in which a major part of the district is situated, to cause the question of whether the proposed additional territory shall become a part of the district to be submitted to the legal voters of the proposed additional territory. The petition shall be addressed to the court and shall contain a definite description of the boundaries of the territory to be embraced in the proposed addition.

Upon the filing of any petition with the clerk of the court, the court shall fix a time and place for a hearing upon the subject of the petition.

Notice shall be given by the court to whom the petition is addressed or by the circuit clerk or sheriff of the county in which the petition is made at the order and direction of the court of the time and place of the hearing upon the subject of the petition at least 20 days before the hearing by at least one publication of the notice in any newspaper having general circulation within the area proposed to be annexed, and by mailing a copy of the notice to the mayor or president of the board of trustees of all cities, villages, and incorporated towns within the district.

At the hearing the district, all persons residing or owning property within the district, and all persons residing in or owning property situated in the area proposed to be annexed to the district may appear and be heard touching upon the sufficiency of the petition. If the court finds that the petition does not comply with the requirements of the law, the court shall dismiss the petition. If the court finds that the petition is sufficient, the court shall certify the petition and the proposition to the proper election officials who shall submit the proposition to the voters at an election under the general election law. In addition to the requirements of the general election law, the notice of the referendum shall include a description of the area proposed to be annexed to the district.

The proposition shall be in substantially the following form:

Shall (description of the territory proposed to be annexed) join the Heart of Illinois Regional Port District?

The votes shall be recorded as "Yes" or "No".

The court shall cause a statement of the result of the referendum to be filed in the records of the court.

If a majority of the votes cast upon the question of annexation to the district are in favor of becoming a part of the district, the court shall then enter an order stating that the additional territory shall thenceforth be an integral part of the Heart of Illinois Regional Port District and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order to the circuit clerk of any other county in which any of the territory affected is situated.

Section 170. Annexation of territory having no legal voters. If there is territory contiguous to the district that has no legal voters residing within it, a petition to annex the territory signed by all the owners of record of the territory may be filed with the circuit court for the county in which a major part of the district is situated. A time and place for a hearing on the subject of the petition shall be fixed and notice of the hearing shall be given in the manner provided in Section 165. At the hearing any owner of land in the territory proposed to be annexed, the district, and any resident of the district may appear and be heard touching on the sufficiency of the petition. If the court finds that the petition satisfies the requirements of this Section, it shall enter an order stating that thenceforth the territory shall be an integral part of the Heart of Illinois Regional Port District and subject to all of the benefits of service and responsibilities of the district. The circuit clerk shall transmit a certified copy of the order of the court to the circuit clerk of any other county in which the annexed territory is situated.

Section 172. Disconnection. The registered voters of a county included in the district may petition the State Board of Elections requesting the submission of the question of whether the county should be disconnected from the district to the electors of the county. The petition shall be circulated in the manner required by Section 28-3 of the Election Code and objections thereto and the manner of their disposition shall be in accordance with Section 28-4 of the Election Code. If a petition is filed with the State Board of Elections, signed by not less than 5% of the registered voters of the county or that portion of the county that is within the district, requesting that the question of disconnection be submitted to the

electors of the county, the State Board of Elections must certify the question to the proper election authority, which must submit the question at a regular election held at least 78 days after the petition is filed in accordance with the Election Code.

The question must be submitted in substantially the following form:

Shall (name of county) be disconnected from the Heart of Illinois Regional Port District?

The votes must be recorded as "Yes" or "No". If a majority of the electors voting on the question vote in the affirmative, the county or portion of the county that is within the district shall be disconnected from the district.

Section 175. Administrative Review Law. All final administrative decisions of the Board, shall be subject to judicial review under the provisions of the Administrative Review Law and the rules adopted under that Act. The term "administrative decision" means the same as in Section 3-101 of the Code of Civil Procedure.

Section 180. Severability. If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity of that provision or application does not affect other provisions or applications of this Act that can be given effect without the invalid provision or application.

Section 185. Interference with private facilities. The provisions of this Act shall not be considered as impairing, altering, modifying, repealing, or superseding any of the jurisdiction or powers of the Illinois Commerce Commission or of the Department of Natural Resources under the Rivers, Lakes, and Streams Act. Nothing in this Act or done under its authority shall apply to, restrict, limit, or interfere with the use of any terminal, terminal facility, intermodal facility, or port facility owned or operated by any private person for the storage or handling or transfer of any commodity moving in interstate commerce or the use of the land and facilities of a common carrier or other public utility and the space above that land and those facilities or the right to use that land and those facilities in the business of any common carrier or other public utility, without approval of the Illinois Commerce Commission and without the payment of just compensation to any common carrier or other public utility for damages resulting from any restriction, limitation, or interference.

Section 190. Non-applicability of conflicting provisions of the Illinois Municipal Code. The provisions of the Illinois Municipal Code shall not be effective within the area of the district insofar as the provisions of that Act conflict with the provisions of this Act or grant substantially the same powers to any municipal corporation that are granted to the district by this Act.

Section. 999. Effective date. This Act takes effect upon becoming law.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1475 AS AMENDED with reference to page and line numbers of Senate Amendment No. 1, on page 3, in line 5, by deleting", and Putnam"; and
on page 16, in line 32, by changing "2" to "3"; and
on page 17, in line 1, by changing "2" to "3"; and
on page 17, in line 7, by deleting "Putnam"";and
on page 17, in 10, by changing "2" to "3"; and
on page 17, in line 11, by changing "7" to "6".

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 Trotter, **House Bill No. 2730** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2730 by replacing everything after the enacting clause with the following: "ARTICLE 1

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General

Revenue Fund to meet the ordinary and contingent expenses of the State Civil Service Commission:

For Personal Services	$	283,800
For Employee Retirement Contributions Paid by Employer		11,500
For State Contributions to State Employees' Retirement System		38,100
For State Contributions to Social Security		17,600
For Contractual Services		43,100
For Travel		15,400
For Commodities		3,000
For Printing		1,000
For Equipment		0
For Telecommunications Services		4,500
Total		$418,000

ARTICLE 2

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the Illinois Council on Developmental Disabilities:

Payable from Council on Developmental Disabilities Federal Fund:

For Personal Services	$	701,200
For Employee Retirement Contributions Paid By Employer.....		28,100
For State Contributions to the State Employees' Retirement System		94,200
For State Contributions to		

Social Security	53,700
For Group Insurance	154,000
For Contractual Services	469,700
For Travel	43,000
For Commodities	30,000
For Printing	37,500
For Equipment	15,000
For Electronic Data Processing	25,000
For Telecommunications Services	45,000
Total	$1,696,400

Section 2. The amount of $2,500,000, or so much thereof as may be necessary, is appropriated from the Council on Developmental Disabilities Federal Fund to the Illinois Council on Developmental Disabilities for awards and grants to community agencies and other State agencies.

ARTICLE 3

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the General Revenue Fund to meet the ordinary and contingent expenses of the Deaf and Hard of Hearing Commission:

For Personal Services	$ 357,000
For Employee Retirement Contributions	
Paid by Employer.....	14,300
For State Contributions to State	
Employees' Retirement System.....	48,000
For State Contributions to	
Social Security	26,500
For Contractual Services	100,800
For Travel	20,000
For Commodities	12,000
For Printing	6,000

For Equipment	1,500
For Telecommunications Services	19,000
For Operation of Automotive Equipment.....	2,500
For Expenses relative to the operation of the Commission.....	29,600
Total	$637,200

ARTICLE 4

Section 1. The sum of $3,000,000, or so much thereof as may be necessary, is appropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

Section 2. The sum of $2,980,300, or so much thereof as may be necessary and as remains unexpended at the close of business on June 30, 2003, from appropriations heretofore made for such purposes in Article 62, Section 2 of Public Act 92-538, is reappropriated from the Drycleaner Environmental Response Trust Fund to the Drycleaner Environmental Response Trust Fund Council for use in accordance with the Drycleaner Environmental Response Trust Fund Act.

ARTICLE 5

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

ADMINISTRATION

Payable from Financial Institution Fund:

For Personal Services	$ 1,111,300
For Employee Retirement Contributions Paid by Employer	44,400
For State Contributions to the State Employees' Retirement System	149,300
For State Contributions to Social Security	85,000
For Group Insurance	231,000
For Contractual Services	392,100
For Travel	42,600
	29,600

For Commodities	
For Printing	9,500
For Equipment	3,500
For Electronic Data Processing	167,400
For Telecommunications Services	103,400
For Operation of Auto Equipment	7,100
Total	$2,376,200

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named, to the Department of Financial Institutions:

CONSUMER CREDIT

Payable from Financial Institution Fund:

For Personal Services	$ 1,244,800
For Employee Retirement Contributions	
Paid by Employer	49,800
For State Contributions to the State	
Employees' Retirement System	167,200
For State Contributions to	
Social Security	94,800
For Group Insurance	271,300
For Contractual Services	103,400
For Travel	116,500
For Commodities	5,400
For Printing	6,100
For Equipment	2,000
For Refunds	2,500
Total	$2,063,800

CREDIT UNION

Payable from Credit Union Fund:	
For Personal Services	$ 2,081,800
For Employee Retirement Contributions	
Paid by Employer	83,200
For State Contributions to State	
Employees' Retirement System	279,400
For State Contributions to	
Social Security	157,500
For Group Insurance	370,300
For Contractual Services	131,800
For Travel	276,300
For Commodities	8,700
For Printing	1,900
For Equipment	5,000
For Electronic Data Processing.....	82,600
For Telecommunications Services.....	33,000
For Refunds	1,000
Total	$3,512,500

CURRENCY EXCHANGE

Payable from Financial Institution Fund:	
For Personal Services	$ 887,200
For Employee Retirement Contributions	
Paid by Employer	35,500
For State Contributions to the State	
Employees' Retirement System	119,200

For State Contributions to	
Social Security	67,900
For Group Insurance	154,000
For Contractual Services	20,100
For Travel	31,000
For Commodities	4,000
For Printing	2,400
For Equipment	2,500
For Refunds	1,000
Total	$1,324,800

ARTICLE 6

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

ADMINISTRATION

Payable from General Revenue Fund:

For Personal Services	$ 511,500
For Employee Retirement Contributions	
Paid by Employer	20,500
For State Contributions to State	
Employees' Retirement System	68,700
For State Contributions to	
Social Security	39,200
For Contractual Services	63,000
For Travel	16,500
For Commodities	15,800
For Printing	4,700
	24,800

For Equipment.....	
For Telecommunications Services	27,100
For Operation of Auto Equipment	11,600
Total	$803,400

The sum of $137,700, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Department of Human Rights for the purpose of funding expenses associated with the Commission on Discrimination and Hate Crimes.

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

DIVISION OF CHARGE PROCESSING

Payable from General Revenue Fund:

For Personal Services	$ 3,423,200
For Employee Retirement Contributions	
Paid by Employer	136,800
For State Contributions to State	
Employees' Retirement System	460,000
For State Contributions to	
Social Security	261,800
For Contractual Services	33,400
For Travel	22,800
For Commodities	6,800
For Printing	1,300
For Equipment	11,900
For Telecommunications Services	67,700
Total	$4,425,700

Payable from Special Projects Division Fund:

$ 1,439,200

For Personal Services	
For Employee Retirement Contributions	
Paid by Employer	57,600
For State Contributions to State	
Employees' Retirement System	193,500
For State Contributions to	
Social Security	110,200
For Group Insurance	396,000
For Contractual Services	106,700
For Travel	41,500
For Commodities	13,300
For Printing	9,300
For Equipment	9,600
For Telecommunications Services	88,000
Total	$2,464,900

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Department of Human Rights for the objects and purposes hereinafter enumerated:

COMPLIANCE

Payable from General Revenue Fund:

For Personal Services	$ 674,600
For Employee Retirement Contributions	
Paid by Employer	27,000
For State Contributions to State	
Employees' Retirement System	90,700
For State Contributions to	
Social Security	51,600

For Contractual Services	3,600
For Travel	12,900
For Commodities	2,100
For Printing	1,000
For Telecommunications Services	14,000
Total	$877,500

ARTICLE 7

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Human Rights Commission for the objects and purposes hereinafter enumerated:

GENERAL OFFICE

Payable from General Revenue Fund:

For Personal Services	$ 931,000
For Employee Retirement Contributions Paid by Employer	37,200
For State Contributions to State Employees' Retirement System	124,900
For State Contributions to Social Security	71,100
For Contractual Services	135,400
For Travel	30,000
For Commodities	13,000
For Printing	4,500
For Equipment.....	13,900
For Electronic Data Processing	3,000
For Telecommunications Services.....	26,900
Total	$1,390,900

ARTICLE 8

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the

objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

ADMINISTRATIVE AND SUPPORT DIVISION

Payable from Insurance Producer Administration Fund:	
For Personal Services	$ 831,300
For Employee Retirement Contributions	
Paid by Employer	33,300
For State Contributions to the State	
Employees' Retirement System	111,700
For State Contributions to	
Social Security	63,600
For Group Insurance	209,000
For Contractual Services	1,555,800
For Travel	2,100
For Commodities	51,000
For Printing	88,100
For Equipment	67,700
For Telecommunications Services	15,900
For Operation of Auto Equipment	10,900
Total	$3,040,400
Payable from Insurance Financial Regulation Fund:	
For Personal Services.....	$ 831,300
For Employee Retirement Contributions	
Paid by Employer	33,300
For State Contributions to the State	
Employees' Retirement System.....	111,700

For State Contributions to	
Social Security.....	63,600
For Group Insurance.....	220,000
For Contractual Services.....	1,724,200
For Travel.....	2,100
For Commodities	61,300
For Printing.....	32,900
For Equipment	12,400
For Telecommunications Services.....	12,800
For Operation of Auto Equipment.....	7,300
Total	$3,112,900

Section 2. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

CONSUMER DIVISION

Payable from Insurance Producer Administration Fund:

For Personal Services	$ 5,443,500
For Employee Retirement Contributions	
Paid by Employer	217,700
For State Contributions to the State	
Employees' Retirement System	731,600
For State Contributions to	
Social Security	416,500
For Group Insurance	1,353,000
For Travel	340,900
For Telecommunications Services	122,800
	77,300

For Refunds	
Total	$8,703,300
Payable from Insurance Financial Regulation Fund:	
For Personal Services	$ 428,300
For Employee Retirement Contributions	
Paid by Employer	17,100
For Retirement	57,600
For State Contributions to	
Social Security	32,800
For Group Insurance	88,000
For Travel	32,000
For Telecommunications Services	9,300
Total	$665,100

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

FINANCIAL CORPORATE REGULATION

Payable from Insurance Financial Regulation Fund:	
For Personal Services	$ 7,665,600
For Employee Retirement Contributions	
Paid by Employer	306,600
For State Contributions to the State	
Employees' Retirement System	1,030,200
For State Contributions to	
Social Security	586,500
For Group Insurance	1,617,000
For Travel.....	666,600

For Telecommunications Services.....	67,700
For Refunds.....	100,000
Total	$12,040,200

Section 4. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

PENSION DIVISION

Payable from Public Pension Regulation Fund:

For Personal Services	$ 572,700
For Employee Retirement Contributions	
Paid by Employer	22,900
For State Contributions to the State	
Employees' Retirement System	77,000
For State Contributions to	
Social Security	43,800
For Group Insurance	132,000
For Contractual Services	20,600
For Travel	48,500
Printing.....	10,500
For Equipment	15,300
For Telecommunications Services	9,100
Total	$952,400

Section 5. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

STAFF SERVICES DIVISION

Payable from Insurance Producer
Administration Fund:

For Personal Services	$ 661,900
For Employee Retirement Contributions	
Paid by Employer	26,500
For State Contributions to the State	
Employees' Retirement System	89,000
For State Contributions to	
Social Security	50,600
For Group Insurance	121,000
For Travel	25,500
For Telecommunications Services	25,800
Total	$1,000,300

Payable from Insurance Financial Regulation Fund:

For Personal Services	$ 993,500
For Employee Retirement Contributions	
Paid by Employer	39,700
For State Contributions to the State	
Employees' Retirement System	133,500
For State Contributions to	
Social Security	76,000
For Group Insurance	187,000
For Travel	22,300
For Telecommunications Services	18,400
Total	$1,470,400

Section 6. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Insurance:

ELECTRONIC DATA PROCESSING DIVISION

Payable from Insurance Producer Administration Fund:	
For Personal Services	$ 563,800
For Employee Retirement Contributions	
Paid by Employer	22,600
For State Contributions to the State	
Employees' Retirement System	75,800
For State Contributions to	
Social Security	43,100
For Group Insurance	99,000
For Contractual Services	254,100
For Travel	8,800
For Commodities	6,700
For Printing	6,700
For Equipment	70,000
For Telecommunications Services	54,900
Total	$1,205,500
Payable From Insurance Financial Regulation Fund:	
For Personal Services	$ 773,900
For Employee Retirement Contributions	
Paid by Employer	31,000
For State Contributions to the State	
Employees' Retirement System.....	104,000
For State Contributions to	
Social Security	59,200
	154,000

For Group Insurance	
For Contractual Services	232,500
For Travel	8,800
For Commodities	8,800
For Printing	3,600
For Equipment	110,600
For Telecommunications Services	43,300
Total	$1,529,700

Section 7. The following named sums, or so much thereof as may be necessary, are appropriated to the Department of Insurance for the administration of the Senior Health Insurance Program:

Payable from the Senior Health	
Insurance Program Fund	$ 700,000
Total	$700,000

ARTICLE 9

Section 1. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FOR OPERATIONS - GENERAL OFFICE

Payable from General Revenue Fund:	
For Personal Services.....	$ 616,800
For Employee Retirement Contributions	
Paid by Employer	24,700
For State Contributions to State	
Employees' Retirement System.....	82,900
For State Contributions to	
Social Security.....	47,200
For Contractual Services.....	208,600
For Travel.....	32,000

For Commodities.....	11,900
For Printing.....	18,200
For Equipment.....	100
For Electronic Data Processing.....	90,700
For Telecommunications Services.....	25,700
For Operation of Auto Equipment.....	100
For Administration and operations of Displaced Homemaker Grant Program	50,000
For Refunds	100
Total	$1,209,000

Section 2. The following named amount of $647,200, or so much thereof as may be necessary, is appropriated to the Department of Labor for Displaced Homemaker Grants.

Section 3. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

PUBLIC SAFETY

Payable from General Revenue Fund:

For Personal Services.....	$ 818,800
For Employee Retirement Contributions Paid by Employer	32,800
For State Contributions to State Employees' Retirement System.....	108,100
For State Contributions to Social Security.....	62,700
For Contractual Services.....	36,900
For Travel.....	111,800

For Commodities.....	5,200
For Printing.....	7,300
For Equipment.....	100
For Telecommunications Services.....	18,100
Total	$1,201,800

Section 4. The following named sums, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Department of Labor:

FAIR LABOR STANDARDS

Payable from General Revenue Fund:

For Personal Services.....	$ 2,013,400
For Employee Retirement Contributions Paid by Employer	80,500
For State Contributions to State Employees' Retirement System.....	270,600
For State Contributions to Social Security	154,000
For Contractual Services.....	75,200
For Travel.....	122,900
For Commodities.....	6,400
For Printing.....	21,700
For Equipment.....	100
For Telecommunications Services	41,500
Total	$2,786,300

Payable From the Child Labor and Day and Temporary Labor Services Enforcement Fund:
For Administration of the Child Labor Law and Day and Temporary

Labor Services Act .....$	146,000

Section 5. In addition to any other funds appropriated for that purpose, the sum of $191,700 is appropriated from the General Revenue Fund to the Department of Labor for all costs associated with conducting the study mandated by P.A. 87-405, regarding the employment progress of women and minorities.

ARTICLE 10

Section 1. The sum of $31,605,000, or so much thereof as may be necessary, is appropriated from the Metropolitan Fair and Exposition Authority Improvement Bond Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's Dedicated State Tax Revenue Bonds, issued pursuant to the "Metropolitan Fair and Exposition Authority Act", as amended.

Section 2. The sum of $93,000,000, or so much thereof as may be necessary, is appropriated from the McCormick Place Expansion Project Fund to the Metropolitan Pier and Exposition Authority for debt service on the Authority's McCormick Place Expansion Project Bonds, issued pursuant to the "Metropolitan Pier and Exposition Authority Act", as amended. ARTICLE 11

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Bank and Trust Company Fund to the Office of Banks and Real Estate:

DOMESTIC AND FOREIGN COMMERCIAL BANK REGULATION

For Personal Services	$ 10,902,500
For Employee Retirement Contributions	
Paid by Employer	436,100
For State Contribution to State	
Employees' Retirement System	1,465,200
For State Contributions to	
Social Security	828,400
For Group Insurance	1,859,000
For Contractual Services	1,292,100
For Travel	842,700
For Commodities	50,400
For Printing	42,200
For Equipment	73,700
For Electronic Data Processing	848,900
For Telecommunications Services	230,700
	5,000

For Operation of Auto Equipment	
For Refunds	1,000
For Corporate Fiduciary Receivership	540,000
Total	$19,417,900

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Pawnbroker Regulation Fund to the Office of Banks and Real Estate:

PAWNBROKER REGULATION

For Personal Services	$ 70,800
For Employee Retirement Contributions	
Paid by Employer	2,900
For State Contributions to State	
Employees' Retirement System	9,500
For State Contributions to	
Social Security	5,400
For Group Insurance	11,000
For Contractual Services	11,900
For Travel	7,100
For Commodities	1,000
For Printing	3,000
For Electronic Data Processing	3,100
For Telecommunications Services	1,800
Total	$127,500

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Savings and Residential Finance Regulatory Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Illinois Residential Mortgage Board and the Illinois Board of Savings Institutions in the Office of Banks and Real Estate:

MORTGAGE BANKING AND THRIFT REGULATION

For Personal Services	$ 2,416,300
For Personal Services:	
Per Diem	1,000
For Employee Retirement Contributions	
Paid by Employer	96,700
For State Contributions to State	
Employees' Retirement System	324,700
For State Contributions to	
Social Security	184,800
For Group Insurance	451,000
For Contractual Services	550,300
For Travel	134,500
For Commodities	25,400
For Printing	42,100
For Equipment	76,300
For Electronic Data Processing	228,300
For Telecommunications Services	45,500
For Operation of Automotive Equipment	3,500
For Refunds	500
Total	$4,580,900

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Real Estate License Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Real Estate Administration and Disciplinary Board and the Real Estate Education Advisory Council in the Office of Banks and Real Estate:

REAL ESTATE LICENSING AND ENFORCEMENT

For Personal Services	$ 2,445,700
For Personal Services:	

Per Diem	9,000
For Employee Retirement Contributions	
Paid by Employer	97,800
For State Contributions to State	
Employees' Retirement System	328,700
For State Contributions to	
Social Security	187,100
For Group Insurance	484,000
For Contractual Services	620,300
For Travel	101,600
For Commodities	26,200
For Printing	47,400
For Equipment	67,100
For Electronic Data Processing	184,400
For Telecommunications Services	62,100
For Operation of Auto Equipment	10,000
For Refunds	3,000
Total	$4,674,400

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Appraisal Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Real Estate Appraisal Board in the Office of Banks and Real Estate:

APPRAISAL LICENSING

For Personal Services	$ 527,100
For Personal Services:	
Per Diem	3,000
For Employee Retirement Contributions	

Paid by Employer	21,100
For State Contributions to State	
Employees' Retirement System	70,800
For State Contributions to	
Social Security	40,300
For Group Insurance	110,000
For Contractual Services	207,300
For Travel	25,000
For Commodities	7,800
For Printing	8,000
For Equipment	1,800
For Electronic Data Processing	46,500
For Telecommunications Services	10,700
For forwarding real estate appraisal fees	
to the federal government	230,000
For Refunds	3,000
Total	$1,312,400

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Auction Regulation Administration Fund to the Office of Banks and Real Estate to meet the ordinary and contingent expenses of the Office of Banks and Real Estate and the Auctioneer Advisory Board in the Office of Banks and Real Estate:

AUCTIONEER REGULATION

For Personal Services	$ 101,000
For Personal Services:	
Per Diem.....	2,500
For Employee Retirement Contributions	
Paid by Employer.....	4,000

For State Contributions to State	
Employees' Retirement System.....	13,600
For State Contributions to	
Social Security.....	7,700
For Group Insurance.....	22,000
For Contractual Services.....	81,600
For Travel.....	10,000
For Commodities.....	4,600
For Printing.....	9,300
For Equipment.....	7,500
For Electronic Data Processing.....	26,200
For Telecommunications Services.....	11,400
For Refunds.....	4,900
Total	$306,300

Section 7. The sum of $70,000, or so much thereof as may be necessary, is appropriated from the Real Estate Research and Education Fund to the Office of Banks and Real Estate for research and education in accordance with Section 25-25 of the Real Estate License Act of 2000.

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated from the Home Inspector Administration Fund to the Office of Banks and Real Estate and the Illinois Home Inspector Advisory Board in the Office of Banks and Real Estate:

HOME INSPECTOR REGULATION

For Personal Services.....	$ 137,700
For Personal Services:	
Per Diem.....	3,000
For Employee Retirement Contributions	
Paid by Employer.....	5,500

For State Contributions to State	
Employees' Retirement System.....	18,500
For State Contributions to	
Social Security.....	10,500
For Group Insurance.....	33,000
For Contractual Services.....	18,000
For Travel.....	13,500
For Commodities.....	2,000
For Equipment.....	18,800
For Electronic Data Processing.....	18,400
For Telecommunications Services.....	3,200
For Refunds.....	1,000
Total	$283,100

Section 9. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Real Estate Audit Fund to the Office of Banks and Real Estate for operating expenses for Real Estate audits.

ARTICLE 12

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to meet the ordinary and contingent expenses of the Prisoner Review Board:

PAYABLE FROM GENERAL REVENUE FUND

For Personal Services	$ 822,000
For Employee Retirement Contributions	
Paid by Employer	40,300
For State Contributions to State	
Employees' Retirement System	110,500
For State Contributions to	
Social Security	62,900
For Contractual Services	172,200

For Travel	119,000
For Commodities	15,000
For Printing	11,200
For Equipment	1,000
For Electronic Data Processing	59,000
For Telecommunications Services	21,300
For Operation of Auto Equipment	37,000
Total	$1,471,400

ARTICLE 13

Section 1.1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the objects and purposes hereinafter named to meet the ordinary and contingent expenses of the State Employees' Retirement System:

FOR OPERATIONS FOR THE SOCIAL SECURITY ENABLING ACT

For Personal Services.....	$ 44,200
For Employee Retirement Contributions	
Paid by Employer	1,800
For State Contributions to the State	
Employees' Retirement System.....	6,000
For State Contributions to	
Social Security.....	3,400
For Contractual Services.....	19,050
For Travel.....	1,100
For Commodities.....	200
For Printing	0
For Equipment	0
For Electronic Data Processing	0
For Telecommunications Services.....	300
Total	$76,050

CENTRAL OFFICE

For Employee Retirement Contributions
Paid by Employer for Prior Fiscal Year:
Payable from General Revenue Fund.....$ 45,000

Section 1.2. The sum of $15,150,000, minus the amount transferred to the State Employees' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Employees' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 1.3. The sum of $1,420,575,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the State Employees Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 2.1. The sum of $35,032,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the Judges' Retirement System for the State's Contribution, as provided by law.

Section 2.2. The sum of $1,530,000, minus the amount transferred to the Judges' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 2.3. The sum of $143,230,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the Judges' Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 3.1. The sum of $5,490,000, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the Board of Trustees of the General Assembly Retirement System for the State's Contribution, as provided by law.

Section 3.2. The sum of $300,000, minus the amount transferred to the General Assembly Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the General Assembly Retirement System, pursuant to the provisions of Section 8.12 of "An Act in relation to State finance", approved June 10, 1919, as amended.

Section 3.3. The sum of $28,025,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the General Assembly Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 4.1. The following named amount, or so much thereof as may be necessary, respectively, is appropriated from the General Revenue Fund to the Teachers' Retirement System for the objects and purposes hereinafter named:

For additional costs due to the establishment of minimum retirement allowances pursuant to Sections 16-136.2 and 16-136.3 of the "Illinois Pension Code", as amended.....	$3,400,000
Total	$3,400,000

Section 4.1a. The sum of $47,360,000, minus the amount transferred to the Teachers' Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the Teachers' Retirement System pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 4.1b. The sum of $4,439,890,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the Teachers' Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

Section 5.1. The sum of $50,000, or so much thereof as may be necessary, is appropriated to the Public School Teachers' Pension and Retirement Fund of Chicago, for supplementary payments as set forth in Sections 17-154, 17-155 and 17-156 of the "Illinois Pension Code", approved March 18, 1963, as amended.

Section 6.1. The sum of $15,660,000, minus the amount transferred to the State Universities Retirement System pursuant to continuing appropriation authorized by the State Pensions Fund Continuing Appropriation Act, is appropriated from the State Pensions Fund to the Board of Trustees of the State Universities Retirement System of Illinois pursuant to the provisions of Section 8.12 of "AN ACT in relation to State finance", approved June 10, 1919, as amended.

Section 6.2. The sum of $1,468,280,000, or so much thereof as may be necessary, is appropriated from the Pension Contribution Fund to the Board of Trustees of the State Universities Retirement System pursuant to the provisions of Section 7.2 of "An Act in relation to General Obligation Bonds."

ARTICLE 14

Section 1. The sum of $34,741,000, or so much thereof as may be necessary, is appropriated from the Illinois Sports Facilities Fund to the Illinois Sports Facilities Authority for its corporate purposes.

ARTICLE 99

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Martinez, **House Bill No. 1632** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1632 by replacing everything after the enacting clause with the following:

"Section 5. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2P.1 as follows:

(815 ILCS 505/2P.1 new)

Sec. 2P.1. Telemarketing; free trials.

(a) As used in this Section, "telemarketing" means a plan, program, or campaign which is conducted to induce the purchase of goods or services by use of one or more telephones and which involves calls to or from more than one consumer.

(b) A person or entity that, by means of a telemarketing plan, program, or campaign, offers free goods or services to an Illinois consumer on a trial basis and assesses a periodic fee or charge for the goods or services after the end of the free trial period must send to the consumer who accepts the free goods or services an invoice that the consumer may use to pay the periodic fee or charge or indicate that the consumer no longer wishes to receive the goods or services after the end of the free trial period. The invoice must contain an address and telephone number the consumer may use to cancel the goods or services if the consumer no longer wishes to receive the free goods or services after the end of the free trial period.

(c) Violation of this Section constitutes an unlawful practice within the meaning of this Act.".

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Sieben, **House Bill No. 1751**, 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	Halvorson	Peterson	Sullivan, D.
Bomke	Harmon	Petka	Sullivan, J.
Brady	Hendon	Radogno	Syverson
Burzynski	Hunter	Rauschenberger	Trotter
Clayborne	Jacobs	Righter	Viverito
Collins	Jones, J.	Risinger	Walsh
Cronin	Jones, W.	Ronen	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	
Geo-Karis	Meeks	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.

HOUSE BILL RECALLED

On motion of Senator Schoenberg, **House Bill No. 2188** was recalled from the order of third reading to the order of second reading.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2188 on page 1, by replacing line 1 with the following:

"AN ACT in relation to identity theft."; and

on page 2, by inserting below line 24 the following:

"Section 10. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2MM as follows:

(815 ILCS 505/2MM new)

Sec. 2MM. Verification of accuracy of credit reporting information used to extend consumers credit.

(a) A credit card issuer who mails an offer or solicitation to apply for a credit card and who receives a completed application in response to the offer or solicitation which lists an address that is not substantially the same as the address on the offer or solicitation may not issue a credit card based on that application until reasonable steps have been taken to verify the applicant's change of address.

(b) Any person who uses a consumer credit report in connection with the approval of credit based on the application for an extension of credit, and who has received notification of a police report filed with a consumer reporting agency that the applicant has been a victim of financial identity theft, as defined in Section 16G-15 of the Criminal Code of 1961, may not lend money or extend credit without taking reasonable steps to verify the consumer's identity and confirm that the application for an extension of credit is not the result of financial identity theft.

(c) For purposes of this Section, "extension of credit" does not include an increase in an existing open-end credit plan, as defined in Regulation Z of the Federal Reserve System (12 C.F.R. 226.2), or any change to or review of an existing credit account.

(d) Any person who violates subsection (a) or subsection (b) commits an unlawful practice within the meaning of this Act.".

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Clayborne, **House Bill No. 2265**, 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 None.

The following voted in the affirmative:

Althoff	Halvorson	Peterson	Sullivan, D.
Bomke	Harmon	Petka	Sullivan, J.
Brady	Hendon	Radogno	Syverson
Burzynski	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	Watson
Cullerton	Lauzen	Roskam	Welch

del Valle	Lightford	Rutherford	Winkel
DeLeo	Link	Sandoval	Wojcik
Demuzio	Luechtefeld	Schoenberg	Woolard
Dillard	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	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.

HOUSE BILL RECALLED

On motion of Senator del Valle, **House Bill No. 2352** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2352 on page 11, by replacing lines 9 through 12 with the following:

"Code, or a public school administered by a local public agency or the Department of Human Services.".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Cullerton, **House Bill No. 2425**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 Dillard, **House Bill No. 2446**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 Roskam, **House Bill No. 2477**, 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	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Viverito
Cronin	Jones, J.	Risinger	Walsh
Crotty	Jones, W.	Ronen	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 Cullerton, **House Bill No. 2493**, 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, J.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Cullerton, **House Bill No. 2545**, 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 35; Nays 13; Present 6.

The following voted in the affirmative:

Althoff	Haine	Martinez	Silverstein
Clayborne	Halvorson	Meeks	Sullivan, J.
Collins	Harmon	Obama	Trotter
Crotty	Hendon	Peterson	Viverito
Cullerton	Hunter	Ronen	Walsh
del Valle	Jacobs	Rutherford	Welch
DeLeo	Lightford	Sandoval	Woolard
Demuzio	Link	Schoenberg	Mr. President
Garrett	Maloney	Shadid	

The following voted in the negative:

Bomke	Jones, J.	Roskam	Winkel
Brady	Lauzen	Soden	
Burzynski	Luechtefeld	Sullivan, D.	
Cronin	Petka	Watson	

The following voted present:

Geo-Karis	Righter	Sieben
Jones, W.	Risinger	Wojcik

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

On motion of Senator Crotty, **House Bill No. 2567**, 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 31; Nays 24; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Sullivan, J.
Collins	Halvorson	Martinez	Trotter
Crotty	Harmon	Meeks	Viverito
Cullerton	Hendon	Obama	Walsh
del Valle	Hunter	Ronen	Welch
DeLeo	Jacobs	Schoenberg	Woolard
Demuzio	Lightford	Shadid	Mr. President
Garrett	Link	Silverstein	

The following voted in the negative:

Althoff	Jones, W.	Risinger	Watson
Bomke	Lauzen	Roskam	Winkel
Brady	Luechtefeld	Rutherford	Wojcik
Burzynski	Peterson	Sieben	
Cronin	Petka	Soden	
Dillard	Rauschenberger	Sullivan, D.	
Jones, J.	Righter	Syverson	

The following voted present:

Sandoval

This roll call verified.

Following the verification of the roll call, the Chair directed that the name of Senator Radogno having voted in the affirmative, be removed, as that member was absent from the floor at the time of the verification.

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 DeLeo, **House Bill No. 2370**, 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 None.

The following voted in the affirmative:

Althoff	Haine	Obama	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Clayborne	Hendon	Rauschenberger	Syverson
Collins	Hunter	Righter	Trotter
Cronin	Jacobs	Risinger	Viverito
Crotty	Jones, J.	Ronen	Walsh
Cullerton	Lauzen	Roskam	Watson
del Valle	Lightford	Rutherford	Welch
DeLeo	Link	Sandoval	Winkel
Demuzio	Luechtefeld	Schoenberg	Wojcik
Dillard	Maloney	Shadid	Woolard
Garrett	Martinez	Sieben	Mr. President
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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendments adopted thereto.

HOUSE BILL RECALLED

On motion of Senator E. Jones, **House Bill No. 2572** was recalled from the order of third reading to the order of second reading.

Senators E. Jones - D. Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2572 on page 1, line 5, after "Section 16", by inserting "and by adding Section 14.5"; and

on page 1, after line 5, by inserting the following:

"(765 ILCS 835/14.5 new)

Sec. 14.5. Correction of encroachment on interment, entombment, or inurnment rights.

(a) Whenever a cemetery becomes aware that there is an encroachment on or in the lawful interment, inurnment, or entombment rights of another, and when the cemetery buried or placed or permitted the burial or placement of the encroaching item in or on these rights, the cemetery may correct the encroachment in accordance with this Section. This Section shall not apply to, or be utilized in connection with, any eminent domain, quick-take, or other condemnation proceeding that is designed to relocate a cemetery or portion thereof to another location.

(b) When the encroaching item is a marker, monument or memorial that should be placed on or in another interment, inurnment, or entombment right located within the cemetery, or when the item is the foundation or base for any of the foregoing, the cemetery may with reasonable promptness, and without being required to obtain any permit, relocate the item to its proper place. Notice of the corrective action shall be given no later than 30 days following the correction in accordance with subsection (d) of this Section.

(c) When the encroaching item is a vault, casket, urn, outer burial container, or human remains that should be placed in or on another interment, inurnment, or entombment right located within the cemetery, the cemetery may with reasonable promptness, and without being required to obtain any permit, relocate the item to its proper place. Except as otherwise provided in this subsection, notice of the corrective action shall be given no later than 30 days prior to the correction in accordance with subsection (d) of this Section. When the involved encroachment would, if uncorrected within 30 days, interfere with a scheduled interment, inurnment, or entombment, then the notice shall be given in accordance with subsection (d) of this Section with as much advance notice as reasonably possible or, if advance notice is not reasonably possible, no later than 30 days following the correction. In the event the correction is to occur in a religious cemetery that, for religious reasons, maintains rules that preclude advance notice of corrections, the notice shall occur no later than 30 days following the correction.

(d) Notice under this Section shall be by certified mail or other delivery method that has a confirmation procedure, in 12-point type, to the owner of any affected interment, inurnment, or

entombment right or, when the owner is deceased, to the surviving spouse of the deceased, or if none, any surviving children of the deceased, or if no surviving spouse or children, a parent, brother, or sister of the deceased, or, if failing all of the above, any other listed heir of the deceased in the cemetery records. In providing notice, the cemetery authority shall exercise due diligence to engage in a reasonable search of available funeral home of record or cemetery records to obtain the current address of the party to be notified. The notice shall provide a clear statement of the correction taken or to be taken, together with the reasons for the correction, and shall outline a simple process for the notified person to obtain additional information regarding the correction from the cemetery. When advance notice is required, the notice shall inform the notified party of his or her right to be present for any reinterment, reinurnment, or reentombment, as well as his or her option to object by obtaining an injunction enjoining the contemplated correction. The cemetery shall maintain for no less than 5 years a record of any notice provided under this Section.

(e) Nothing in this Section shall make a cemetery financially responsible for the correction of encroachments that are directly or indirectly caused by the owner of an interment, inurnment, or entombment right or by his or her heirs or by an act of God, war, or vandalism. The cemetery shall be financially responsible for the correction of all other encroachments covered by this Section.

(f) Nothing in this Section shall be construed to limit the liability of any party.".

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Demuzio, **House Bill No. 2805**, 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	Rauschenberger	Trotter
Clayborne	Hunter	Righter	Viverito
Collins	Jacobs	Risinger	Walsh
Cronin	Jones, J.	Ronen	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 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator J. Sullivan, **House Bill No. 2843** was recalled from the order of third reading to the order of second reading.

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

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2843 as follows:

on page 1, by inserting between lines 3 and 4 the following:

"Section 2. The Criminal Code of 1961 is amended by changing Section 21-1.5 as follows:

(720 ILCS 5/21-1.5)

Sec. 21-1.5. Anhydrous ammonia equipment, containers, and facilities. (a) It is unlawful for any person to tamper with anhydrous ammonia equipment, containers, or storage facilities.

(b) Tampering with anhydrous ammonia equipment, containers, or storage facilities occurs when any person who is not authorized by the owner of the anhydrous ammonia, anhydrous ammonia equipment, storage containers, or storage facilities transfers or attempts to transfer anhydrous ammonia to another container, causes damage to the anhydrous ammonia equipment, storage container, or storage facility, or vents or attempts to vent anhydrous ammonia into the environment.

(b-5) It is unlawful for any person to transport anhydrous ammonia in a portable container if the container is not a package authorized for anhydrous ammonia transportation as defined in rules adopted under the Illinois Hazardous Materials Transportation Act. For purposes of this subsection (b-5), an authorized package includes a package previously authorized under the Illinois Hazardous Materials Transportation Act.

(b-10) For purposes of this Section:

"Anhydrous ammonia" means the compound defined in paragraph (d) of Section 3 of the Illinois Fertilizer Act of 1961.

"Anhydrous ammonia equipment", "anhydrous ammonia storage containers", and "anhydrous ammonia storage facilities" are defined in rules adopted under the Illinois Fertilizer Act of 1961.

(c) Sentence. ~~A violation of subsection (a) or (b) of this Section is a Class A misdemeanor.~~ A violation of ~~subsection (b-5) of~~ this Section is a Class 4 felony. (Source: P.A. 91-402, eff. 1-1-00; 91-889, eff. 1-1-01; 92-16, eff. 6-28-01.)

"; and

on page 1, by replacing line 5 with the following:

"amended by changing Section 102 and adding Section 405.3 as follows:

(720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

Sec. 102. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Addict" means any person who habitually uses any drug, chemical, substance or dangerous drug other than alcohol so as to endanger the public morals, health, safety or welfare or who is so far addicted to the use of a dangerous drug or controlled substance other than alcohol as to have lost the power of self control with reference to his addiction.

(b) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner (or, in his presence, by his authorized agent), or

(2) the patient or research subject at the lawful direction of the practitioner.

(c) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c-1) "Anabolic Steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

(i) boldenone,
(ii) chlorotestosterone,
(iii) chostebol,
(iv) dehydrochlormethyltestosterone,
(v) dihydrotestosterone,
(vi) drostanolone,
(vii) ethylestrenol,
(viii) fluoxymesterone,
(ix) formebulone,
(x) mesterolone,
(xi) methandienone,
(xii) methandranone,
(xiii) methandriol,

(xiv) methandrostenolone,
(xv) methenolone,
(xvi) methyltestosterone,
(xvii) mibolerone,
(xviii) nandrolone,
(xix) norethandrolone,
(xx) oxandrolone,
(xxi) oxymesterone,
(xxii) oxymetholone,
(xxiii) stanolone,
(xxiv) stanozolol,
(xxv) testolactone,
(xxvi) testosterone,
(xxvii) trenbolone, and
(xxviii) any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth.

Any person who is otherwise lawfully in possession of an anabolic steroid, or who otherwise lawfully manufactures, distributes, dispenses, delivers, or possesses with intent to deliver an anabolic steroid, which anabolic steroid is expressly intended for and lawfully allowed to be administered through implants to livestock or other nonhuman species, and which is approved by the Secretary of Health and Human Services for such administration, and which the person intends to administer or have administered through such implants, shall not be considered to be in unauthorized possession or to unlawfully manufacture, distribute, dispense, deliver, or possess with intent to deliver such anabolic steroid for purposes of this Act.

(d) "Administration" means the Drug Enforcement Administration, United States Department of Justice, or its successor agency.

(e) "Control" means to add a drug or other substance, or immediate precursor, to a Schedule under Article II of this Act whether by transfer from another Schedule or otherwise.

(f) "Controlled Substance" means a drug, substance, or immediate precursor in the Schedules of Article II of this Act.

(g) "Counterfeit substance" means a controlled substance, which, or the container or labeling of which, without authorization bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(h) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of a controlled substance, with or without consideration, whether or not there is an agency relationship.

(i) "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(j) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(k) "Department of Corrections" means the Department of Corrections of the State of Illinois or its successor agency.

(l) "Department of Professional Regulation" means the Department of Professional Regulation of the State of Illinois or its successor agency.

(m) "Depressant" or "stimulant substance" means:

(1) a drug which contains any quantity of (i) barbituric acid or any of the salts of barbituric acid which has been designated as habit forming under section 502 (d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (d)); or

(2) a drug which contains any quantity of (i) amphetamine or methamphetamine and any of their optical isomers; (ii) any salt of amphetamine or methamphetamine or any salt of an optical isomer of amphetamine; or (iii) any substance which the Department, after investigation, has found to be, and by rule designated as, habit forming because of its depressant or stimulant effect on the central nervous system; or

(3) lysergic acid diethylamide; or

(4) any drug which contains any quantity of a substance which the Department, after investigation, has found to have, and by rule designated as having, a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect.

(n) (Blank).

(o) "Director" means the Director of the Department of State Police or the Department of

Professional Regulation or his designated agents.

(p) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a prescriber, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

(q) "Dispenser" means a practitioner who dispenses.

(r) "Distribute" means to deliver, other than by administering or dispensing, a controlled substance.

(s) "Distributor" means a person who distributes.

(t) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(t-5) "Euthanasia agency" means an entity certified by the Department of Professional Regulation for the purpose of animal euthanasia that holds an animal control facility license or animal shelter license under the Animal Welfare Act. A euthanasia agency is authorized to purchase, store, possess, and utilize Schedule II nonnarcotic and Schedule III nonnarcotic drugs for the sole purpose of animal euthanasia.

(u) "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards including, but not limited to the following, in making the judgment:

(1) lack of consistency of doctor-patient relationship,

(2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,

(3) quantities beyond those normally prescribed,

(4) unusual dosages,

(5) unusual geographic distances between patient, pharmacist and prescriber,

(6) consistent prescribing of habit-forming drugs.

(u-1) "Home infusion services" means services provided by a pharmacy in compounding solutions for direct administration to a patient in a private residence, long-term care facility, or hospice setting by means of parenteral, intravenous, intramuscular, subcutaneous, or intraspinal infusion.

(v) "Immediate precursor" means a substance:

(1) which the Department has found to be and by rule designated as being a principal compound used, or produced primarily for use, in the manufacture of a controlled substance;

(2) which is an immediate chemical intermediary used or likely to be used in the manufacture of such controlled substance; and

(3) the control of which is necessary to prevent, curtail or limit the manufacture of such controlled substance.

(w) "Instructional activities" means the acts of teaching, educating or instructing by practitioners using controlled substances within educational facilities approved by the State Board of Education or its successor agency.

(x) "Local authorities" means a duly organized State, County or Municipal peace unit or police force.

(y) "Look-alike substance" means a substance, other than a controlled substance which (1) by overall dosage unit appearance, including shape, color, size, markings or lack thereof, taste, consistency, or any other identifying physical characteristic of the substance, would lead a reasonable person to believe that the substance is a controlled substance, or (2) is expressly or impliedly represented to be a controlled substance or is distributed under circumstances which would lead a reasonable person to believe that the substance is a controlled substance. For the purpose of determining whether the representations made or the circumstances of the distribution would lead a reasonable person to believe the substance to be a controlled substance under this clause (2) of subsection (y), the court or other authority may consider the following factors in addition to any other factor that may be relevant:

(a) statements made by the owner or person in control of the substance concerning its nature, use or effect;

(b) statements made to the buyer or recipient that the substance may be resold for profit;

(c) whether the substance is packaged in a manner normally used for the illegal distribution of controlled substances;

(d) whether the distribution or attempted distribution included an exchange of or demand for money or other property as consideration, and whether the amount of the consideration was substantially greater than the reasonable retail market value of the substance.

Clause (1) of this subsection (y) shall not apply to a noncontrolled substance in its finished dosage form that was initially introduced into commerce prior to the initial introduction into commerce of a controlled substance in its finished dosage form which it may substantially resemble.

Nothing in this subsection (y) prohibits the dispensing or distributing of noncontrolled substances by persons authorized to dispense and distribute controlled substances under this Act, provided that such action would be deemed to be carried out in good faith under subsection (u) if the substances involved were controlled substances.

Nothing in this subsection (y) or in this Act prohibits the manufacture, preparation, propagation, compounding, processing, packaging, advertising or distribution of a drug or drugs by any person registered pursuant to Section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

(y-1) "Mail-order pharmacy" means a pharmacy that is located in a state of the United States, other than Illinois, that delivers, dispenses or distributes, through the United States Postal Service or other common carrier, to Illinois residents, any substance which requires a prescription.

(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling of its container, except that this term does not include:

(1) by an ultimate user, the preparation or compounding of a controlled substance for his own use; or

(2) by a practitioner, or his authorized agent under his supervision, the preparation, compounding, packaging, or labeling of a controlled substance:

(a) as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(b) as an incident to lawful research, teaching or chemical analysis and not for sale.

(z-1) "Methamphetamine manufacturing chemical" means any of the following chemicals or substances containing any of the following chemicals: benzyl methyl ketone, ephedrine, methyl benzyl ketone, phenylacetone, phenyl-2-propanone, ~~or~~ pseudoephedrine, or red phosphorous or any of the salts, optical isomers, or salts of optical isomers of the above-listed chemicals.

(aa) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1), but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salts, compound, isomer, salt of an isomer, derivative, or preparation of coca leaves including cocaine or ecgonine, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine (for the purpose of this paragraph, the term "isomer" includes optical, positional and geometric isomers).

(bb) "Nurse" means a registered nurse licensed under the Nursing and Advanced Practice Nursing Act.

(cc) (Blank).

(dd) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(ee) "Opium poppy" means the plant of the species Papaver somniferum L., except its seeds.

(ff) "Parole and Pardon Board" means the Parole and Pardon Board of the State of Illinois or its successor agency.

(gg) "Person" means any individual, corporation, mail-order pharmacy, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(hh) "Pharmacist" means any person who holds a certificate of registration as a registered pharmacist, a local registered pharmacist or a registered assistant pharmacist under the Pharmacy Practice Act of 1987.

(ii) "Pharmacy" means any store, ship or other place in which pharmacy is authorized to be practiced under the Pharmacy Practice Act of 1987.

(jj) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(kk) "Practitioner" means a physician licensed to practice medicine in all its branches, dentist, podiatrist, veterinarian, scientific investigator, pharmacist, physician assistant, advanced practice nurse, licensed practical nurse, registered nurse, hospital, laboratory, or pharmacy, or other person licensed, registered, or otherwise lawfully permitted by the United States or this State to distribute, dispense, conduct research with respect to, administer or use in teaching or chemical analysis, a controlled substance in the course of professional practice or research.

(ll) "Pre-printed prescription" means a written prescription upon which the designated drug has been indicated prior to the time of issuance.

(mm) "Prescriber" means a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian who issues a prescription, a physician assistant who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or an advanced practice nurse with prescriptive authority in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(nn) "Prescription" means a lawful written, facsimile, or verbal order of a physician licensed to practice medicine in all its branches, dentist, podiatrist or veterinarian for any controlled substance, of a physician assistant for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and the written guidelines required under Section 7.5 of the Physician Assistant Practice Act of 1987, or of an advanced practice nurse who issues a prescription for a Schedule III, IV, or V controlled substance in accordance with Section 303.05 and a written collaborative agreement under Sections 15-15 and 15-20 of the Nursing and Advanced Practice Nursing Act.

(oo) "Production" or "produce" means manufacture, planting, cultivating, growing, or harvesting of a controlled substance.

(pp) "Registrant" means every person who is required to register under Section 302 of this Act.

(qq) "Registry number" means the number assigned to each person authorized to handle controlled substances under the laws of the United States and of this State.

(rr) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(ss) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household. (Source: P.A. 91-403, eff. 1-1-00; 91-714, eff. 6-2-00; 92-449, eff. 1-1-02.)".

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 Garrett, **House Bill No. 2855** was recalled from the order of third reading to the order of second reading.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2855 on page 2, line 3, after "extended" by inserting "or abated"; and

on page 2, lines 5 and 6, by replacing "of the final aggregate levy as extended" with "extended for those purposes"; and

on page 2, line 11, by replacing "aggregate levy" with "levy for those purposes".

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 Collins, **House Bill No. 2860** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2860 on page 1, line 11, by replacing "24 hours" with "7 working days".

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 Crotty, **House Bill No. 2864** was recalled from the order of third reading to the order of second reading.
Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2864, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, line 17, by replacing "license" with "regular license"; and
on page 1, line 19, by replacing "or" with ","; and
on page 2, line 2, after Columbia", by inserting "and has applied for a regular license as a speech-language pathologist pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act, or (C) a temporary license pursuant to the Illinois Speech-Language Pathology and Audiology Practice Act and has completed an approved program".

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.

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Walsh, **House Bill No. 2950**, 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	Soden
Bomke	Halvorson	Peterson	Sullivan, D.
Brady	Harmon	Petka	Sullivan, J.
Burzynski	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Righter	Walsh
Cronin	Jones, J.	Risinger	Watson
Crotty	Jones, W.	Ronen	Welch
Cullerton	Lauzen	Roskam	Winkel
del Valle	Lightford	Rutherford	Wojcik
DeLeo	Link	Sandoval	Woolard
Demuzio	Luechtefeld	Schoenberg	Mr. President
Dillard	Maloney	Shadid	
Garrett	Martinez	Sieben	
Geo-Karis	Meeks	Silverstein	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).
Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 2:45 o'clock p.m., Senator Hendon presiding.

HOUSE BILLS RECALLED

On motion of Senator Welch, **House Bill No. 570** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 570 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Code of 1961 is amended by changing Sections 16D-2, 16D-3, and 16-6 and adding Section 16D-4.1 as follows:

(720 ILCS 5/16D-2) (from Ch. 38, par. 16D-2)

Sec. 16D-2. Definitions. As used in this Article, unless the context otherwise indicates:

(a) "Computer" means a device that accepts, processes, stores, retrieves or outputs data, and includes but is not limited to auxiliary storage and telecommunications devices connected to computers.

(a-5) "Computer network" means a set of related, remotely connected devices and any communications facilities including more than one computer with the capability to transmit data among them through the communications facilities.

(b) "Computer program" or "program" means a series of coded instructions or statements in a form acceptable to a computer which causes the computer to process data and supply the results of the data processing.

(b-5) "Computer services" means computer time or services, including data processing services, Internet services, electronic mail services, electronic message services, or information or data stored in connection therewith.

(c) "Data" means a representation of information, knowledge, facts, concepts or instructions, including program documentation, which is prepared in a formalized manner and is stored or processed in or transmitted by a computer. Data shall be considered property and may be in any form including but not limited to printouts, magnetic or optical storage media, punch cards or data stored internally in the memory of the computer.

(c-5) "Electronic mail service provider" means any person who (1) is an intermediary in sending or receiving electronic mail and (2) provides to end-users of electronic mail services the ability to send or receive electronic mail.

(d) In addition to its meaning as defined in Section 15-1 of this Code, "property" means: (1) electronic impulses; (2) electronically produced data; (3) confidential, copyrighted or proprietary information; (4) private identification codes or numbers which permit access to a computer by authorized computer users or generate billings to consumers for purchase of goods and services, including but not limited to credit card transactions and telecommunications services or permit electronic fund transfers; (5) software or programs in either machine or human readable form; or (6) any other tangible or intangible item relating to a computer or any part thereof.

(e) "Access" means to use, instruct, communicate with, store data in, retrieve or intercept data from, or otherwise utilize any services of a computer.

(f) "Services" includes but is not limited to computer time, data manipulation or storage functions.

(g) "Vital services or operations" means those services or operations required to provide, operate, maintain, and repair network cabling, transmission, distribution, or computer facilities necessary to ensure or protect the public health, safety, or welfare. Public health, safety, or welfare include, but are not limited to, services provided by medical personnel or institutions, fire departments, emergency services agencies, national defense contractors, armed forces or militia personnel, private and public utility companies, or law enforcement agencies.

(h) A person "uses" a computer or computer network when he or she attempts to cause or causes:

(1) a computer or computer network to perform or to stop performing computer operations;

(2) the withholding or denial of the use of a computer, a computer network, a computer program, data, or software to another user; or

(3) a person to put false information into a computer.

(i) "Software" means a set of computer programs, procedures, and associated documentation concerned with data or with the operation of a computer, computer program, or computer network. (Source: P.A. 91-233, eff. 1-1-00.)

(720 ILCS 5/16D-3) (from Ch. 38, par. 16D-3)

Sec. 16D-3. Computer Tampering. (a) A person commits the offense of computer tampering when he knowingly and without the authorization of a computer's owner, as defined in Section 15-2 of

this Code, or in excess of the authority granted to him:

(1) Accesses or causes to be accessed a computer or any part thereof, or a program or data;

(2) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and obtains data or services;

(3) Accesses or causes to be accessed a computer or any part thereof, or a program or data, and damages or destroys the computer or alters, deletes or removes a computer program or data;

(4) Inserts or attempts to insert a "program" into a computer or computer program knowing or having reason to believe that such "program" contains information or commands that will or may damage or destroy that computer, or any other computer subsequently accessing or being accessed by that computer, or that will or may alter, delete or remove a computer program or data from that computer, or any other computer program or data in a computer subsequently accessing or being accessed by that computer, or that will or may cause loss to the users of that computer or the users of a computer which accesses or which is accessed by such "program".~~;~~

~~(5) Falsifies or forges electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers;~~

~~(a-5) It shall be unlawful for any person knowingly to sell, give, or otherwise distribute or possess with the intent to sell, give, or distribute software which (1) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (2) has only a limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (3) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.~~

(b) Sentence.

(1) A person who commits the offense of computer tampering as set forth in subsection (a)(1)~~, (a)(5), or (a-5)~~ of this Section shall be guilty of a Class B misdemeanor.

(2) A person who commits the offense of computer tampering as set forth in subsection (a)(2) of this Section shall be guilty of a Class A misdemeanor and a Class 4 felony for the second or subsequent offense.

(3) A person who commits the offense of computer tampering as set forth in subsection (a)(3) or subsection (a)(4) of this Section shall be guilty of a Class 4 felony and a Class 3 felony for the second or subsequent offense.

~~(4) If the injury arises from the transmission of unsolicited bulk electronic mail, the injured person, other than an electronic mail service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of $10 for each and every unsolicited bulk electronic mail message transmitted in violation of this Section, or $25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network.~~

~~(5) If the injury arises from the transmission of unsolicited bulk electronic mail, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the greater of $10 for each and every unsolicited electronic mail advertisement transmitted in violation of this Section, or $25,000 per day.~~

~~(6) The provisions of this Section shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.~~

(c) Whoever suffers loss by reason of a violation of subsection (a)(4) of this Section may, in a civil action against the violator, obtain appropriate relief. In a civil action under this Section, the court may award to the prevailing party reasonable attorney's fees and other litigation expenses. (Source: P.A. 91-233, eff. 1-1-00.)

(720 ILCS 5/16D-4.1 new)

Sec. 16D-4.1. Transmission of unsolicited bulk electronic mail.

(a) A person commits the offense of transmission of unsolicited bulk electronic mail when he or she:

(1) knowingly uses a computer or computer network with the intent to falsify or forge electronic mail transmission information or other routing information in any manner in connection with the transmission of unsolicited bulk electronic mail through or into the computer network of an electronic mail service provider or its subscribers; or

(2) knowingly sells, gives, or otherwise distributes or possesses with the intent to sell, give, or distribute software that: (i) is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information; (ii)

has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or (iii) is marketed by that person acting alone or with another for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information.

(b) Sentence.

(1) A person who commits a violation of subsection (a) is guilty of a Class A misdemeanor.

(2) A person is guilty of a Class 4 felony if he or she commits a violation of subsection (a) and:

(A) the volume of unsolicited bulk electronic mail transmitted exceeded 10,000 attempted recipients in any 24-hour period, 100,000 attempted recipients in any 30-day time period, or 1,000,000 attempted recipients in any one-year time period;

(B) the revenue generated from a specific unsolicited bulk electronic mail transmission exceeded $1,000 or the total revenue generated from all unsolicited bulk electronic mail transmitted to any electronic mail service provider exceeded $50,000; or

(C) the person is at least 18 years of age and knowingly hires, employs, uses, or permits any person who is under 18 years of age to assist in the transmission of unsolicited bulk electronic mail in violation of subdivision (b)(2)(A) or (b)(2)(B).

(c) Civil relief; damages.

(1) Any person whose property or person is injured by reason of a violation of any provision of this Section may sue therefor and recover for any damages sustained and the costs of suit. Without limiting the generality of the term, "damages" includes loss of profits.

(2) If the injury under this Section arises from the transmission of unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider where the defendant has knowledge of the authority or policies of the electronic mail service provider or where the authority or policies of the electronic mail service provider are available on the electronic mail service provider's website, the injured person, other than an electronic mail service provider, may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the lesser of $10 for each and every unsolicited bulk electronic mail advertisement transmitted in violation of this Section, or $25,000 per day. The injured person shall not have a cause of action against the electronic mail service provider that merely transmits the unsolicited bulk electronic mail over its computer network. Transmission of electronic mail from an organization to its members shall not be deemed to be unsolicited bulk electronic mail.

(3) If the injury under this Section arises from the transmission of unsolicited bulk electronic mail in contravention of the authority granted by or in violation of the policies set by the electronic mail service provider where the defendant has knowledge of the authority or policies of the electronic mail service provider or where the authority or policies of the electronic mail service provider are available on the electronic mail service provider's website, an injured electronic mail service provider may also recover attorney's fees and costs, and may elect, in lieu of actual damages, to recover the greater of $10 for each and every unsolicited electronic mail advertisement transmitted in violation of this Section, or $25,000 per day. Transmission of electronic mail from an organization to its members shall not be deemed to be unsolicited bulk electronic mail.

(4) At the request of any party to an action brought pursuant to this subsection (c), the court may, in its discretion, conduct all legal proceedings in such a way as to protect the secrecy and security of the computer, computer network, computer data, computer program and computer software involved in order to prevent possible recurrence of the same or a similar act by another person and to protect any trade secrets of any party and in such a way as to protect the privacy of nonparties who complain about violations of this section.

(5) The provisions of this subsection (c) shall not be construed to limit any person's right to pursue any additional civil remedy otherwise allowed by law.

(720 ILCS 5/16D-6) (from Ch. 38, par. 16D-6)

Sec. 16D-6. Forfeiture. 1. Any person who commits the offense of transmission of unsolicited bulk electronic mail as set forth in Section 16D-4.1 or computer fraud as set forth in Section 16D-5 shall forfeit, according to the provisions of this Section, any monies, profits or proceeds, and any interest or property which the sentencing court determines he has acquired or maintained, directly or indirectly, in whole or in part, as a result of such offense. Such person shall also forfeit any interest in, security, claim against, or contractual right of any kind which affords him a source of influence over any enterprise which he has established, operated, controlled, conducted or participated in conducting, where his relationship to or connection with any such thing or activity directly or indirectly, in whole or in part, is traceable to any item or benefit which he has obtained or acquired through computer fraud or

transmission of unsolicited bulk electronic mail.

Proceedings instituted pursuant to this Section shall be subject to and conducted in accordance with the following procedures:

(a) The sentencing court shall, upon petition by the prosecuting agency, whether it is the Attorney General or a State's Attorney, at any time following sentencing, conduct a hearing to determine whether any property or property interest is subject to forfeiture under this Section. At the forfeiture hearing the People of the State of Illinois shall have the burden of establishing, by a preponderance of the evidence, that the property or property interests are subject to such forfeiture.

(b) In any action brought by the People of the State of Illinois under this Section, the circuit courts of Illinois shall have jurisdiction to enter such restraining orders, injunctions or prohibitions, or to take such other action in connection with any real, personal, or mixed property or other interest subject to forfeiture, as they shall consider proper.

(c) In any action brought by the People of the State of Illinois under this Section, wherein any restraining order, injunction or prohibition or any other action in connection with any property or interest subject to forfeiture under this Section is sought, the circuit court presiding over the trial of the person or persons charged with computer fraud or transmission of unsolicited bulk electronic mail shall first determine whether there is probable cause to believe that the person or persons so charged have committed the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail and whether the property or interest is subject to forfeiture pursuant to this Section. In order to make this determination, prior to entering any such order, the court shall conduct a hearing without a jury, where the People shall establish: (1) probable cause that the person or persons so charged have committed the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail, and (2) probable cause that any property or interest may be subject to forfeiture pursuant to this Section. Such hearing may be conducted simultaneously with a preliminary hearing if the prosecution is commenced by information or complaint, or by motion of the People at any stage in the proceedings. The court may enter a finding of probable cause at a preliminary hearing following the filing of an information charging the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail or the return of an indictment by a grand jury charging the offense of computer fraud or the offense of transmission of unsolicited bulk electronic mail as sufficient evidence of probable cause for purposes of this Section. Upon such a finding, the circuit court shall enter such restraining order, injunction or prohibition, or shall take such other action in connection with any such property or other interest subject to forfeiture under this Section as is necessary to insure that such property is not removed from the jurisdiction of the court, concealed, destroyed or otherwise disposed of by the owner or holder of that property or interest prior to a forfeiture hearing under this Section. The Attorney General or State's Attorney shall file a certified copy of such restraining order, injunction or other prohibition with the recorder of deeds or registrar of titles of each county where any such property of the defendant may be located. No such injunction, restraining order or other prohibition shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor or other lienholder arising prior to the date of such filing. The court may, at any time, upon verified petition by the defendant, conduct a hearing to release all or portions of any such property or interest which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, prohibition or other action. The court may release such property to the defendant for good cause shown and within the sound discretion of the court.

(d) Upon conviction of a person under Section 16D-4.1 or Section 16D-5, the court shall authorize the Attorney General to seize and sell all property or other interest declared forfeited under this Act, unless such property is required by law to be destroyed or is harmful to the public. The court may order the Attorney General to segregate funds from the proceeds of such sale sufficient: (1) to satisfy any order of restitution, as the court may deem appropriate; (2) to satisfy any legal right, title, or interest which the court deems superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to forfeiture under this Section; or (3) to satisfy any bona-fide purchaser for value of the right, title, or interest in the property who was without reasonable notice that the property was subject to forfeiture. Following the entry of an order of forfeiture, the Attorney General shall publish notice of the order and his intent to dispose of the property. Within the 30 days following such publication, any person may petition the court to adjudicate the validity of his alleged interest in the property.

After the deduction of all requisite expenses of administration and sale, the Attorney General shall distribute the proceeds of such sale, along with any moneys forfeited or seized as follows:

(1) 50% shall be distributed to the unit of local government whose officers or employees conducted the investigation into computer fraud or transmission of unsolicited bulk electronic mail and caused the arrest or arrests and prosecution leading to the forfeiture. Amounts distributed to units of local

government shall be used for training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud and transmission of unsolicited bulk electronic mail. In the event, however, that the investigation, arrest or arrests and prosecution leading to the forfeiture were undertaken solely by a State agency, the portion provided hereunder shall be paid into the State Police Services Fund of the Illinois Department of State Police to be used for training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud and transmission of unsolicited bulk electronic mail.

(2) 50% shall be distributed to the county in which the prosecution and petition for forfeiture resulting in the forfeiture was instituted by the State's Attorney, and deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in training or enforcement purposes relating to detection, investigation or prosecution of financial crimes, including computer fraud and transmission of unsolicited bulk electronic mail. Where a prosecution and petition for forfeiture resulting in the forfeiture has been maintained by the Attorney General, 50% of the proceeds shall be paid into the Attorney General's Financial Crime Prevention Fund. Where the Attorney General and the State's Attorney have participated jointly in any part of the proceedings, 25% of the proceeds forfeited shall be paid to the county in which the prosecution and petition for forfeiture resulting in the forfeiture occurred, and 25% shall be paid to the Attorney General's Financial Crime Prevention Fund to be used for the purposes as stated in this subsection.

2. Where any person commits a felony under any provision of this Code or another statute and the instrumentality used in the commission of the offense, or in connection with or in furtherance of a scheme or design to commit the offense, is a computer owned by the defendant or if the defendant is a minor, owned by his or her parents or legal guardian, the computer shall be subject to the provisions of this Section. However, in no case shall a computer, or any part thereof, be subject to the provisions of the Section if the computer accessed in the commission of the offense is owned or leased by the victim or an innocent third party at the time of the commission of the offense or if the rights of creditors, lienholders, or any person having a security interest in the computer at the time of the commission of the offense shall be adversely affected. (Source: P.A. 85-1042.)

Section 10. The Code of Civil Procedure is amended by changing Section 2-209 as follows:

(735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

Sec. 2-209. Act submitting to jurisdiction - Process. (a) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits such person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any of such acts:

(1) The transaction of any business within this State;

(2) The commission of a tortious act within this State;

(3) The ownership, use, or possession of any real estate situated in this State;

(4) Contracting to insure any person, property or risk located within this State at the time of contracting;

(5) With respect to actions of dissolution of marriage, declaration of invalidity of marriage and legal separation, the maintenance in this State of a matrimonial domicile at the time this cause of action arose or the commission in this State of any act giving rise to the cause of action;

(6) With respect to actions brought under the Illinois Parentage Act of 1984, as now or hereafter amended, the performance of an act of sexual intercourse within this State during the possible period of conception;

(7) The making or performance of any contract or promise substantially connected with this State;

(8) The performance of sexual intercourse within this State which is claimed to have resulted in the conception of a child who resides in this State;

(9) The failure to support a child, spouse or former spouse who has continued to reside in this State since the person either formerly resided with them in this State or directed them to reside in this State;

(10) The acquisition of ownership, possession or control of any asset or thing of value present within this State when ownership, possession or control was acquired;

(11) The breach of any fiduciary duty within this State;

(12) The performance of duties as a director or officer of a corporation organized under the laws of this State or having its principal place of business within this State;

(13) The ownership of an interest in any trust administered within this State; ~~or~~

(14) The exercise of powers granted under the authority of this State as a fiduciary; or

(15) The use of a computer or computer network located in this State. For purposes of this subdivision (15), "use" and "computer network" have the same meanings as those contained in

Section 16D-2 of the Criminal Code of 1961.

(b) A court may exercise jurisdiction in any action arising within or without this State against any person who:

(1) Is a natural person present within this State when served;

(2) Is a natural person domiciled or resident within this State when the cause of action arose, the action was commenced, or process was served;

(3) Is a corporation organized under the laws of this State; or

(4) Is a natural person or corporation doing business within this State.

(c) A court may also exercise jurisdiction on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.

(d) Service of process upon any person who is subject to the jurisdiction of the courts of this State, as provided in this Section, may be made by personally serving the summons upon the defendant outside this State, as provided in this Act, with the same force and effect as though summons had been personally served within this State.

(e) Service of process upon any person who resides or whose business address is outside the United States and who is subject to the jurisdiction of the courts of this State, as provided in this Section, in any action based upon product liability may be made by serving a copy of the summons with a copy of the complaint attached upon the Secretary of State. The summons shall be accompanied by a $5 fee payable to the Secretary of State. The plaintiff shall forthwith mail a copy of the summons, upon which the date of service upon the Secretary is clearly shown, together with a copy of the complaint to the defendant at his or her last known place of residence or business address. Plaintiff shall file with the circuit clerk an affidavit of the plaintiff or his or her attorney stating the last known place of residence or the last known business address of the defendant and a certificate of mailing a copy of the summons and complaint to the defendant at such address as required by this subsection (e). The certificate of mailing shall be prima facie evidence that the plaintiff or his or her attorney mailed a copy of the summons and complaint to the defendant as required. Service of the summons shall be deemed to have been made upon the defendant on the date it is served upon the Secretary and shall have the same force and effect as though summons had been personally served upon the defendant within this State.

(f) Only causes of action arising from acts enumerated herein may be asserted against a defendant in an action in which jurisdiction over him or her is based upon subsection (a).

(g) Nothing herein contained limits or affects the right to serve any process in any other manner now or hereafter provided by law. (Source: P.A. 86-840.)".

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 Welch, **House Bill No. 691** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 691, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, on line 13, immediately after "January 1, 2003" by inserting the following:

"and then beginning again on July 1, 2003 and until July 1, 2005"; and

on page 1, by replacing line 18 with the following:

"General Assembly, ~~and~~ on and after January 1, 2003 and until July 1, 2003, and on and after July 1, 2005, moneys in"; and

on page 2, by replacing "eff. 7-24-01.)" with the following:

"eff. 7-24-01.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

READING BILL FROM THE HOUSE OF REPRESENTATIVES A THIRD TIME

On motion of Senator Welch, **House Bill No. 858**, 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 54; Nays None; Present 1.

The following voted in the affirmative:

Althoff	Halvorson	Peterson	Sullivan, D.
Bomke	Harmon	Petka	Sullivan, J.
Brady	Hendon	Radogno	Syverson
Clayborne	Hunter	Rauschenberger	Trotter
Collins	Jacobs	Risinger	Viverito
Cronin	Jones, J.	Ronen	Walsh
Crotty	Jones, W.	Roskam	Watson
Cullerton	Lightford	Rutherford	Welch
del Valle	Link	Sandoval	Winkel
DeLeo	Luechtefeld	Schoenberg	Wojcik
Demuzio	Maloney	Shadid	Woolard
Garrett	Martinez	Sieben	Mr. President
Geo-Karis	Meeks	Silverstein	
Haine	Obama	Soden	

The following voted present:

Dillard

This bill, having received the vote of 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 title be as aforesaid, and that the Secretary inform the House of Representatives thereof and ask their concurrence in the Senate Amendment adopted thereto.

HOUSE BILLS RECALLED

On motion of Senator Welch, **House Bill No. 876** was recalled from the order of third reading to the order of second reading.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 876 by replacing the title with the following:

"AN ACT concerning public utilities."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Renewable Energy, Energy Efficiency, and Coal Resources Development Law of 1997 is amended by changing Section 6-5 as follows:

(20 ILCS 687/6-5) (Section scheduled to be repealed on December 16, 2007)

Sec. 6-5. Renewable Energy Resources and Coal Technology Development Assistance Charge.

(a) Notwithstanding the provisions of Section 16-111 of the Public Utilities Act but subject to subsection (e) of this Section, each public utility, electric cooperative, as defined in Section 3.4 of the Electric Supplier Act, and municipal utility, as referenced in Section 3-105 of the Public Utilities Act, that is engaged in the delivery of electricity or the distribution of natural gas within the State of Illinois shall, effective January 1, 1998, assess each of its customer accounts a monthly Renewable Energy Resources and Coal Technology Development Assistance Charge. The delivering public utility, municipal electric or gas utility, or electric or gas cooperative for a self-assessing purchaser remains subject to the collection of the fee imposed by this Section. The monthly charge shall be as follows:

(1) $0.05 per month on each account for residential electric service as defined in Section 13 of the Energy Assistance Act;

(2) $0.05 per month on each account for residential gas service as defined in Section 13 of the

Energy Assistance Act;

(3) $0.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act, which had less than 10 megawatts of peak demand during the previous calendar year;

(4) $0.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had distributed to it less than 4,000,000 therms of gas during the previous calendar year;

(5) $37.50 per month on each account for nonresidential electric service, as defined in Section 13 of the Energy Assistance Act, which had 10 megawatts or greater of peak demand during the previous calendar year; and

(6) $37.50 per month on each account for nonresidential gas service, as defined in Section 13 of the Energy Assistance Act, which had 4,000,000 or more therms of gas distributed to it during the previous calendar year.

(b) The Renewable Energy Resources and Coal Technology Development Assistance Charge assessed by electric and gas public utilities shall be considered a charge for public utility service.

(c) Fifty percent of the moneys collected pursuant to this Section shall be deposited in the Renewable Energy Resources Trust Fund by the Department of Revenue. The remaining 50 percent of the moneys collected pursuant to this Section shall be deposited in the Coal Technology Development Assistance Fund by the Department of Revenue for use under the Illinois Coal Technology Development Assistance Act.

(d) By the 20th day of the month following the month in which the charges imposed by this Section were collected, each utility and alternative retail electric supplier collecting charges pursuant to this Section shall remit to the Department of Revenue for deposit in the Renewable Energy Resources Trust Fund and the Coal Technology Development Assistance Fund all moneys received, except as provided in this subsection, as payment of the charge provided for in this Section on a return prescribed and furnished by the Department of Revenue showing such information as the Department of Revenue may reasonably require. A utility may deduct an amount from collected receipts, not to exceed the amount designated for the Renewable Energy Resources Trust Fund, for expenses incurred to develop, maintain, and administer its net electricity metering pilot program required by Section 16-107.5 of the Public Utilities Act. Such expenses shall include the following, and are subject to Illinois Commerce Commission approval:

(1) expenses incurred to develop and submit a report of results of the pilot programs to the Illinois Commerce Commission;

(2) expenses incurred to install, maintain, and operate metering required to measure customer usage for the purposes of administering the pilot program;

(3) expenses incurred to perform an interconnection study and execute an interconnection agreement with customers in the pilot program;

(4) incremental expenses incurred to provide customers a bill (costs above those that are normally incurred to provide customers a bill in the absence of the pilot program);

(5) to the extent that any credit for energy generated that is paid to the customer exceeds the energy credit stated in utility's tariff filed in compliance with 83 Ill. Adm. Code 430.60, the utility shall be entitled to a credit on the difference between what is paid to the customer and what would have been paid using the utility tariff described above; and

(6) expenses incurred to develop, file, and gain approval of a net electricity metering pilot program from the Illinois Commerce Commission.

(e) The charges imposed by this Section shall only apply to customers of municipal electric or gas utilities and electric or gas cooperatives if the municipal electric or gas utility or electric or gas cooperative makes an affirmative decision to impose the charge. If a municipal electric or gas utility or an electric or gas cooperative makes an affirmative decision to impose the charge provided by this Section, the municipal electric or gas utility or electric or gas cooperative shall inform the Department of Revenue in writing of such decision when it begins to impose the charge. If a municipal electric or gas utility or electric or gas cooperative does not assess this charge, its customers shall not be eligible for the Renewable Energy Resources Program.

(f) The Department of Revenue may establish such rules as it deems necessary to implement this Section. (Source: P.A. 92-690, eff. 7-18-02.)

Section 10. The Public Utilities Act is amended by adding Section 16-107.5 as follows:

(220 ILCS 5/16-107.5 new)

Sec. 16-107.5. Net energy metering pilot program.

(a) The Legislature finds and declares that a pilot program to provide net energy metering, as defined

in this Section, for eligible customers can encourage private investment in renewable energy resources, stimulate economic growth, enhance the continued diversification of Illinois' energy resource mix, and protect the Illinois environment.

(b) As used in this Section:

The term "eligible customer" means a public university in this State that owns and operates a solar or wind electrical generating facility with a capacity of not more than 1000 kilowatts that is located on its premises and is intended primarily to offset part or all of its own electrical requirements.

The term "public university" means Northern Illinois University, Southern Illinois University, Eastern Illinois University, Western Illinois University, the University of Illinois, Chicago State University, Governors State University, Illinois State University, or Northeastern Illinois University.

The term "net energy metering" means the measurement, during the billing period applicable to an eligible customer, of the net amount of electricity delivered by an electric utility to the customer's premises or provided to the electric utility by the customer.

(c) An electric utility that has operated or is operating one or more pilot programs relating to net energy metering shall report the results of its pilot programs to the Commerce Commission by December 31, 2005. The Commission shall provide a summary and an analysis of the reports to the General Assembly no later than January 31, 2006.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Welch, **House Bill No. 2685** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committee on Approriations II.

Senator Welch offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 2685 by replacing everything after the enacting clause with the following: "ARTICLE 1

Section 1. The amount of $253,600, or so much thereof as may be necessary, is appropriated from the General Revenue Fund to the East St. Louis Financial Advisory Authority for the operating expenses of the City of East St. Louis Financial Advisory Authority.

ARTICLE 2

Section 1. The following named sums, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund to the Guardianship and Advocacy Commission for the purposes hereinafter named:

For Personal Services.....	$ 6,120,000
For Employee Retirement Contributions	
Paid by Employer.....	244,800
For State Contributions to the State	
Employees' Retirement System	822,500
For State Contributions to	
Social Security.....	468,200
For Contractual Services.....	260,600
For Travel.....	169,200

For Commodities.....	15,700
For Printing.....	13,600
For Equipment.....	8,200
For Electronic Data Processing.....	22,300
For Telecommunications Services.....	253,000
For Operation of Auto Equipment.....	8,200
Total	$8,406,300

Section 2. The sum of $193,200, or so much thereof as may be necessary, is appropriated from the Guardianship and Advocacy Fund to the Guardianship and Advocacy Commission for services pursuant to Section 5 of the Guardianship and Advocacy Act.

ARTICLE 3

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses to the Illinois Commerce Commission:

CHAIRMAN AND COMMISSIONER'S OFFICE

Payable from Transportation Regulatory Fund:

For Personal Services.....	$ 78,900
For Employee Retirement Contributions	
Paid by Employer.....	3,200
For State Contributions to State	
Employees' Retirement System.....	10,600
For State Contributions to	
Social Security.....	6,000
For Group Insurance.....	10,800
For Contractual Services.....	400
For Travel.....	2,100
For Equipment.....	5,800
For Telecommunications	7,200
For Operation of Auto Equipment	1,000

Total	$126,000
Payable from Public Utility Fund:	
For Personal Services.....	$ 821,100
For Employee Retirement Contributions	
Paid by Employer.....	32,800
For State Contributions to State	
Employees' Retirement System.....	110,300
For State Contributions to	
Social Security.....	62,800
For Group Insurance.....	147,000
For Contractual Services.....	22,700
For Travel.....	64,900
For Commodities.....	2,100
For Equipment.....	2,300
For Telecommunications	20,000
For Operation of Auto Equipment	700
Total	$1,286,700

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for ordinary and contingent expenses to the Illinois Commerce Commission, as follows:

PUBLIC UTILITIES

Payable from Public Utility Fund:	
For Personal Services.....	$ 12,764,800
For Employee Retirement Contributions	
Paid by Employer.....	516,100
For State Contributions to State	
Employees' Retirement System.....	1,715,500

For State Contributions to	
Social Security.....	956,600
For Group Insurance.....	2,189,700
For Contractual Services.....	1,531,100
For Travel.....	210,300
For Commodities.....	46,700
For Printing	50,500
For Equipment.....	56,800
For Electronic Data Processing	666,000
For Telecommunications	534,200
For Operation of Auto Equipment	20,400
For Refunds	17,000
Payable from General Revenue Fund: For legal costs associated with the passage of "An Act to abolish incinerator subsidies under the	
retail rate law"	408,200
Total	$21,683,900

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Illinois Commerce Commission:

TRANSPORTATION

Payable from Transportation Regulatory Fund:	
For Personal Services.....	$ 4,773,800
For Employee Retirement Contributions	
Paid by Employer.....	191,000
For State Contributions to State	
Employees' Retirement System.....	641,600
For State Contributions to	

Social Security.....	296,900
For Group Insurance.....	804,000
For Contractual Services.....	521,500
For Travel.....	177,100
For Commodities.....	35,500
For Printing	27,800
For Equipment.....	106,900
For Electronic Data Processing	613,800
For Telecommunications.....	265,300
For Operation of Auto Equipment	89,200
For Refunds.....	25,000
Total	$8,569,400

Section 4. The sum of $8,000,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to the Illinois Commerce Commission for disbursing funds collected for the Single State Insurance Registration Program to be distributed to: (1) participating states, provided that no distributions exceed funds made available from registration collections; and (2) for refunds for overpayments.

Section 5. The sum of $250,000, or so much thereof as may be necessary, is appropriated from the Transportation Regulatory Fund to assist the Illinois Commerce Commission in monitoring railroad crossing safety.

Section 6. The sum of $1,975,000, or so much thereof as may be necessary, is appropriated from the Public Utility Fund to assist the Illinois Commerce Commission in implementing the Electric Service Customer Choice and Rate Relief Law of 1997, including costs in the prior year.

Section 7. The sum of $4,350,000, or so much thereof as may be necessary, is appropriated from the Digital Divide Elimination Infrastructure Fund to the Illinois Commerce Commission for grants and awards for the construction of high-speed data transmission facilities.

Section 8. The sum of $3,800,000, or so much thereof as may be necessary, is appropriated from the Restricted Call Registry Fund to the Illinois Commerce Commission for the purpose of implementing the Restricted Call Registry Act, including costs in prior years.

Section 9. The sum of $75,000, or so much thereof as may be necessary, is appropriated from the Underground Utility Facilities Damage Prevention Fund to the Illinois Commerce Commission for a grant to the Statewide One-call Notice System, as required in the Illinois Underground Utility Facilities Damage Prevention Act.

ARTICLE 4

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, are appropriated to meet the ordinary and contingent expenses of the Law Enforcement Training Standards Board:

OPERATIONS

Payable from the Traffic and Criminal Conviction Surcharge Fund:	
For Personal Services	$ 1,159,800
For Employee Retirement Contributions Paid by Employer	46,400
For State Contributions to State Employees' Retirement System	155,900
For State Contributions to Social Security	92,600
For Group Insurance	275,000
For Contractual Services	330,900
For Travel	42,200
For Commodities	13,000
For Printing	5,000
For Equipment	39,000
For Electronic Data Processing	69,000
For Telecommunications Services	36,600
For Operation of Auto Equipment	18,200
For Expenses Related to the Audit of Assessment Collection and Remittance To and Expenditures From the Traffic and	0

Criminal Conviction Surcharge Fund .....

Total $2,283,600

Payable from the Police Training Board Services Fund:
For payment of and/or services related to law enforcement training in accordance with statutory provisions of the Law Enforcement Intern Training Act ..... $ 500,000
Payable from the Death Certificate Surcharge Fund:
For payment of and/or services related to death investigation in accordance with statutory provisions of the Vital Records Act ..... $ 400,000

Section 1a. The following named amount, or so much thereof as may be necessary, respectively, for the objects and purposes hereinafter named, is appropriated to the Law Enforcement Training Standards Board as follows:

GRANTS-IN-AID

Payable from the Traffic and Criminal Conviction Surcharge Fund:
For payment of and/or reimbursement of training and training services in accordance with statutory provisions .....$ 11,784,500

ARTICLE 5

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Professions Dedicated Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

GENERAL PROFESSIONS

For Personal Services ..... $ 2,248,000

For Personal Services -

Per Diem Personnel 0

For Employee Retirement Contributions

Paid by Employer 91,000

For State Contributions to State

Employees' Retirement System 302,100

For State Contributions to

172,000

Social Security	
For Group Insurance	539,000
For Contractual Services	45,000
For Travel	85,000
For Refunds	22,500
Total	$3,504,600

Section 2. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Dental Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Dental Examining Committee in the Department of Professional Regulation:

For Personal Services	$ 516,700
For Personal Services - Per Diem	0
For Employee Retirement Contributions	
Paid by Employer	24,400
For State Contributions to State	
Employees' Retirement System	69,400
For State Contributions to	
Social Security	31,000
For Group Insurance	110,000
For Contractual Services	10,500
For Travel	20,000
For Refunds	5,000
Total	$787,000

Section 3. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Medical Disciplinary Fund to meet the ordinary and contingent expenses of the Illinois State Medical Disciplinary Board in the Department of Professional Regulation:

For Personal Services	$ 2,521,500

For Personal Services:	
Per Diem	0
For Employee Retirement Contributions	
Paid by Employer	113,400
For State Contributions to State	
Employees' Retirement System	338,900
For State Contributions to	
Social Security	151,300
For Group Insurance	528,000
For Contractual Services	125,000
For Travel	50,000
For Refunds	15,000
Total	$3,843,100

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Optometric Licensing and Disciplinary Committee Fund to meet the ordinary and contingent expenses of the Optometric Licensing and Disciplinary Committee and Technical Review Board in the Department of Professional Regulation:

For Personal Services	$ 248,700
For Personal Services:	
Per Diem	0
For Employee Retirement Contributions	
Paid by Employer	12,200
For State Contributions to State	
Employees' Retirement System	33,400
For State Contributions to	
Social Security	19,000
	55,000

For Group Insurance	
For Contractual Services	75,000
For Travel	12,000
For Refunds	2,500
Total	$457,800

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Design Professionals Administration and Investigation Fund to meet the ordinary and contingent expenses of the Design Professionals Examining Committee in the Department of Professional Regulation:

For Personal Services	$ 495,900
For Personal Services:	
Per Diem	0
For Employee Retirement Contributions	
Paid by Employer	19,800
For State Contributions to State	
Employees' Retirement System	66,600
For State Contributions to	
Social Security	38,000
For Group Insurance	132,000
For Contractual Services	40,000
For Travel	60,000
For Refunds	2,500
Total	$854,800

Section 6. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Pharmacy Disciplinary Fund to meet the ordinary and contingent expenses of the State Board of Pharmacy in the Department of Professional Regulation:

For Personal Services	$ 862,300

For Personal Services	
Per Diem Personnel	0
For Employee Retirement Contributions	
Paid by Employer	38,600
For State Contributions to State	
Employees' Retirement System	115,900
For State Contributions to	
Social Security	52,600
For Group Insurance	143,000
For Contractual Services	120,000
For Travel	30,000
For Refunds	7,500
Total	$1,369,900

Section 7. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Illinois State Podiatric Disciplinary Fund to meet the ordinary and contingent expenses of the Podiatric Medical Licensing Board in the Department of Professional Regulation:

For Personal Services:	
Per Diem	$ 0
For Contractual Services	5,000
For Travel	5,000
Refunds.....	1,000
Total	$11,000

Section 8. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Registered CPA Administration and Disciplinary Fund to meet the ordinary and contingent expenses of the Public Accountant Board in the Department of Professional Regulation:

For Personal Services:	
Per Diem	0

For Contractual Services	65,000
For Travel	7,500
For Refunds	2,000
Total	$74,500

Section 9. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Nursing Dedicated and Professional Fund to meet the ordinary and contingent expenses of the Committee on Nursing in the Department of Professional Regulation:

For Personal Services	$ 1,002,300
For Personal Services: Per Diem	0
For Employee Retirement Contributions	
Paid by Employer	43,100
For State Contributions to State	
Employees' Retirement System	134,700
For State Contribution to	
Social Security	65,100
For Group Insurance	242,000
For Contractual Services	185,000
For Travel	25,000
For Refunds	6,000
Total	$1,703,200

Section 10. The sum of $100,000, or so much thereof as may be necessary, is appropriated from the Professional Regulation Evidence Fund to the Department of Professional Regulation for the purchase of evidence and equipment to conduct covert activities.

Section 11. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the Professions Indirect Cost Fund to meet the ordinary and contingent expenses of the Department of Professional Regulation:

For Personal Services	$ 6,420,700

For Employee Retirement Contributions	
Paid by Employer	256,800
For State Contributions to State	
Employees' Retirement System	862,900
For State Contributions to	
Social Security	491,200
For Group Insurance	1,397,000
For Contractual Services	1,939,000
For Travel	65,000
For Commodities	60,000
For Printing	120,000
For Equipment	150,000
For Electronic Data Processing	1,000,000
For Telecommunications Services	420,000
For Operation of Auto Equipment	169,000
Total	$13,351,600

ARTICLE 6

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GENERAL OFFICE

Payable from the Fire Prevention Fund:	
For Personal Services.....	$ 6,240,900
For Employee Retirement Contributions	
Paid by Employer	265,300

For State Contributions to the State	
Employees' Retirement System.....	838,700
For State Contributions to Social Security.....	415,100
For Group Insurance.....	1,232,000
For Contractual Services.....	701,400
For Travel.....	120,000
For Commodities.....	64,000
For Printing.....	40,900
For Equipment.....	140,000
For Electronic Data Processing.....	205,000
For Telecommunications.....	170,500
For Operation of Auto Equipment.....	195,000
For Refunds.....	4,000
Total	$10,632,800
Payable from the Underground Storage Tank Fund:	
For Personal Services.....	$ 1,299,200
For Employee Retirement Contributions	
Paid by Employer	52,000
For State Contributions to the State	
Employees' Retirement System	174,600
For State Contributions to Social Security.....	99,400
For Group Insurance.....	297,000
For Contractual Services.....	235,300
For Travel.....	24,500
For Commodities.....	8,000
For Printing.....	2,600

For Equipment.....	71,500
For Electronic Data Processing.....	90,000
For Telecommunications.....	34,200
For Operation of Auto Equipment.....	40,000
For Refunds.....	50,000
Total	$2,478,300

Section 2. The sum of $450,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for administrative expenses of the Elevator Safety and Regulation Act.

Section 3. The sum of $185,000, or so much thereof as may be necessary, is appropriated from the Illinois Firefighters' Memorial Fund to the Office of the State Fire Marshal for expenses related to the maintenance of the Illinois Firefighters' Memorial, holding the annual Fallen Firefighter and Firefighter Medal of Honor Ceremonies, and other expenses as allowed under Public Act 91-0832.

Section 4. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated to the Office of the State Fire Marshal as follows:

Payable from the Fire Prevention Fund:

For Fire Prevention Training.....	$ 50,000
For Expenses of Fire Prevention Awareness Program.....	80,000
For Expenses of Arson Education and Seminars	25,000

Payable from the Fire Prevention Division Fund:
For Expenses of the U.S. Resource Conservation and Recovery Act

Underground Storage Program.....	186,000
Total	$341,000

Payable from the Emergency Response Reimbursement Fund: For Hazardous Material Emergency Response Reimbursement	$	5,000

Section 5. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated for the ordinary and contingent expenses of the Office of the State Fire Marshal, as follows:

GRANTS

Payable from the Fire Prevention Fund:

For Chicago Fire Department Training Program	$ 1,397,100
For payment to local governmental agencies which participate in the State Training Programs.....	350,000
For Regional Training Grants	150,000
Total	$1,897,100

Section 6. The sum of $550,000, or so much thereof as may be necessary, is appropriated from the Underground Storage Tank Fund to the Office of the State Fire Marshal for a grant to the City of Chicago for Administrative Costs incurred as a result of the State's Underground Storage Program.

Section 7. The sum of $2,000, or so much thereof as may be necessary, is appropriated from the Fire Prevention Fund to the Office of the State Fire Marshal for grants available for the development of new fire districts.

ARTICLE 7

Section 1. The following named amounts, or so much thereof as may be necessary, respectively, are appropriated from the General Revenue Fund for the objects and purposes hereinafter named, to meet the ordinary and contingent expenses of the State Police Merit Board:

For Personal Services	$ 344,900
For Employee Retirement Contributions Paid by Employer	13,800
For State Contributions to State Employees' Retirement System	46,400
For State Contribution to	

Social Security	27,700
For Contractual Services	322,800
For Travel	5,000
For Commodities	8,000
For Printing	6,000
For Equipment	8,100
For Electronic Data Processing	8,000
For Telecommunications Services	12,000
For Operation of Automotive Equipment	2,700
Total	$805,400

ARTICLE 99

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

CONSIDERATION OF RESOLUTIONS ON SECRETARY'S DESK

Senator Shadid moved that **House Joint Resolution No. 30**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Shadid moved that House Joint Resolution No. 30 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof.

Senator Obama moved that **Senate Joint Resolution No. 16**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator Obama moved that Senate Joint Resolution No. 16 be adopted.

The motion prevailed.

And the resolution was adopted.

Ordered that the Secretary inform the House of Representatives thereof, and ask their concurrence therein.

Senator del Valle moved that **Senate Resolution No. 94**, on the Secretary's Desk, be taken up for immediate consideration.

The motion prevailed.

Senator del Valle moved that Senate Resolution No. 94 be adopted.

The motion prevailed.

And the resolution was adopted.

At the hour of 2:55 o'clock p.m., Senator Demuzio presiding.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Wojcik, **House Bill No. 76** was taken up and read by title a second time.
Floor Amendment No. 1 was held on 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. 1088** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1191** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **House Bill No. 1462** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Haine, **House Bill No. 1434** was taken up, read by title a second time and ordered to a third reading.

HOUSE BILLS RECALLED

On motion of Senator Martinez, **House Bill No. 3023** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3023 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Public Aid Code is amended by changing Sections 4-2, 9A-3, 9A-5, 9A-7, 9A-8, 9A-9, 11-1, and 11-20.1 as follows:

(305 ILCS 5/4-2) (from Ch. 23, par. 4-2)

Sec. 4-2. Amount of aid. (a) The amount and nature of financial aid shall be determined in accordance with the grant amounts, rules and regulations of the Illinois Department. Due regard shall be given to the self-sufficiency requirements of the family and to the income, money contributions and other support and resources available, from whatever source. However, the amount and nature of any financial aid is not affected by the payment of any grant under the "Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act" or any distributions or items of income described under subparagraph (X) of paragraph (2) of subsection (a) of Section 203 of the Illinois Income Tax Act. The aid shall be sufficient, when added to all other income, money contributions and support to provide the family with a grant in the amount established by Department regulation.

(b) The Illinois Department may conduct special projects, which may be known as Grant Diversion Projects, under which recipients of financial aid under this Article are placed in jobs and their grants are diverted to the employer who in turn makes payments to the recipients in the form of salary or other employment benefits. The Illinois Department shall by rule specify the terms and conditions of such Grant Diversion Projects. Such projects shall take into consideration and be coordinated with the programs administered under the Illinois Emergency Employment Development Act.

(c) The amount and nature of the financial aid for a child requiring care outside his own home shall be determined in accordance with the rules and regulations of the Illinois Department, with due regard to the needs and requirements of the child in the foster home or institution in which he has been placed.

(d) If the Department establishes grants for family units consisting exclusively of a pregnant woman with no dependent child or including her husband if living with her, the grant amount for such a unit shall be equal to the grant amount for an assistance unit consisting of one adult, or 2 persons if the husband is included. Other than as herein described, an unborn child shall not be counted in determining the size of an assistance unit or for calculating grants.

Payments for basic maintenance requirements of a child or children and the relative with whom the child or children are living shall be prescribed, by rule, by the Illinois Department.

Grants under this Article shall not be supplemented by General Assistance provided under Article VI.

(e) Grants shall be paid to the parent or other person with whom the child or children are living, except for such amount as is paid in behalf of the child or his parent or other relative to other persons or

agencies pursuant to this Code or the rules and regulations of the Illinois Department.

(f) Subject to subsection (f-5), an assistance unit, receiving financial aid under this Article or temporarily ineligible to receive aid under this Article under a penalty imposed by the Illinois Department for failure to comply with the eligibility requirements or that voluntarily requests termination of financial assistance under this Article and becomes subsequently eligible for assistance within 9 months, shall not receive any increase in the amount of aid solely on account of the birth of a child; except that an increase is not prohibited when the birth is (i) of a child of a pregnant woman who became eligible for aid under this Article during the pregnancy, or (ii) of a child born within 10 months after the date of implementation of this subsection, or (iii) of a child conceived after a family became ineligible for assistance due to income or marriage and at least 3 months of ineligibility expired before any reapplication for assistance. This subsection does not, however, prevent a unit from receiving a general increase in the amount of aid that is provided to all recipients of aid under this Article.

The Illinois Department is authorized to transfer funds, and shall use any budgetary savings attributable to not increasing the grants due to the births of additional children, to supplement existing funding for employment and training services for recipients of aid under this Article IV. The Illinois Department shall target, to the extent the supplemental funding allows, employment and training services to the families who do not receive a grant increase after the birth of a child. In addition, the Illinois Department shall provide, to the extent the supplemental funding allows, such families with up to 24 months of transitional child care pursuant to Illinois Department rules. All remaining supplemental funds shall be used for employment and training services or transitional child care support.

In making the transfers authorized by this subsection, the Illinois Department shall first determine, pursuant to regulations adopted by the Illinois Department for this purpose, the amount of savings attributable to not increasing the grants due to the births of additional children. Transfers may be made from General Revenue Fund appropriations for distributive purposes authorized by Article IV of this Code only to General Revenue Fund appropriations for employability development services including operating and administrative costs and related distributive purposes under Article IXA of this Code. The Director, with the approval of the Governor, shall certify the amount and affected line item appropriations to the State Comptroller.

Nothing in this subsection shall be construed to prohibit the Illinois Department from using funds under this Article IV to provide assistance in the form of vouchers that may be used to pay for goods and services deemed by the Illinois Department, by rule, as suitable for the care of the child such as diapers, clothing, school supplies, and cribs.

(f-5) Subsection (f) shall not apply to affect the monthly assistance amount of any family as a result of the birth of a child on or after January 1, 2004. As resources permit after January 1, 2004, the Department may cease applying subsection (f) to limit assistance to families receiving assistance under this Article on January 1, 2004, with respect to children born prior to that date. In any event, subsection (f) shall be completely inoperative on and after July 1, 2007.

(g) (Blank).

(h) Notwithstanding any other provision of this Code, the Illinois Department is authorized to reduce payment levels used to determine cash grants under this Article after December 31 of any fiscal year if the Illinois Department determines that the caseload upon which the appropriations for the current fiscal year are based have increased by more than 5% and the appropriation is not sufficient to ensure that cash benefits under this Article do not exceed the amounts appropriated for those cash benefits. Reductions in payment levels may be accomplished by emergency rule under Section 5-45 of the Illinois Administrative Procedure Act, except that the limitation on the number of emergency rules that may be adopted in a 24-month period shall not apply and the provisions of Sections 5-115 and 5-125 of the Illinois Administrative Procedure Act shall not apply. Increases in payment levels shall be accomplished only in accordance with Section 5-40 of the Illinois Administrative Procedure Act. Before any rule to increase payment levels promulgated under this Section shall become effective, a joint resolution approving the rule must be adopted by a roll call vote by a majority of the members elected to each chamber of the General Assembly. (Source: P.A. 91-676, eff. 12-23-99; 92-111, eff. 1-1-02.)

(305 ILCS 5/9A-3) (from Ch. 23, par. 9A-3)

Sec. 9A-3. Establishment of Program and Level of Services. (a) The Illinois Department shall establish and maintain a program to provide recipients with services consistent with the purposes and provisions of this Article. The program offered in different counties of the State may vary depending on the resources available to the State to provide a program under this Article, and no program may be offered in some counties, depending on the resources available. Services may be provided directly by the Illinois Department or through contract. References to the Illinois Department or staff of the Illinois Department shall include contractors when the Illinois Department has entered into contracts for these

purposes. The Illinois Department shall provide each recipient who participates with such services available under the program as are necessary to achieve his employability plan as specified in the plan.

(b) The Illinois Department, in operating the program, shall cooperate with public and private education and vocational training or retraining agencies or facilities, the Illinois State Board of Education, the Illinois Community College Board, the Departments of Employment Security and Commerce and Community Affairs or other sponsoring organizations funded under the federal Workforce Investment ~~Job Training Partnership~~ Act and other public or licensed private employment agencies. (Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/9A-5) (from Ch. 23, par. 9A-5)

Sec. 9A-5. Exempt recipients. (a) Exempt recipients under Section 9A-4 may volunteer to participate.

(b) Services will be offered to exempt and non-exempt individuals who wish to volunteer to participate only to the extent resources permit.

(c) Exempt and non-exempt individuals who volunteer to participate become program participants upon completion of the initial assessment, development of the employability plan, and assignment to a component. An exempt individual who volunteers to participate may not be sanctioned for not meeting program requirements. ~~Volunteers who fail to attend the orientation or initial assessment meetings or both will not be sanctioned. Exempt and non-exempt individuals who attend the orientation meeting and become program participants by completing the initial assessment, development of the employability plan, and assignment to a component may be sanctioned if they do not meet program requirements without good cause.~~ (Source: P.A. 92-111, eff. 1-1-02.)

(305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

Sec. 9A-7. Good Cause and Pre-Sanction Process. The Department shall establish by rule what constitutes good cause for failure to participate in education, training and employment programs, failure to accept suitable employment or terminating employment or reducing earnings.

The Department shall establish, by rule, a pre-sanction process to assist in resolving disputes over proposed sanctions and in determining if good cause exists. Good cause shall include, but not be limited to:

(1) temporary illness for its duration;

(2) court required appearance or temporary incarceration;

(3) (blank);

(4) death in the family;

(5) (blank);

(6) (blank);

(7) (blank);

(8) (blank);

(9) extreme inclement weather;

(10) (blank);

(11) lack of any support service even though the necessary service is not specifically provided under the Department program, to the extent the lack of the needed service presents a significant barrier to participation;

(12) if an individual is engaged in employment or training or both that is consistent with the employment related goals of the program, if such employment and training is later approved by Department staff;

(13) (blank);

(14) failure of Department staff to correctly forward the information to other Department staff;

(15) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education or training program is officially approved by the Department;

(16) failure of the participant due to his or her illiteracy;

(17) failure of the participant because it is determined that he or she should be in a different activity;

(18) non-receipt by the participant of a notice advising him or her of a participation requirement, ~~if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual: the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past.~~ If the ~~documented~~ non-receipt of mail occurs frequently,

the Department shall explore an alternative means of providing notices of participation requests to participants;

(19) (blank);

(20) non-comprehension of English, either written or oral or both;

(21) (blank);

(22) (blank);

(23) child care (or day care for an incapacitated individual living in the same home as a dependent child) is necessary for the participation or employment and such care is not available for a child under age 13;

(24) failure to participate in an activity due to a scheduled job interview, medical appointment for the participant or a household member, or school appointment;

(25) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next 30 days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;

(26) circumstances beyond the control of the participant which prevent the participant from completing program requirements; or

(27) (blank).

(b) (Blank).

(c) (1) The Department shall establish a reconciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, assessments, responsibility and service plans, assignment to activities, suitability of employment, or refusals of offers of employment. Through the reconciliation process the Department shall have a mechanism to identify good cause, ensure that the client is aware of the issue, and enable the client to perform required activities without facing sanction.

(2) A participant may request reconciliation and receive notice in writing of a meeting. At least one face-to-face meeting may be scheduled to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will address the underlying reason for the dispute and plan a resolution to enable the individual to participate in TANF employment and work activity requirements.

(2.5) If the individual fails to appear at the reconciliation meeting without good cause, the reconciliation is unsuccessful and a sanction shall be imposed.

(3) The reconciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the reconciliation process. Failure to demonstrate cooperation will result in immediate sanction.

(4) For the first instance of non-cooperation, if the client reaches agreement to cooperate, the client shall be allowed 30 days to demonstrate cooperation before any sanction activity may be imposed. In any subsequent instances of non-cooperation, the client shall be provided the opportunity to show good cause or remedy the situation by immediately complying with the requirement.

(5) The Department shall document in the case record the proceedings of the reconciliation and provide the client in writing with a reconciliation agreement.

(6) If reconciliation resolves the dispute, no sanction shall be imposed. If the client fails to comply with the reconciliation agreement, the Department shall then immediately impose the original sanction. If the dispute cannot be resolved during reconciliation, a sanction shall not be imposed until the reconciliation process is complete.

(Source: P.A. 90-17, eff. 7-1-97.)

(305 ILCS 5/9A-8) (from Ch. 23, par. 9A-8)

Sec. 9A-8. Operation of Program. (a) At the time of application or redetermination of eligibility under Article IV, as determined by rule, the Illinois Department shall provide information in writing and orally regarding the education, training and employment program to all applicants and recipients. The information required shall be established by rule and shall include, but need not be limited to:

(1) education (including literacy training), employment and training opportunities available, the criteria for approval of those opportunities, and the right to request changes in the personal responsibility and services plan to include those opportunities;

(1.1) a complete list of all activities that are approvable activities, and the circumstances under which they are approvable, including work activities, substance abuse or mental health treatment, activities to escape and prevent domestic violence, caring for a medically impaired family member, and any other approvable activities, together with the right to and procedures for amending the

responsibility and services plan to include these activities;

(1.2) the rules concerning the lifetime limit on eligibility, including the current status of the applicant or recipient in terms of the months of remaining eligibility, the criteria under which a month will not count towards the lifetime limit, and the criteria under which a recipient may receive benefits beyond the end of the lifetime limit;

(2) supportive services including child care and the rules regarding eligibility for and access to the child care assistance program, transportation, initial expenses of employment, job retention, books and fees, and any other supportive services;

(3) the obligation of the Department to provide supportive services;

(4) the rights and responsibilities of participants, including exemption, sanction, reconciliation, and good cause criteria and procedures, termination for non-cooperation and reinstatement rules and procedures, and appeal and grievance procedures; and

(5) the types and locations of child care services.

(b) The Illinois Department shall notify the recipient in writing of the opportunity to volunteer to participate in the program.

(c) (Blank).

(d) As part of the personal plan for achieving employment and self-sufficiency, the Department shall conduct an individualized assessment of the participant's employability. ~~Except as to participation in the Get A Job Program,~~ No participant may be assigned to any component of the education, training and employment activity prior to such assessment ~~, provided that a participant may be assigned up to 4 weeks of Job Search prior to such assessment~~. The plan shall include collection of information on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes, and employment preferences, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, child care, family circumstances, domestic violence, substance abuse, and special needs of any child of the individual). As part of the plan, individuals and Department staff shall work together to identify any supportive service needs required to enable the client to participate and meet the objectives of his or her employability plan. The assessment may be conducted through various methods such as interviews, testing, counseling, and self-assessment instruments. In the assessment process, the Department shall offer to include standard literacy testing and a determination of English language proficiency and shall provide it for those who accept the offer. ~~for those who display a potential need for literacy or language services. For those individuals subject to a job search demonstration, there may be an abbreviated assessment, as defined by rule.~~ Based on the assessment, the individual will be assigned to the appropriate activity. The decision will be based on a determination of the individual's level of preparation for employment as defined by rule.

(e) Recipients determined to be exempt may volunteer to participate pursuant to Section 9A-4 and must be assessed.

(f) As part of the personal plan for achieving employment and self-sufficiency under Section 4-1, an employability plan for recipients shall be developed in consultation with the participant. The Department shall have final responsibility for approving the employability plan. The employability plan shall:

(1) contain an employment goal of the participant;

(2) describe the services to be provided by the Department, including child care and other support services;

(3) describe the activities, such as component assignment, that will be undertaken by the participant to achieve the employment goal; and

(4) describe any other needs of the family that might be met by the Department.

(g) The employability plan shall take into account:

(1) available program resources;

(2) the participant's support service needs;

(3) the participant's skills level and aptitudes;

(4) local employment opportunities; and

(5) the preferences of the participant.

(h) A reassessment shall be conducted to assess a participant's progress and to review the employability plan on the following occasions:

(1) upon completion of an activity and before assignment to an activity;

(2) upon the request of the participant;

(3) if the individual is not cooperating with the requirements of the program; and

(4) if the individual has failed to make satisfactory progress in an education or training program.

Based on the reassessment, the Department may revise the employability plan of the participant.

(Source: P.A. 90-17, eff. 7-1-97; 91-331, eff. 7-29-99.)

(305 ILCS 5/9A-9) (from Ch. 23, par. 9A-9)

Sec. 9A-9. Program Activities. The Department shall establish education, training and placement activities by rule. Not all of the same activities need be provided in each county in the State. Such activities may include the following:

(a) Education (Below post secondary). In the Education (below post secondary) activity, the individual receives information, referral, counseling services and support services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalency (e.g., GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation. An individual's participation in an education program such as literacy, basic adult education, high school equivalency (GED), or a remedial program shall be limited to 2 years unless the individual also is working or participating in a work activity approved by the Illinois Department as defined by rule; this requirement does not apply, however, to students enrolled in high school.

(b) Job Skills Training (Vocational). Job Skills Training is designed to increase the individual's ability to obtain and maintain employment. Job Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Job Skills Training may include certificate programs.

(c) Job Readiness. The job readiness activity is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. This activity helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

(d) Job Search. Job Search may be conducted individually or in groups. Job Search includes the provision of counseling, job seeking skills training and information dissemination. Group job search may include training in a group session. Assignment exclusively to job search cannot be in excess of 8 consecutive weeks (or its equivalent) in any period of 12 consecutive months.

(e) Work Experience. Work Experience assignments may be with private employers or not-for-profit or public agencies in the State. The Illinois Department shall provide workers' compensation coverage. Participants who are not members of a 2-parent assistance unit may not be assigned more hours than their cash grant amount plus food stamps divided by the minimum wage. Private employers and not-for-profit and public agencies shall not use Work Experience participants to displace regular employees. Participants in Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) for a federal office or agency with its consent, and notwithstanding the provisions of 31 U.S.C. 1342, or any other provision of law, such agency may accept such services, but participants shall not be considered federal employees for any purpose. A participant shall be reassessed at the end of assignment to Work Experience. The participant may be reassigned to Work Experience or assigned to another activity, based on the reassessment.

(f) On the Job Training. In On the Job Training, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.

(g) Work Supplementation. In work supplementation, the Department pays a wage subsidy to an employer who hires a participant. The cash grant which a participant would receive if not employed is diverted and the diverted cash grant is used to pay the wage subsidy.

(h) Post Secondary Education. Post secondary education must be administered by an educational institution accredited under requirements of State law. ~~The Illinois Department may not approve an individual's participation in any post secondary education program, other than full time, short term vocational training for a specific job, unless the individual also is employed part time, as defined by the Illinois Department by rule.~~

(i) Self Initiated Education. Participants who are attending an institution of higher education or a vocational or technical program of their own choosing and who are in good standing, may continue to attend and receive supportive services only if the educational program is approved by the Department, and is in conformity with the participant's personal plan for achieving employment and self-sufficiency and the participant is employed part-time, as defined by the Illinois Department by rule.

(j) Job Development and Placement. Department staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings. Job ready individuals may be assigned to Job Development and Placement.

(k) Job Retention. The job retention component is designed to assist participants in retaining

employment. Initial employment expenses and job retention services are provided. The individual's support service needs are assessed and the individual receives counseling regarding job retention skills.

(l) (Blank).

(l-5) Transitional Jobs. These programs provide temporary wage-paying work combined with case management and other social services designed to address employment barriers. The wage-paying work is treated as regular employment for all purposes under this Code, and the additional activities, as determined by the Transitional Jobs provider, shall be countable work activities. The program must comply with the anti-displacement provisions of this Code governing the Work Experience program.

(m) Pay-after-performance Program. A parent may be required to participate in a pay-after-performance program in which the parent must work a specified number of hours to earn the grant. The program shall comply with provisions of this Code governing work experience programs.

(n) Community Service. Community service includes unpaid work that the client performs in his or her community, such as for a school, church, government agency, or nonprofit organization. ~~A participant whose youngest child is 13 years of age or older may be required to perform at least 20 hours of community service per week as a condition of eligibility for aid under Article IV. The Illinois Department shall give priority to community service placements in public schools, where participants can serve as hall and lunchroom monitors, assist teachers, and perform other appropriate services.~~ (Source: P.A. 89-289, eff. 1-1-96; 90-17, eff. 7-1-97; 90-457, eff. 1-1-98; 90-655, eff. 7-30-98.)

(305 ILCS 5/11-1) (from Ch. 23, par. 11-1)

Sec. 11-1. No discrimination). There shall be no discrimination or denial of financial aid and social services on account of the race, religion, color, national origin, sex, marital status, or political affiliation of any applicant or recipient. This paragraph shall not prevent the Department from treating individuals differently as a result of the rights and responsibilities that arise under law from marital status.

Participation in any marriage promotion or family formation activity is voluntary. Non-participation shall not affect any person's eligibility for or receipt of financial aid or social services in any program under this Code.

Where financial aid or social services are granted to certain classes of persons under a program for which federal funds are available, nothing in this Section shall require granting of financial aid or social services to other persons where federal funds would not be available as to those other persons. (Source: P.A. 80-354.)

(305 ILCS 5/11-20.1) (from Ch. 23, par. 11-20.1)

Sec. 11-20.1. Employment; Rights of recipient and obligations of Illinois Department when recipients become employed; Assistance when a recipient has employment or earned income or both.

(a) When a recipient reports employment or earned income, or both, or the Illinois Department otherwise learns of a recipient's employment or earned income, or both, the Illinois Department shall provide the recipient with:

(1) An explanation of how the earned income will affect the recipient's eligibility for a grant, and whether the recipient must engage in additional work activities to meet the recipient's monthly work activities requirement and what types of activities may be approved for that purpose, and whether the employment is sufficient to cause months of continued receipt of a grant not to be counted against the recipient's lifetime eligibility limit.

(2) An explanation of the Work Pays budgeting process, and an explanation of how the first month's income on a new job will be projected, and how the recipient should report the new job to avoid the Department overestimating the first month's income.

(3) An explanation of how the earned income will affect the recipient's eligibility for food stamps, whether the recipient will continue to receive food stamps, and, if so, the amount of food stamps.

(4) The names and telephone numbers of all caseworkers to whom the recipient's case or cases are assigned or will be transferred, an explanation of which type of case each worker will be handling, and the effective date of the transfer.

(5) An explanation of the recipient's responsibilities to report income and household circumstances, the process by which quarterly reporting forms are sent to recipients, where and to whom the reports should be returned, the deadline by which reports must be returned, instructions on how to fill out the reports, an explanation of what the recipient should do if he or she does not receive the form, advice on how to prove the report was returned by the recipient such as by keeping a copy, and an explanation of the effects of failure to file reports.

(6) If the recipient will continue to receive a grant, an explanation of the recipient's new fiscal month and a statement as to when the recipient will receive his or her grant.

(7) An explanation of Kidcare, Family Assist, Family Care, and the 12 month extension of medical assistance that is available when a grant is cancelled due to earned income.

(8) An explanation of the medical assistance the person may be eligible for when the 12 month extension expires and how to request or apply for it.

(9) An explanation of the availability of a child care subsidy to all families below the child care assistance program's income limit, how to apply for the benefit through the Child Care Resource and Referral or site-administered child care program or both, the nature of the child care program's sliding scale co-payments, the availability of the 10% earned income disregard in determining eligibility for child care assistance and the amount of the parent co-payment, the right to use the subsidy for either licensed or license exempt legal care, and the availability of benefits when the parent is engaged in an education and training program.

(10) (Blank).

(11) (Blank).

(11a) (Blank).

(12) (Blank).

(13) An explanation of the availability of payment for initial expenses of employment and how to request or apply for it.

(14) An explanation of the job retention component and how to participate in it, and an explanation of the recipient's eligibility to receive supportive services to participate in education and training programs while working.

(15) A statement of the types of assistance that will be provided to the person automatically or continued and a statement of the types of assistance for which the person must apply or reapply.

(16) If the recipient will not continue to receive a cash grant and the recipient has assigned his or her right to child support to the Illinois Department, an explanation of the recipient's right to continue to receive child support enforcement services, the recipient's right to have all current support paid after grant cancellation forwarded promptly to the recipient, the procedures by which child support will be forwarded, and the procedures by which the recipient will be informed of the collection and distribution of child support.

(17) An explanation of the availability of payments if the recipient experiences a decrease in or loss of earned income during a calendar quarter as to which the monthly grant was previously budgeted based upon the higher income.

(18) If the recipient will not continue to receive a cash grant, an explanation of the procedures for reapplying for cash assistance if the person experiences a decrease in or loss of earned income.

(19) An explanation of the earned income tax credit and the procedures by which it may be obtained and the rules for disregarding it in determining eligibility for and the amount of assistance.

(20) An explanation of the education and training opportunities available to recipients.

(b) The information listed in subsection (a) shall be provided to the recipient on an individual basis during an in-person meeting with a representative of the Illinois Department. The individual in-person meeting shall be held at a time which does not conflict with the recipient's work schedule within 30 days of the date the recipient begins working. If the recipient informs the Illinois Department that an in-person meeting would be inconvenient, the Illinois Department may provide the information during a home visit, by telephone, or by mail within 30 days of the date the recipient begins working, whichever the client prefers.

(c) At the conclusion of the meeting described in subsection (b), the Illinois Department shall ensure that all case transfers and calculations of benefits necessitated by the recipient's employment or receipt of earned income have been performed, that applications have been made or provided for all benefits for which the person must apply or reapply, and that the person has received payment for initial expenses of employment. (Source: P.A. 91-331, eff. 7-29-99.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Harmon, **House Bill No. 3402** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 3402 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois State Auditing Act is amended by changing Section 3-1 as follows:

(30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

Sec. 3-1. Jurisdiction of Auditor General. The Auditor General has jurisdiction over all State agencies to make post audits and investigations authorized by or under this Act or the Constitution.

The Auditor General has jurisdiction over local government agencies and private agencies only:

(a) to make such post audits authorized by or under this Act as are necessary and incidental to a post audit of a State agency or of a program administered by a State agency involving public funds of the State, but this jurisdiction does not include any authority to review local governmental agencies in the obligation, receipt, expenditure or use of public funds of the State that are granted without limitation or condition imposed by law, other than the general limitation that such funds be used for public purposes;

(b) to make investigations authorized by or under this Act or the Constitution; and

(c) to make audits of the records of local government agencies to verify actual costs of state-mandated programs when directed to do so by the Legislative Audit Commission at the request of the State Board of Appeals under the State Mandates Act.

In addition to the foregoing, the Auditor General may conduct an audit of the Metropolitan Pier and Exposition Authority, the Regional Transportation Authority, the Suburban Bus Division, the Commuter Rail Division and the Chicago Transit Authority and any other subsidized carrier when authorized by the Legislative Audit Commission. Such audit may be a financial, management or program audit, or any combination thereof.

The audit shall determine whether they are operating in accordance with all applicable laws and regulations. Subject to the limitations of this Act, the Legislative Audit Commission may by resolution specify additional determinations to be included in the scope of the audit.

In addition to the foregoing, the Auditor General must also conduct a financial audit of the Illinois Sports Facilities Authority's expenditures of public funds in connection with the reconstruction, renovation, remodeling, extension, or improvement of all or substantially all of any existing "facility", as that term is defined in the Illinois Sports Facilities Authority Act.

The Auditor General may also conduct an audit, when authorized by the Legislative Audit Commission, of any hospital which receives 10% or more of its gross revenues from payments from the State of Illinois, Department of Public Aid, Medical Assistance Program.

The Auditor General is authorized to conduct financial and compliance audits of the Illinois Distance Learning Foundation and the Illinois Conservation Foundation.

As soon as practical after the effective date of this amendatory Act of 1995, the Auditor General shall conduct a compliance and management audit of the City of Chicago and any other entity with regard to the operation of Chicago O'Hare International Airport, Chicago Midway Airport and Merrill C. Meigs Field. The audit shall include, but not be limited to, an examination of revenues, expenses, and transfers of funds; purchasing and contracting policies and practices; staffing levels; and hiring practices and procedures. When completed, the audit required by this paragraph shall be distributed in accordance with Section 3-14.

The Auditor General shall conduct a financial and compliance and program audit of distributions from the Municipal Economic Development Fund during the immediately preceding calendar year pursuant to Section 8-403.1 of the Public Utilities Act at no cost to the city, village, or incorporated town that received the distributions.

The Auditor General must conduct an audit of the Health Facilities Planning Board pursuant to Section 19.5 of the Illinois Health Facilities Planning Act.

The Auditor General must conduct an annual audit of the water enterprise fund of a county that has assumed the assets, liabilities, rights, powers, duties, and functions of a water commission under Section 0.02 of the Water Commission Act of 1985. (Source: P.A. 90-813, eff. 1-29-99; 91-782, eff. 6-9-00; 91-935, eff. 6-1-01.)

Section 10. The Counties Code is amended by changing Section 5-1005 and by adding Section 5-1127 as follows:

(55 ILCS 5/5-1005) (from Ch. 34, par. 5-1005)

Sec. 5-1005. Powers. Each county shall have power:

1. To purchase and hold the real and personal estate necessary for the uses of the county, and to purchase and hold, for the benefit of the county, real estate sold by virtue of judicial proceedings in which the county is plaintiff.

2. To sell and convey or lease any real or personal estate owned by the county.

3. To make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers.

4. To take all necessary measures and institute proceedings to enforce all laws for the prevention of cruelty to animals.

5. To purchase and hold or lease real estate upon which may be erected and maintained buildings to be utilized for purposes of agricultural experiments and to purchase, hold and use personal property for the care and maintenance of such real estate in connection with such experimental purposes.

6. To cause to be erected, or otherwise provided, suitable buildings for, and maintain a county hospital and necessary branch hospitals and/or a county sheltered care home or county nursing home for the care of such sick, chronically ill or infirm persons as may by law be proper charges upon the county, or upon other governmental units, and to provide for the management of the same. The county board may establish rates to be paid by persons seeking care and treatment in such hospital or home in accordance with their financial ability to meet such charges, either personally or through a hospital plan or hospital insurance, and the rates to be paid by governmental units, including the State, for the care of sick, chronically ill or infirm persons admitted therein upon the request of such governmental units. Any hospital maintained by a county under this Section is authorized to provide any service and enter into any contract or other arrangement not prohibited for a hospital that is licensed under the Hospital Licensing Act, incorporated under the General Not-For-Profit Corporation Act, and exempt from taxation under paragraph (3) of subsection (c) of Section 501 of the Internal Revenue Code.

7. To contribute such sums of money toward erecting, building, maintaining, and supporting any non-sectarian public hospital located within its limits as the county board of the county shall deem proper.

8. To purchase and hold real estate for the preservation of forests, prairies and other natural areas and to maintain and regulate the use thereof.

9. To purchase and hold real estate for the purpose of preserving historical spots in the county, to restore, maintain and regulate the use thereof and to donate any historical spot to the State.

10. To appropriate funds from the county treasury to be used in any manner to be determined by the board for the suppression, eradication and control of tuberculosis among domestic cattle in such county.

11. To take all necessary measures to prevent forest fires and encourage the maintenance and planting of trees and the preservation of forests.

12. To authorize the closing on Saturday mornings of all offices of all county officers at the county seat of each county, and to otherwise regulate and fix the days and the hours of opening and closing of such offices, except when the days and the hours of opening and closing of the office of any county officer are otherwise fixed by law; but the power herein conferred shall not apply to the office of State's Attorney and the offices of judges and clerks of courts and, in counties of 500,000 or more population, the offices of county clerk.

13. To provide for the conservation, preservation and propagation of insectivorous birds through the expenditure of funds provided for such purpose.

14. To appropriate funds from the county treasury and expend the same for care and treatment of tuberculosis residents.

15. In counties having less than 1,000,000 inhabitants, to take all necessary or proper steps for the extermination of mosquitoes, flies or other insects within the county.

16. To install an adequate system of accounts and financial records in the offices and divisions of the county, suitable to the needs of the office and in accordance with generally accepted principles of accounting for governmental bodies, which system may include such reports as the county board may determine.

17. To purchase and hold real estate for the construction and maintenance of motor vehicle parking facilities for persons using county buildings, but the purchase and use of such real estate shall not be for revenue producing purposes.

18. To acquire and hold title to real property located within the county, or partly within and partly outside the county by dedication, purchase, gift, legacy or lease, for park and recreational purposes and to charge reasonable fees for the use of or admission to any such park or recreational area and to provide police protection for such park or recreational area. Personnel employed to provide such police protection shall be conservators of the peace within such park or recreational area and shall have power to make arrests on view of the offense or upon warrants for violation of any of the ordinances governing such park or recreational area or for any breach of the peace in the same manner as the police in municipalities organized and existing under the general laws of the State. All such real property outside the county shall be contiguous to the county and within the boundaries of the State of Illinois.

19. To appropriate funds from the county treasury to be used to provide supportive social services designed to prevent the unnecessary institutionalization of elderly residents, or, for operation of, and equipment for, senior citizen centers providing social services to elderly residents.

20. To appropriate funds from the county treasury and loan such funds to a county water commission created under the "Water Commission Act", approved June 30, 1984, as now or hereafter amended, in such amounts and upon such terms as the county may determine or the county and the commission may agree. The county shall not under any circumstances be obligated to make such loans. The county shall not be required to charge interest on any such loans.

21. Beginning October 1, 2003, to exercise the powers and assume the obligations of a water commission abolished under Section 0.02 of the Water Commission Act of 1985.

All contracts for the purchase of coal under this Section shall be subject to the provisions of "An Act concerning the use of Illinois mined coal in certain plants and institutions", filed July 13, 1937, as amended. (Source: P.A. 86-962; 86-1028.)

(55 ILCS 5/5-1127 new)

Sec. 5-1127. Homeland security and bioterrorism response plan. The health department and emergency management agency of the home county of a water commission abolished under Section 0.02 of the Water Commission Act of 1985 shall develop a homeland security and bioterrorism response plan and ongoing operations for the home county, including but not limited to, equipment, training, personnel, and other critical recurring public health programs. The homeland security and bioterrorism response plan shall include, but need not be limited to, the following:

(1) As designated by the county board of health, the procurement of appropriate antibiotics or other remedies for distribution to first responders to events of bioterrorism.

(2) The organization of a sufficient number of volunteers as deemed necessary by the county board or health department for the dissemination of information and other duties assigned by the board for the purpose of responding to events of bioterrorism.

(3) The establishment of municipal liaisons for every municipality wholly or partially within the county in order to assist, if necessary, and to coordinate county health department efforts in the event of a bioterrorism incident.

(4) The distribution of county public service announcements and advertisements designed to educate county residents on what to do and where to turn for help in the event of a bioterrorism incident.

Funding for the plan and its operation shall derive from revenues collected under the Water Commission Act of 1985 and transferred to the home county board under this amendatory Act of the 93rd General Assembly.

Section 15. The Illinois Municipal Code is amended by changing Section 11-124-1 as follows:

(65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

Sec. 11-124-1. (a) The corporate authorities of each municipality may contract with any person, corporation, municipal corporation, political subdivision, public water district or any other agency for a supply of water. Any such contract entered into by a municipality shall provide that payments to be made thereunder shall be solely from the revenues to be derived from the operation of the waterworks system of the municipality, and the contract shall be a continuing valid and binding obligation of the municipality payable from the revenues derived from the operation of the waterworks system of the municipality for the period of years, not to exceed 40, as may be provided in such contract. Any such contract shall not be a debt within the meaning of any constitutional or statutory limitation. No prior appropriation shall be required before entering into such a contract and no appropriation shall be required to authorize payments to be made under the terms of any such contract notwithstanding any provision in this Code to the contrary. (a) Payments to be made under any such contract shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers. (b) Payments to be made under any such contract with a municipal joint action water agency under the Intergovernmental Cooperation Act shall be an operation and maintenance expense of the waterworks system of the municipality. Any such contract made by a municipality for a supply of water with a municipal joint action water agency under the provisions of the Intergovernmental Cooperation Act may contain provisions whereby the municipality is obligated to pay for such supply of water without setoff

or counterclaim and irrespective of whether such supply of water is ever furnished, made available or delivered to the municipality or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract with a municipal joint action water agency may provide that if one or more of the other purchasers of water defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water, one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers.

The changes in this Section made by these amendatory Acts of 1984 are intended to be declarative of existing law.

(b) A municipality with a water supply contract with a home county of a water commission abolished under Section 0.02 of the Water Commission Act of 1985 shall provide water to unincorporated areas of that home county that adjoin that municipality in accordance with the terms of this subsection. The provision of water by the municipality shall be in accordance with an ordinance of the home county. The ordinance of the home county shall not be effective unless it finds that the area to be served receives well water that is tainted, contaminated, or otherwise substandard. The ordinance of the home county shall designate the system within the unincorporated area to receive and distribute municipal water. A home rule unit may not provide water in a manner that is inconsistent with the provisions of this amendatory Act of the 93rd General Assembly. This subsection is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State. (Source: P.A. 83-1123; 83-1524.)

Section 20. The Water Commission Act of 1985 is amended by adding Sections 0.01, 0.02, 0.03, 0.04, 0.05, 0.06, 0.07, 0.08, 0.09, 0.010, 0.011, 0.012, 0.013, and 0.014 as follows:

(70 ILCS 3720/0.01 new)

Sec. 0.01. Purpose and findings. It is the purpose of this amendatory Act of the 93rd General Assembly to abolish the commissions created by this Water Commission Act of 1985 and to transfer to the respective home counties all assets, property, liabilities, rights, powers, duties, and functions of the commissions.

The General Assembly finds and declares that it is necessary and in the best interests of the people of the State of Illinois and the persons served by these commissions to change the governance of water systems created and functioning under the Water Commission Act of 1985. The changes established by this amendatory Act of the 93rd General Assembly are intended to save costs by eliminating an unnecessary additional level of government, make the governance of water systems more responsive to electors and water users, serve more equitably the municipalities receiving water, prevent the retention of unnecessary cash reserves at the expense of water users and taxpayers, spread the costs of the water system more equitably among users, increase the benefits resulting from the creation of water systems, rebate excess revenues to residents of the home county, and fund homeland defense and bioterrorism response operations.

It is not the intent of this amendatory Act of 2003 to change or permit the changing of any financial covenants or obligations to supply water of a water commission established under the Water Commission Act of 1985.

(70 ILCS 3720/0.02 new)

Sec. 0.02. Districts abolished; assets, property, liabilities, rights, powers, duties, and functions assumed. Notwithstanding any other provisions of law, including any other provision of this Water Commission Act of 1985, any water commission established under this Act is abolished on October 1, 2003. On October 1, 2003, the home county of the commission that is abolished shall assume all assets, property, liabilities, rights, powers, duties, and functions of the abolished commission.

(70 ILCS 3720/0.03 new)

Sec. 0.03. Transfer of personnel. On October 1, 2003, personnel employed by a water commission that is abolished by this amendatory Act of the 93rd General Assembly are transferred to the home county of the commission. The rights of these employees under collective bargaining agreements are not affected by this amendatory Act of the 93rd General Assembly.

(70 ILCS 3720/0.04 new)

Sec. 0.04. Transfer of property. Effective October 1, 2003, all books, records, documents, property (real and personal), unexpended appropriations, and pending business of a water commission abolished under this amendatory Act of the 93rd General Assembly are transferred and delivered to the home county.

(70 ILCS 3720/0.05 new)

Sec. 0.05. Taxes.

Beginning on October 1, 2003, the county board of a home county of a water commission that is abolished under this amendatory Act of the 93rd General Assembly shall have the power to levy and collect the tax set forth in subsection (f) of Section 2 of this Act. The revenues collected from this tax may be used only to repay the debts and obligations incurred by an abolished water commission. This taxing power expires upon the repayment of the indebtedness and obligations of the water commission that exist on September 30, 2003.

(70 ILCS 3720/0.06 new)

Sec. 0.06. Taxpayer rebate. On or before October 1, 2004, the county board of the home county shall rebate the amount of $25,000,000 to the taxpayers in the areas in which these funds were collected.

(70 ILCS 3720/0.07 new)

Sec. 0.07. Water enterprise fund. On October 1, 2003, the home county shall establish a water enterprise fund. All moneys transferred to the home county under this amendatory Act of the 93rd General Assembly shall, for accounting purposes, be stated separately in the water enterprise fund, but these moneys may be appropriated from the fund for any county water, public health, or safety purpose.

The Illinois Auditor General shall annually audit the water enterprise fund and the results of that audit must be made available to the public.

(70 ILCS 3720/0.08 new)

Sec. 0.08. Water service for unincorporated areas. A municipality with a water supply contract with a home county of a water commission abolished under Section 0.02 of the Water Commission Act of 1985 shall provide water to unincorporated areas of that home county that adjoin that municipality in accordance with the terms of this subsection. The provision of water by the municipality shall be in accordance with an ordinance of the home county. The ordinance of the home county shall not be effective unless it finds that the area to be served receives well water that is tainted, contaminated, or otherwise substandard. The ordinance of the home county shall designate the system within the unincorporated area to receive and distribute municipal water.

(70 ILCS 3720/0.09 new)

Sec. 0.09. Water subsidy guaranty. Except to satisfy the obligations of the abolished water commission, the water rates charged to municipalities that are in effect on the effective date of this amendatory Act of the 93rd General Assembly may not be increased for a period of 5 years. After this 5-year period, the home county may not increase this rate without the affirmative vote of three-fifths of the county board.

(70 ILCS 3720/0.010 new)

Sec. 0.010. Ordinances, orders, and resolutions.

(a) On October 1, 2003, the ordinances, orders, and resolutions of a water commission abolished by this amendatory Act of the 93rd General Assembly that were in effect on September 30, 2003 and that pertain to the assets, property, liabilities, rights, powers, duties, and functions transferred to the home county shall become, with respect to that territory, the ordinances, orders, and resolutions of the home county and shall continue in effect until amended or repealed.

(b) Any ordinances, orders, or resolutions pertaining to the assets, property, liabilities, rights, powers, duties, and functions transferred to the home county under this amendatory Act of the 93rd General Assembly that have been proposed by a water commission abolished by this amendatory Act of the 93rd General Assembly but have not taken effect or been finally adopted by September 30, 2003 shall become, with respect to that territory, the proposed ordinances, orders, and resolutions of the home county, and any procedures that have already been completed by the abolished water commission for those proposed ordinances, orders, or resolutions need not be repeated.

(c) As soon as practical after October 1, 2003, the home county shall revise and clarify the ordinances, orders, and resolutions transferred to it under this amendatory Act of the 93rd General Assembly. The home county may propose and adopt such other ordinances, orders, or resolutions as may be necessary to consolidate and clarify the ordinances, orders, and resolutions assumed under this amendatory Act of the 93rd General Assembly.

(70 ILCS 3720/0.011 new)

Sec. 0.011. Cross references. Beginning on October 1, 2003, all references in other statutes, however phrased, to a water commission abolished under this amendatory Act of the 93rd General Assembly shall be references to the home county in its capacity as successor to the abolished water commission.

(70 ILCS 3720/0.012 new)

Sec. 0.012. Savings provisions.

(a) The assets, property, liabilities, rights, powers, duties, and functions transferred to a home county by this amendatory Act of the 93rd General Assembly shall be vested in that county subject to the

provisions of this amendatory Act of the 93rd General Assembly. An act done by an abolished water commission or by an officer, employee, or agent of the abolished water commission with respect to the transferred assets, property, liabilities, rights, powers, duties, or functions shall have the same legal effect as if done by the home county or by an officer, employee, or agent of the home county.

(b) The transfer of assets, liabilities, rights, powers, duties, and functions under this amendatory Act of the 93rd General Assembly does not invalidate any previous action taken by or in respect to an abolished water commission or its officers, employees, or agents. References to an abolished water commission or to its officers, employees, or agents in any document, contract, agreement, or law shall, in appropriate contexts, be deemed to refer to the home county or to its officers, employees, or agents.

(c) The transfer under this amendatory Act of the 93rd General Assembly of assets, property, liabilities, rights, powers, duties, and functions of an abolished water commission does not affect any person's rights, obligations, or duties, including any applicable civil or criminal penalties, arising out of those transferred assets, property, liabilities, rights, powers, duties, and functions.

(d) With respect to matters pertaining to an asset, liability, right, power, duty, or function transferred to a home county under this amendatory Act of the 93rd General Assembly:

(1) Beginning October 1, 2003, a report or notice that was previously required to be made or given by any person to an abolished water commission or to any of its officers, employees, or agents must be made or given in the same manner to the home county or to its appropriate officer, employee, or agent.

(2) Beginning October 1, 2003, a document that was previously required to be furnished or served by any person to or upon an abolished water commission or to or upon any of its officers, employees, or agents must be furnished or served in the same manner to or upon the home county or to or upon its appropriate officer, employee, or agent.

(e) This amendatory Act of the 93rd General Assembly does not affect any act done, ratified, or cancelled, any right occurring or established, or any action or proceeding had or commenced in an administrative, civil, or criminal cause before October 1, 2003. Any such action or proceeding that pertains to an asset, property, liability, right, power, duty, or function transferred to a home county under this Act and that is pending on October 1, 2003 may be prosecuted, defended, or continued by the home county.

(70 ILCS 3720/0.013 new)

Sec. 0.013. Disputes. Any disputes that arise as a result of the abolishment of a water commission and the assumption of the assets, property, liabilities, rights, powers, duties, and functions of the abolished commission shall be resolved by and appropriate action commenced in the circuit court.

(70 ILCS 3720/0.014 new)

Sec. 0.014. Home rule. A home rule unit may not regulate its water systems in a manner that is inconsistent with the provisions of this amendatory Act of the 93rd General Assembly. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 90. The State Mandates Act is amended by adding Section 8.27 as follows:

(30 ILCS 805/8.27 new)

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

Section 97. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Schoenberg, **House Bill No. 784** was recalled from the order of third reading to the order of second reading.

Floor Amendment No. 1 was held in the Committeee on Health and Human Services.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 784 by replacing everything after the enacting clause with the following:

"Section 5. The Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act is amended by changing Section 4 as follows:

(320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

Sec. 4. Amount of Grant. (a) In general. Any individual 65 years or older or any individual who will become 65 years old during the calendar year in which a claim is filed, and any surviving spouse of such a claimant, who at the time of death received or was entitled to receive a grant pursuant to this Section, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such claimant and which surviving spouse but for his or her age is otherwise qualified to receive a grant pursuant to this Section, and any disabled person whose annual household income is less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 or more persons for the 2000 grant year and thereafter and whose household is liable for payment of property taxes accrued or has paid rent constituting property taxes accrued and is domiciled in this State at the time he or she files his or her claim is entitled to claim a grant under this Act. With respect to claims filed by individuals who will become 65 years old during the calendar year in which a claim is filed, the amount of any grant to which that household is entitled shall be an amount equal to 1/12 of the amount to which the claimant would otherwise be entitled as provided in this Section, multiplied by the number of months in which the claimant was 65 in the calendar year in which the claim is filed.

(b) Limitation. Except as otherwise provided in subsections (a) and (f) of this Section, the maximum amount of grant which a claimant is entitled to claim is the amount by which the property taxes accrued which were paid or payable during the last preceding tax year or rent constituting property taxes accrued upon the claimant's residence for the last preceding taxable year exceeds 3 1/2% of the claimant's household income for that year but in no event is the grant to exceed (i) $700 less 4.5% of household income for that year for those with a household income of $14,000 or less or (ii) $70 if household income for that year is more than $14,000.

(c) Public aid recipients. If household income in one or more months during a year includes cash assistance in excess of $55 per month from the Department of Public Aid or the Department of Human Services (acting as successor to the Department of Public Aid under the Department of Human Services Act) which was determined under regulations of that Department on a measure of need that included an allowance for actual rent or property taxes paid by the recipient of that assistance, the amount of grant to which that household is entitled, except as otherwise provided in subsection (a), shall be the product of (1) the maximum amount computed as specified in subsection (b) of this Section and (2) the ratio of the number of months in which household income did not include such cash assistance over $55 to the number twelve. If household income did not include such cash assistance over $55 for any months during the year, the amount of the grant to which the household is entitled shall be the maximum amount computed as specified in subsection (b) of this Section. For purposes of this paragraph (c), "cash assistance" does not include any amount received under the federal Supplemental Security Income (SSI) program.

(d) Joint ownership. If title to the residence is held jointly by the claimant with a person who is not a member of his or her household, the amount of property taxes accrued used in computing the amount of grant to which he or she is entitled shall be the same percentage of property taxes accrued as is the percentage of ownership held by the claimant in the residence.

(e) More than one residence. If a claimant has occupied more than one residence in the taxable year, he or she may claim only one residence for any part of a month. In the case of property taxes accrued, he or she shall prorate 1/12 of the total property taxes accrued on his or her residence to each month that he or she owned and occupied that residence; and, in the case of rent constituting property taxes accrued, shall prorate each month's rent payments to the residence actually occupied during that month.

(f) There is hereby established a program of pharmaceutical assistance to the aged and disabled which shall be administered by the Department in accordance with this Act, to consist of payments to authorized pharmacies, on behalf of beneficiaries of the program, for the reasonable costs of covered prescription drugs. Each beneficiary who pays $5 for an identification card shall pay no additional prescription costs. Each beneficiary who pays $25 for an identification card shall pay $3 per prescription. In addition, after a beneficiary receives $2,000 in benefits during a State fiscal year, that beneficiary shall also be charged 20% of the cost of each prescription for which payments are made by the program during the remainder of the fiscal year. To become a beneficiary under this program a person must: (1) be (i) 65 years of age or older, or (ii) the surviving spouse of such a claimant, who at the time of death received or was entitled to receive benefits pursuant to this subsection, which surviving spouse will become 65 years of age within the 24 months immediately following the death of such

claimant and which surviving spouse but for his or her age is otherwise qualified to receive benefits pursuant to this subsection, or (iii) disabled, and (2) be domiciled in this State at the time he or she files his or her claim, and (3) have a maximum household income of less than $14,000 for grant years before the 1998 grant year, less than $16,000 for the 1998 and 1999 grant years, and less than (i) $21,218 for a household containing one person, (ii) $28,480 for a household containing 2 persons, or (iii) $35,740 for a household containing 3 more persons for the 2000 grant year and thereafter. In addition, each eligible person must (1) obtain an identification card from the Department, (2) at the time the card is obtained, sign a statement assigning to the State of Illinois benefits which may be otherwise claimed under any private insurance plans, and (3) present the identification card to the dispensing pharmacist.

The Department may adopt rules specifying participation requirements for the pharmaceutical assistance program, including copayment amounts, identification card fees, expenditure limits, and the benefit threshold after which a 20% charge is imposed on the cost of each prescription, to be in effect on and after July 1, 2004. Notwithstanding any other provision of this paragraph, however, the Department may not increase the identification card fee above the amount in effect on May 1, 2003 without the express consent of the General Assembly. To the extent practicable, those requirements shall be commensurate with the requirements provided in rules adopted by the Department of Public Aid to implement the pharmacy assistance program under Section 5-5.12a of the Illinois Public Aid Code.

Whenever a generic equivalent for a covered prescription drug is available, the Department shall reimburse only for the reasonable costs of the generic equivalent, less the co-pay established in this Section, unless (i) the covered prescription drug contains one or more ingredients defined as a narrow therapeutic index drug at 21 CFR 320.33, (ii) the prescriber indicates on the face of the prescription "brand medically necessary", and (iii) the prescriber specifies that a substitution is not permitted. When issuing an oral prescription for covered prescription medication described in item (i) of this paragraph, the prescriber shall stipulate "brand medically necessary" and that a substitution is not permitted. If the covered prescription drug and its authorizing prescription do not meet the criteria listed above, the beneficiary may purchase the non-generic equivalent of the covered prescription drug by paying the difference between the generic cost and the non-generic cost plus the beneficiary co-pay.

Any person otherwise eligible for pharmaceutical assistance under this Act whose covered drugs are covered by any public program for assistance in purchasing any covered prescription drugs shall be ineligible for assistance under this Act to the extent such costs are covered by such other plan.

The fee to be charged by the Department for the identification card shall be equal to $5 per coverage year for persons below the official poverty line as defined by the United States Department of Health and Human Services and $25 per coverage year for all other persons.

In the event that 2 or more persons are eligible for any benefit under this Act, and are members of the same household, (1) each such person shall be entitled to participate in the pharmaceutical assistance program, provided that he or she meets all other requirements imposed by this subsection and (2) each participating household member contributes the fee required for that person by the preceding paragraph for the purpose of obtaining an identification card. (Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01; 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; 92-651, eff. 7-11-02.)

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

The motion prevailed.

And the amendment was adopted, and ordered printed.

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

On motion of Senator Cullerton, **House Bill No. 1487** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 1487 as follows:

on page 2, by inserting between lines 23 and 24 the following:

"(d-7) Any person, other than a health care practitioner licensed to practice in the State of Illinois, who participates in an execution under this Section is exempt from criminal or civil liability for such participation that is conducted in accordance with the provisions of this Section.".

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. 2579** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2579 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 24-3 and adding Section 24-3.1A as follows:

(720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

Sec. 24-3. Unlawful Sale of Firearms. (A) A person commits the offense of unlawful sale of firearms when he or she knowingly does any of the following:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age.

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent.

(c) Sells or gives any firearm to any narcotic addict.

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction.

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years.

(f) Sells or gives any firearms to any person who is mentally retarded.

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph (g) does not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his or her employment as a bank guard, armed truck guard, or other similar employment; (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of State Police; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

(h) While holding any license as a dealer, importer, manufacturer or pawnbroker under the federal Gun Control Act of 1968, manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in the Firearm Owners Identification Card Act; and (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which such a firearm can be assembled.

(i) Sells or gives a firearm of any size to any person under 18 years of age who does not possess a valid Firearm Owner's Identification Card.

(i-5) While holding a license under the Federal Gun Control Act of 1968, sells or gives more than one handgun to any person within any 30-day period or sells or gives a handgun to any person he or she knows has purchased a handgun within the previous 30 days unless the purchase of multiple handguns is exempted under subsection (c) or (d) of Section 24-3.1A. It is not a violation of this subsection that the seller in good faith relied on the records of the Department of State Police in concluding that the seller had not transferred a handgun within the previous 30 days or that multiple purchases were authorized by subsection (b) of Section 24-3.1A, or relied in good faith on the records of a local law enforcement agency that the sale was authorized by subsection (c) of Section 24-3.1A.

(B) Paragraph (h) of subsection (A) does not include firearms sold within 6 months after enactment of Public Act 78-355 (approved August 21, 1973, effective October 1, 1973), nor is any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of Public Act 78-355 subject to confiscation or seizure under the provisions of that Public Act. Nothing in Public Act 78-355 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of that Public Act.

(B-5) It is not a violation of paragraph (i-5) of subsection (A) that the sale or gift of a firearm was to

a transferee who received the firearm as an heir, legatee, or beneficiary of or in a similar capacity to a deceased person who had owned the firearm. Nothing in this paragraph (B-5) makes lawful the sale or gift of a firearm, or any other possession or use of a firearm, in violation of any law, other than paragraph (i-5) of subsection (A), or in violation of any municipal or county ordinance.

(C) Sentence.

(1) Any person convicted of unlawful sale of firearms in violation of any of paragraphs (c) through (h) of subsection (A) commits a Class 4 felony. A person convicted of a violation of subsection (i-5) of subsection (A) of this Section commits a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.

(2) Any person convicted of unlawful sale of firearms in violation of paragraph (b) or (i) of subsection (A) commits a Class 3 felony.

(3) Any person convicted of unlawful sale of firearms in violation of paragraph (a) of subsection (A) commits a Class 2 felony.

(4) Any person convicted of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony. Any person convicted of a second or subsequent violation of unlawful sale of firearms in violation of paragraph (a), (b), or (i) of subsection (A) in any school, on the real property comprising a school, within 1,000 feet of the real property comprising a school, at a school related activity, or on or within 1,000 feet of any conveyance owned, leased, or contracted by a school or school district to transport students to or from school or a school related activity, regardless of the time of day or time of year at which the offense was committed, commits a Class 1 felony for which the sentence shall be a term of imprisonment of no less than 5 years and no more than 15 years.

(5) Any person convicted of unlawful sale of firearms in violation of paragraph (a) or (i) of subsection (A) in residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, in a public park, in a courthouse, on residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development, on the real property comprising any public park, on the real property comprising any courthouse, or on any public way within 1,000 feet of the real property comprising any public park, courthouse, or residential property owned, operated, or managed by a public housing agency or leased by a public housing agency as part of a scattered site or mixed-income development commits a Class 2 felony.

(6) A person convicted of unlawful sale of firearms in violation of paragraph (d) of subsection (A) commits a Class 2 felony.

(D) For purposes of this Section:

"School" means a public or private elementary or secondary school, community college, college, or university.

"School related activity" means any sporting, social, academic, or other activity for which students' attendance or participation is sponsored, organized, or funded in whole or in part by a school or school district. (Source: P.A. 91-12, eff. 1-1-00; 91-673, eff. 12-22-99; 91-696, eff. 4-13-00.)

(720 ILCS 5/24-3.1A new)

Sec. 24-3.1A. Unlawful acquisition of handguns.

(a) Except as exempted in subsections (b) and (c), it is unlawful for any person other than a person holding a license under the Federal Gun Control Act of 1968, as amended, to acquire more than one handgun within any 30-day period.

(b) Acquisitions in excess of one handgun within a 30-day period may be made upon completion of an enhanced background check, as described in this Section, by special application to the Department of State Police listing the number and type of handguns to be acquired and transferred for lawful business or personal use in a collector series, for collections, as a bulk purchase from estate sales, and for similar purposes. The application must be signed under oath by the applicant on forms provided by the Department of State Police, must state the purpose for the acquisition above the limit, and must require satisfactory proof of residency and identity. The application is in addition to the firearms transfer report required by the Bureau of Alcohol, Tobacco and Firearms (ATF). The Director of State Police shall adopt rules, under the Illinois Administrative Procedure Act, for the implementation of an application process for acquisitions of handguns above the limit.

Upon being satisfied that these requirements have been met, the Department of State Police must

forthwith issue to the applicant a nontransferable certificate that is valid for 7 days from the date of issue. The certificate must be surrendered to the transferor by the prospective transferee before the consummation of the transfer and must be kept on file at the transferor's place of business for inspection as provided in Section 24-4. Upon request of any local law enforcement agency, and under its rules, the Department of State Police may certify the local law enforcement agency to serve as its agent to receive applications and, upon authorization by the Department of State Police, issue certificates forthwith under this Section. Applications and certificates issued under this Section must be maintained as records by the Department of State Police, and made available to local law enforcement agencies.

(c) This Section does not apply to:

(1) A law enforcement agency;

(2) State and local correctional agencies and departments;

(3) The acquisition of antique firearms as defined by paragraph (4) of Section 1.1 of the Firearm Owners Identification Card Act; or

(4) A person whose handgun is stolen or irretrievably lost who deems it essential that the handgun be replaced immediately. The person may acquire another handgun, even if the person has previously acquired a handgun within a 30-day period, if: (i) the person provides the firearms transferor with a copy of the official police report or a summary of the official police report, on forms provided by the Department of State Police, from the law enforcement agency that took the report of the lost or stolen handgun; (ii) the official police report or summary of the official police report contains the name and address of the handgun owner, the description and serial number of the handgun, the location of the loss or theft, the date of the loss or theft, and the date the loss or theft was reported to the law enforcement agency; and (iii) the date of the loss or theft as reflected on the official police report or summary of the official police report occurred within 30 days of the person's attempt to replace the handgun. The firearms transferor must attach a copy of the official police report or summary of the official police report to the original copy of the form provided by the Department of State Police completed for the transaction, retain it for the period prescribed by the Department of State Police, and forward a copy of the documents to the Department of State Police. The documents must be maintained by the Department of State Police and made available to local law enforcement agencies.

(d) For the purposes of this Section, "acquisition" does not include the exchange or replacement of a handgun within the 30-day period immediately preceding the date of exchange or replacement.

(e) A violation of this Section is a Class A misdemeanor for a first offense and a Class 4 felony for a second or subsequent offense.".

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.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A SECOND TIME

On motion of Senator Garrett, **House Bill No. 1382** having been printed, was taken up and read by title a second time.

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

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

AMENDMENT NO. 2

AMENDMENT NO. 2. Amend House Bill 1382 on page 1, after line 18, by inserting the following:

"(c) Notwithstanding the provisions of subsection (a), the court may decline to enjoin a domestic violence victim having physical possession or custody of a child from temporarily or permanently removing the child from Illinois pending the adjudication of the issues of custody and visitation. In determining whether a person is a domestic violence victim, the court shall consider the following factors:

(1) a sworn statement by the person that the person has good reason to believe that he or she is the victim of domestic violence or stalking;

(2) a sworn statement that the person fears for his or her safety or the safety of his or her children;

(3) evidence from police, court or other government agency records or files;

(4) documentation from a domestic violence program if the person is alleged to be a victim of domestic violence;

(5) documentation from a legal, clerical, medical, or other professional from whom the person has

sought assistance in dealing with the alleged domestic violence; and

(6) any other evidence that supports the sworn statements, such as a statement from any other individual with knowledge of the circumstances that provides the basis for the claim, or physical evidence of the act or acts of domestic violence.".

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 3

AMENDMENT NO. 3. Amend House Bill 1382 on page 1, line 16, after "visitation.", by inserting "The Court shall consider the following factors when deciding whether to enjoin removal of a child:

(1) the extent of previous involvement with the child by the party seeking to enjoin removal;

(2) the likelihood that parentage will be established; and

(3) the impact on the financial, physical, and emotional health of the party being enjoined from removing the child.".

The motion prevailed.

And the amendment was adopted, and ordered printed.

Floor Amendment No. 4 was held in the Committee on Rules.

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

On motion of Senator Ronen, **House Bill No. 2221** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Schoenberg, **House Bill No. 2345** having been printed, was taken up and read by title a second time.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1

AMENDMENT NO. 1. Amend House Bill 2345 on page 6, by replacing lines 10 through 31 with the following;

"Section 90. The Illinois Housing Development Act is amended by changing Section 7 and adding Section 7.30 as follows:

(20 ILCS 3805/7) (from Ch. 67 1/2, par. 307)

Sec. 7. The Authority may exercise the powers set forth in Sections 7. 1 through 7.30 ~~7.26~~. (Source: P.A. 87-250.)

(20 ILCS 3805/7.30 new)

Sec. 7.30. Financial assistance for new teachers. The Authority may develop and implement a program of financial assistance for new teachers purchasing a first home. The program shall consist of financial assistance to recently hired teachers to obtain 30-year mortgages, at interest rates no greater than those for mortgages under the Authority's other programs for first-time home buyers, for the purchase of primary residences for the first time. Assistance shall be available only to teachers employed by school districts defined by the State Board of Education as financially needy or experiencing a shortage of teachers. The program shall be limited to persons employed at the time of application as elementary or secondary public school teachers who have been employed in any teaching positions cumulatively for no more than 2 years at the time of application and who commit to continue teaching in the public schools of the school district for at least 3 years after their closing date. An eligible residence must be located in Illinois and must be the applicant's first purchase of a primary residence in any location.

The Authority shall adopt rules necessary for any program authorized by this Section.

Section 99. Effective date. This Section and Section 90 take effect on July 1, 2003.".

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 Trotter, **House Bill No. 2391** having been printed, was taken up and read by title a second time.

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

Floor Amendments numbered 2 and 3 were held in the Committee on Judiciary.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 4

AMENDMENT NO. 4. Amend House Bill 2391 by replacing everything after the enacting clause with the following:

"Section 5. The Criminal Identification Act is amended by changing Section 5 and adding Sections 11, 12, and 13 as follows:

(20 ILCS 2630/5) (from Ch. 38, par. 206-5)

Sec. 5. Arrest reports; expungement. (a) All policing bodies of this State shall furnish to the Department, daily, in the form and detail the Department requires, fingerprints and descriptions of all persons who are arrested on charges of violating any penal statute of this State for offenses that are classified as felonies and Class A or B misdemeanors and of all minors of the age of 10 and over who have been arrested for an offense which would be a felony if committed by an adult, and may forward such fingerprints and descriptions for minors arrested for Class A or B misdemeanors. Moving or nonmoving traffic violations under the Illinois Vehicle Code shall not be reported except for violations of Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In addition, conservation offenses, as defined in the Supreme Court Rule 501(c), that are classified as Class B misdemeanors shall not be reported.

Whenever an adult or minor prosecuted as an adult, not having previously been convicted of any criminal offense or municipal ordinance violation, charged with a violation of a municipal ordinance or a felony or misdemeanor, is acquitted or released without being convicted, whether the acquittal or release occurred before, on, or after the effective date of this amendatory Act of 1991, the Chief Judge of the circuit wherein the charge was brought, any judge of that circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial may upon verified petition of the defendant order the record of arrest expunged from the official records of the arresting authority and the Department and order that the records of the clerk of the circuit court be sealed until further order of the court upon good cause shown and the name of the defendant obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. The Department may charge the petitioner a fee equivalent to the cost of processing any order to expunge or seal the records, and the fee shall be deposited into the State Police Services Fund. The records of those arrests, however, that result in a disposition of supervision for any offense shall not be expunged from the records of the arresting authority or the Department nor impounded by the court until 2 years after discharge and dismissal of supervision. Those records that result from a supervision for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a similar provision of a local ordinance, or for a violation of Section 12-3.2, 12-15 or 16A-3 of the Criminal Code of 1961, or probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3(b)(1) and (2) of the Criminal Code of 1961 (as those provisions existed before their deletion by Public Act 89-313), Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act when the judgment of conviction has been vacated, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act when the judgment of conviction has been vacated, or Section 10 of the Steroid Control Act shall not be expunged from the records of the arresting authority nor impounded by the court until 5 years after termination of probation or supervision. Those records that result from a supervision for a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance, shall not be expunged. All records set out above may be ordered by the court to be expunged from the records of the arresting authority and impounded by the court after 5 years, but shall not be expunged by the Department, but shall, on court order be sealed by the Department and may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or a similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.

(a-5) Those records maintained by the Department for persons arrested prior to their 17th birthday shall be expunged as provided in Section 5-915 of the Juvenile Court Act of 1987.

(b) Whenever a person has been convicted of a crime or of the violation of a municipal ordinance, in the name of a person whose identity he has stolen or otherwise come into possession of, the aggrieved person from whom the identity was stolen or otherwise obtained without authorization, upon learning of the person having been arrested using his identity, may, upon verified petition to the chief judge of the circuit wherein the arrest was made, have a court order entered nunc pro tunc by the chief judge to correct the arrest record, conviction record, if any, and all official records of the arresting authority, the

Department, other criminal justice agencies, the prosecutor, and the trial court concerning such arrest, if any, by removing his name from all such records in connection with the arrest and conviction, if any, and by inserting in the records the name of the offender, if known or ascertainable, in lieu of the aggrieved's name. The records of the clerk of the circuit court clerk shall be sealed until further order of the court upon good cause shown and the name of the aggrieved person obliterated on the official index required to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act, but the order shall not affect any index issued by the circuit court clerk before the entry of the order. Nothing in this Section shall limit the Department of State Police or other criminal justice agencies or prosecutors from listing under an offender's name the false names he or she has used. For purposes of this Section, convictions for moving and nonmoving traffic violations other than convictions for violations of Chapter 4, Section 11-204.1 or Section 11-501 of the Illinois Vehicle Code shall not be a bar to expunging the record of arrest and court records for violation of a misdemeanor or municipal ordinance.

(c) Whenever a person who has been convicted of an offense is granted a pardon by the Governor which specifically authorizes expungement, he may, upon verified petition to the chief judge of the circuit where the person had been convicted, any judge of the circuit designated by the Chief Judge, or in counties of less than 3,000,000 inhabitants, the presiding trial judge at the defendant's trial, may have a court order entered expunging the record of arrest from the official records of the arresting authority and order that the records of the clerk of the circuit court and the Department be sealed until further order of the court upon good cause shown or as otherwise provided herein, and the name of the defendant obliterated from the official index requested to be kept by the circuit court clerk under Section 16 of the Clerks of Courts Act in connection with the arrest and conviction for the offense for which he had been pardoned but the order shall not affect any index issued by the circuit court clerk before the entry of the order. All records sealed by the Department may be disseminated by the Department only as required by law or to the arresting authority, the State's Attorney, and the court upon a later arrest for the same or similar offense or for the purpose of sentencing for any subsequent felony. Upon conviction for any subsequent offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual. Upon entry of the order of expungement, the clerk of the circuit court shall promptly mail a copy of the order to the person who was pardoned.

(c-5) Whenever a person has been convicted of criminal sexual assault, aggravated criminal sexual assault, predatory criminal sexual assault of a child, criminal sexual abuse, or aggravated criminal sexual abuse, the victim of that offense may request that the State's Attorney of the county in which the conviction occurred file a verified petition with the presiding trial judge at the defendant's trial to have a court order entered to seal the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning that offense. However, the records of the arresting authority and the Department of State Police concerning the offense shall not be sealed. The court, upon good cause shown, shall make the records of the clerk of the circuit court in connection with the proceedings of the trial court concerning the offense available for public inspection.

(d) Notice of the petition for subsections (a), (b), and (c) shall be served upon the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government affecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to the petition within 30 days from the date of the notice, the court shall enter an order granting or denying the petition. The clerk of the court shall promptly mail a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge.

(e) Nothing herein shall prevent the Department of State Police from maintaining all records of any person who is admitted to probation upon terms and conditions and who fulfills those terms and conditions pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act.

(f) No court order issued pursuant to the expungement provisions of this Section shall become final for purposes of appeal until 30 days after notice is received by the Department. Any court order contrary to the provisions of this Section is void.

(g) Except as otherwise provided in subsection (c-5) of this Section, the court shall not order the sealing or expungement of the arrest records and records of the circuit court clerk of any person granted supervision for or convicted of any sexual offense committed against a minor under 18 years of age. For the purposes of this Section, "sexual offense committed against a minor" includes but is not limited to the offenses of indecent solicitation of a child or criminal sexual abuse when the victim of such offense

is under 18 years of age.

(h) (1) Notwithstanding any other provision of this Act to the contrary and cumulative with any rights to expungement of criminal records, whenever an adult or minor prosecuted as an adult charged with a violation of a municipal ordinance or a misdemeanor is acquitted or released without being convicted, or if the person is convicted but the conviction is reversed, or if the person has been convicted of or placed on supervision for a misdemeanor and has not been convicted of a felony or misdemeanor or placed on supervision for a misdemeanor within 3 years after the acquittal or release or reversal of conviction, the completion of the sentence or completion of the terms and conditions of the supervision, if the acquittal, release, finding of not guilty, or conviction occurred on or after the effective date of this amendatory Act of the 93rd General Assembly, the Chief Judge of the circuit in which the charge was brought may have the official records of the arresting authority, the Department, and the clerk of the circuit court sealed 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the sentence or terms and conditions of the supervision, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for misdemeanor and felony violations and inspection and use by law enforcement agencies and State's Attorneys or other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons convicted of or placed on supervision for: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act.

(2) Upon acquittal, release without conviction, or conviction of such offense, the person charged with the offense shall be informed by the court of the right to have the records sealed and the procedures for the sealing of the records. Three years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the sentence or the terms and conditions of the supervision, the defendant shall provide the clerk of the court with a notice of request for sealing of records and payment of the applicable fee and a current address and shall promptly notify the clerk of the court of any change of address. The clerk shall promptly serve notice that the person's records are to be sealed on the State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest. Unless the State's Attorney or prosecutor, the Department of State Police, the arresting agency or such chief legal officer objects to sealing of the records within 90 days of notice the court shall enter an order sealing the defendant's records 3 years after the dismissal of the charge, the finding of not guilty, the reversal of conviction, or the completion of the sentence or the terms and conditions of the supervision. The clerk of the court shall promptly serve by mail or in person a copy of the order to the person, the arresting agency, the prosecutor, the Department of State Police and such other criminal justice agencies as may be ordered by the judge. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted.

(3) The clerk may charge a fee equivalent to the cost associated with the sealing of records by the clerk and the Department of State Police. The clerk shall forward the Department of State Police portion of the fee to the Department and it shall be deposited into the State Police Services Fund.

(4) Whenever sealing of records is required under this subsection (h), the notification of the sealing must be given by the circuit court where the arrest occurred to the Department in a form and manner prescribed by the Department.

(5) An adult or a minor prosecuted as an adult who was charged with a violation of a municipal ordinance or a misdemeanor who was acquitted, released without being convicted, convicted and the conviction was reversed, convicted of a misdemeanor or placed on supervision for a misdemeanor before the date of this amendatory Act of the 93rd General Assembly and was not convicted of a felony or misdemeanor or placed on supervision for a misdemeanor for 3 years after the acquittal or release or reversal of conviction, the completion of the sentence or completion of the terms and conditions of the supervision may petition the Chief Judge of the circuit in which the charge was brought, any judge of that circuit in which the charge was brought, any judge of the circuit designated by the Chief Judge, or, in counties of less than 3,000,000 inhabitants, the presiding trial judge at that defendant's trial, to seal the official records of the arresting authority, the Department, and the clerk of the court, except those records are subject to inspection and use by the court for the purposes of subsequent sentencing for

misdemeanor and felony violations and inspection and use by law enforcement agencies, the Department of Corrections, and State's Attorneys and other prosecutors in carrying out the duties of their offices. This subsection (h) does not apply to persons convicted of or placed on supervision for: (1) a violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance; (2) a misdemeanor violation of Article 11 of the Criminal Code of 1961 or a similar provision of a local ordinance; (3) a misdemeanor violation of Section 12-15, 12-30, or 26-5 of the Criminal Code of 1961 or a similar provision of a local ordinance; (4) a misdemeanor violation that is a crime of violence as defined in Section 2 of the Crime Victims Compensation Act or a similar provision of a local ordinance; (5) a Class A misdemeanor violation of the Humane Care for Animals Act; or (6) any offense or attempted offense that would subject a person to registration under the Sex Offender Registration Act. The State's Attorney or prosecutor charged with the duty of prosecuting the offense, the Department of State Police, the arresting agency and the chief legal officer of the unit of local government effecting the arrest shall be served with a copy of the verified petition and shall have 90 days to object. If an objection is filed, the court shall set a date for hearing. At the hearing the court shall hear evidence on whether the sealing of the records should or should not be granted. The person whose records are sealed under the provisions of this Act shall pay to the clerk of the court and the Department of State Police a fee equivalent to the cost associated with the sealing of records. The fees shall be paid to the clerk of the court who shall forward the appropriate portion to the Department at the time the court order to seal the defendant's record is forwarded to the Department for processing. The Department of State Police portion of the fee shall be deposited into the State Police Services Fund. (Source: P.A. 91-295, eff. 1-1-00; 91-357, eff. 7-29-99; 92-651, eff. 7-11-02.)

(20 ILCS 2630/11 new)

Sec. 11. Legal assistance and education. Subject to appropriation, the State Appellate Defender shall establish, maintain, and carry out a sealing and expungement program to provide information to persons eligible to have their arrest or criminal history records expunged or sealed.

(20 ILCS 2630/12 new)

Sec. 12. Entry of order; effect of expungement or sealing.

(a) Except with respect to law enforcement agencies, the Department of Corrections, State's Attorneys, or other prosecutors, an expunged or sealed record may not be considered by any private or public entity in employment matters, certification, licensing, revocation of certification or licensure, or registration. Applications for employment must contain specific language which states that the applicant is not obligated to disclose sealed or expunged records of conviction or arrest. Employers may not ask if an applicant has had records expunged or sealed.

(b) A person whose records have been sealed or expunged is not entitled to remission of any fines, costs, or other money paid as a consequence of the sealing or expungement. This amendatory Act of the 93rd General Assembly does not affect the right of the victim of a crime to prosecute or defend a civil action for damages. Persons engaged in civil litigation involving criminal records that have been sealed may petition the court to open the records for the limited purpose of using them in the course of litigation.

(20 ILCS 2630/13 new)

Sec. 13. Prohibited conduct; misdemeanor; penalty.

(a) The Department of State Police shall retain records sealed under subsection (h) of Section 5. The sealed records shall be used and disseminated by the Department only as allowed by law. Upon conviction for any offense, the Department of Corrections shall have access to all sealed records of the Department pertaining to that individual.

(b) The sealed records maintained under subsection (a) are exempt from disclosure under the Freedom of Information Act.".

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.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Silverstein, Chairperson of the Committee on Executive announced that the Executive Committee will meet today in Room 212 Capitol Building, at 5:30 o'clock p.m.

Senator Cullerton, Co-Chairperson of the Committee on Judiciary announced that the Judiciary Committee will meet today in Room 400 Capitol Building, at 6:00 o'clock p.m. or immediately following adjournment of the Committee on Executive..

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 6
Senate Floor Amendment No. 3 to House Bill 43
Senate Floor Amendment No. 3 to House Bill 495
Senate Floor Amendment No. 2 to House Bill 563
Senate Floor Amendment No. 3 to House Bill 571
Senate Floor Amendment No. 1 to House Bill 757
Senate Floor Amendment No. 2 to House Bill 860
Senate Floor Amendment No. 1 to House Bill 940
Senate Floor Amendment No. 2 to House Bill 1074
Senate Floor Amendment No. 4 to House Bill 1281
Senate Floor Amendment No. 5 to House Bill 1281
Senate Floor Amendment No. 3 to House Bill 3486
Senate Floor Amendment No. 4 to House Bill 3486
Senate Floor Amendment No. 1 to House Bill 3640
Senate Floor Amendment No. 1 to House Bill 3692

The following Floor amendment to the Senate Joint Resolution listed below has been filed with the Secretary, and referred to the Committee on Rules:

Senate Floor Amendment No. 1 to Senate Joint Resolution 33

CAUCUS

Senator Burzynski announced there would be a Republican Caacus, Friday, May 16, 2003 at 8:00 a.m.

At the hour of 3:46 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 4:35 o'clock p.m., the Senate resumed consideration of business.
Senator Viverito, presiding.

REPORT FROM RULES COMMITTEE

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

Senate Floor Amendment No. 3 to House Bill 43
Senate Floor Amendment No. 3 to House Bill 560
Senate Floor Amendment No. 2 to House Bill 860
Senate Floor Amendment No. 2 to House Bill 1074
Senate Floor Amendment No. 1 to House Bill 3692

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

Senator Demuzio, Chairperson of the Committee on Rules, during its May 15, 2003 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Floor Amendment 1 to Senate Joint Resolution No. 33;** : **Senate Resolution No. 130.**

Executive: **Senate Floor Amendment No. 1 to House Bill 467; Senate Floor Amendment No. 1 to House Bill 625; Senate Floor Amendment No. 1 to House Bill 697; Senate Floor Amendment No. 1 to House Bill 873; Senate Floor Amendment No. 2 to House Bill 1543**.

Judiciary: **Senate Floor Amendment No. 2 to House Bill 563; Senate Floor Amendment No. 3 to House Bill 571; Senate Floor Amendment No. 4 to House Bill 1281; Senate Floor Amendment No. 4 to House Bill 1382; Senate Floor Amendment No. 4 to House Bill 2136; Senate Floor Amendments numbered 3 and 4 to House Bill 3486**.

At the hour of 4:40 o'clock p.m., the Chair announced that the Senate stand at recess subject to the call of the Chair.

AFTER RECESS

At the hour of 9:11 o'clock p.m., the Senate resumed consideration of business.
Senator Viverito, presiding.

MESSAGES FROM THE HOUSE

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

HOUSE BILL NO. 3513
A bill for AN ACT making appropriations to the State Comptroller.

Passed the House, May 15, 2003.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bill No. 3513** was taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 3514
A bill for AN ACT making appropriations to the State Comptroller.
HOUSE BILL NO. 3743
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3744
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3745
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3746
A bill for AN ACT making appropriations.

Passed the House, May 15, 2003.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3514, 3743, 3744, 3745 and 3746** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 3747
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3748
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3751
A bill for AN ACT making appropriations.

Passed the House, May 15, 2003.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3747, 3748 and 3751** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 3753
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3754
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3759
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3766
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3767
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3768
A bill for AN ACT making appropriations.

Passed the House, May 15, 2003.
ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3753, 3754, 3759, 3766, 3767 and 3768** were taken up, ordered printed and placed on first reading.

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

HOUSE BILL NO. 3770
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3771
A bill for AN ACT making appropriations.
HOUSE BILL NO. 3774

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3775

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3776

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3780

A bill for AN ACT making appropriations.

Passed the House, May 15, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3770, 3771, 3774, 3775, 3776 and 3780** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Rossi, Clerk:

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

HOUSE BILL NO. 3781

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3782

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3783

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3784

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3785

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3786

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3787

A bill for AN ACT making appropriations.

Passed the House, May 15, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3781, 3782, 3783, 3784, 3785, 3786 and 3787** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Rossi, Clerk:

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

HOUSE BILL NO. 3789

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3791

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3792

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3793

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3795

A bill for AN ACT making appropriations.

HOUSE BILL NO. 3796

A bill for AN ACT regarding appropriations.

Passed the House, May 15, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing **House Bills Numbered 3789, 3791, 3792, 3793, 3795 and 3796** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has 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. 24

WHEREAS, The right to a quality education is a fundamental right Illinois owes to all of its children; and

WHEREAS, The State of Illinois is over-reliant on property taxes to fund education; and

WHEREAS, This over-reliance on property taxes has created a number of problems for education funding, tax equity, and economic development across the State of Illinois; and

WHEREAS, In particular, the State's over-reliance on property taxes is a primary cause of the significant differences between per student education funding across the State; and

WHEREAS, The over-reliance on property taxes also has created significant hardships for rural areas of the State, for areas of concentrated poverty in urban areas of the State, and for senior citizens on fixed incomes in gentrifying areas of the State; and

WHEREAS, Numerous commissions and task forces, such as the Ikenberry Commission and the Governor's Education Funding Advisory Board, have recommended that Illinois assume primary responsibility for funding education by reducing its reliance on property taxes and using more State-based revenue to fund education; and

WHEREAS, Any changes the State makes in how it funds education should ensure that:

(i) Every school district in the State has sufficient financial resources to fund a quality education;

(ii) No school district loses money as a result of the reform; and

(iii) The State-based revenue sources used to replace property taxes are adjusted through the use of credits or other tax relief, so that the State does not create additional financial burdens for low-income and moderate-income families and senior citizens; 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 there is created a Joint Committee on Property Tax Reform and School Funding Reform which shall be charged with reforming the State's fiscal system to ensure it is fundamentally sound, fair, and capable of funding a quality education for all Illinois children; and be it further

RESOLVED, That the Joint Committee on Property Tax Reform and School Funding Reform shall be comprised as follows: seven members of the House of Representatives, the Speaker of the House appointing four, with one serving as co-chairperson, and the Minority Leader of the House appointing three; and seven members of the Senate, the President of the Senate appointing four, with one of them serving as co-chairperson, and the Minority Leader of the Senate appointing three; and be it further

RESOLVED, That the Joint Committee on Property Tax Reform and School Funding Reform meet at least twelve times during the 93rd General Assembly and summarize its findings and recommendations in a report to the General Assembly no later than December 31, 2004.

Adopted by the House, May 13, 2003.

ANTHONY D. ROSSI, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 24, was referred to the Committee on Rules.

A message from the House by
Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of bills of the following titles, to-wit:

SENATE BILL NO. 1035
A bill for AN ACT in relation to child abuse.
SENATE BILL NO. 1578
A bill for AN ACT in relation to criminal law.
SENATE BILL NO. 1793
A bill for AN ACT in relation to criminal law.

Passed the House, May 15, 2003.

ANTHONY D. ROSSI, Clerk of 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 concurred with the Senate in the passage of a bill of the following title, to-wit:
SENATE BILL NO. 1418
A bill for AN ACT concerning public health.
Passed the House, May 15, 2003.

ANTHONY D. ROSSI, Clerk of the House

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 3513, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3514, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3743, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3744, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3745, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3746, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3747, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3748, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3751, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3753, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3754, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3759, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3766, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3767, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3768, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3770, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3771, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3774, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3775, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3776, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3780, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3781, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3782, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3783, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3784, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3785, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3786, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3787, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3789, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3791, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3792, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3793, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3795, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3796, sponsored by Senator Welch was taken up, read by title a first time and referred to the Committee on Rules.

MESSAGE FROM THE PRESIDENT

OFFICE OF THE SENATE PRESIDENT
STATE OF ILLINOIS

EMIL JONES, JR.
SENATE PRESIDENT

327 STATE CAPITOL
SPRINGFIELD, ILLINOIS 62706

May 15, 2003

Ms. Linda Hawker
Secretary of the Senate
Room 403, State House
Springfield, IL 62706

Dear Madam Secretary:

Pursuant to Senate Rule 2-10, I hereby establish May 31, 2003 as the final Committee and Third Reading deadlines for the following House Appropriation Bills:

HB 3513	**HB 3766**	**HB 3784**
HB 3514	**HB 3767**	**HB 3785**
HB 3743	**HB 3768**	**HB 3786**
HB 3744	**HB 3770**	**HB 3787**
HB 3745	**HB 3771**	**HB 3789**
HB 3746	**HB 3774**	**HB 3791**
HB 3747	**HB 3775**	**HB 3792**
HB 3748	**HB 3776**	**HB 3793**
HB 3751	**HB 3780**	**HB 3795**
HB 3753	**HB 3781**	**HB 3796**
HB 3754	**HB 3782**	
HB 3759	**HB 3783**	

Very truly yours,
s/Emil Jones Jr.
Senate President

cc: Senate Minority Leader Frank Watson

REPORT FROM STANDING COMMITTEES

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

Senate Amendment No. 1 to House Bill 467
Senate Amendment No. 1 to House Bill 625
Senate Amendment No. 1 to House Bill 697
Senate Amendment No. 1 to House Bill 873
Senate Amendment No. 2 to House Bill 1543

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

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

Senate Amendment No. 2 to House Bill 563
Senate Amendment No. 3 to House Bill 571
Senate Amendment No. 4 to House Bill 1382
Senate Amendment No. 4 to House Bill 2136
Senate Amendment No. 1 to House Bill 3086
Senate Amendment No. 3 to House Bill 3486
Senate Amendment No. 4 to House Bill 3486

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

At the hour of 9:20 o'clock p.m., Senator Welch presiding.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 156

Offered by Senator Viverito and all Senators
Mourns the death of Carol V. Giltner .

SENATE RESOLUTION 157

Offered by Senator Brady and all Senators
Mourns the death of Jim Beveridge of Heyworth.

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

Senator Winkel offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 34

WHEREAS, Throughout history brave Americans have shed their blood during wars and conflicts to preserve, protect, and defend the foundation of the principles of democracy and freedom; and

WHEREAS, Many of those that have served have been the brave men and women of the State of Illinois; and

WHEREAS, In every military conflict and national time of need since 1818, the brave men and women of the State of Illinois have risen to the cause of defending democracy; and

WHEREAS, These brave men and women often left behind family, friends, farms, and business, and often many of them were to never return, making the ultimate sacrifice for their country; and

WHEREAS, With the signing of the Armistice ending the "War to End All Wars", WWI on November 11th 1918, the veterans of Illinois were given a holiday of solemn remembrance and thanks from their countrymen which later came to be known as Veteran's Day; and

WHEREAS, The people of the great State of Illinois wish to thank those numerous veterans for their sacrifices and service; 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 portion of Interstate 74 between the intersection of Interstate Route 74 with Interstate Route 57 and the intersection of Interstate Route 74 with U.S. Route 45 is designated as the Veterans Memorial Parkway; and be it further

RESOLVED, That the Department of Transportation is requested to erect appropriate plaques along this route in recognition of the Veterans Memorial Parkway; and be it further

RESOLVED, That a suitable copy of this resolution be delivered to the Secretary of the Department

of Transportation.

REPORT FROM RULES COMMITTEE

Senator Demuzio, Chairperson of the Committee on Rules, during its May 15, 2003 meeting, reported the following House Bills have been assigned to the indicated Standing Committee of the Senate:

Appropriations II: **House Bills Numbered 3513, 3514, 3743, 3744, 3745, 3746, 3747, 3748, 3751, 3753, 3754, 3759, 3766, 3767, 3768, 3770, 3771, 3774, 3775, 3776, 3780, 3781, 3782, 3783, 3784, 3785, 3786, 3787, 3789, 3791, 3792, 3793, 3795 and 3796.**

Senator Demuzio, Chairperson of the Committee on Rules, during its May 15, 2003 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Education: **Senate Floor Amendment No. 1 to House Bill 757**.
Judiciary: **Senate Floor Amendment No. 5 to House Bill 1281**.

At the hour of 9:21 o'clock p.m., the Chair announced that the Senate stand adjourned until Friday, May 16, 2003, at 9:00 o'clock a.m.